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Presidential Documents

Title 3—

The President

Proclamation 9105 of April 18, 2014

National Park Week, 2014

By the President of the United States of America

A Proclamation

To honor America's natural beauty and cultural heritage, the National Park Service will offer free admission this weekend. This celebration opens opportunities to take in the majesty of canyons, redwoods, and geysers—to learn the history of Civil War battles and Civil Rights marches. During National Park Week, I encourage Americans to take advantage of the chance to rediscover the great outdoors and reconnect with the American story.

This year marks a significant milestone in America's drive to preserve precious historic sites—the 30th anniversary of the first National Heritage Area. For decades, the National Heritage Areas Program has enabled our Nation to set aside places that define our shared history and that will help future generations understand what it means to be American.

During my time as President, I have been proud to build on this tradition by establishing 10 new National Monuments. These sites honor American heroes from Harriet Tubman to Cesar Chavez. They conserve the diverse wildlife and rugged landscapes that reflect our character as a people. And just as our parks nourish our spirits, they bolster our livelihoods, attracting tourists to communities across our country and bringing customers to local businesses. For every dollar we invest in our National Parks, America generates 10 dollars in economic value.

This week, as we recommit to conserving these cherished lands, let us build new memories, take on new adventures, and experience all they have to offer. To find a National Park in your area, visit www.NPS.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19 through April 27, 2014, as National Park Week. I encourage all Americans to visit their National Parks and be reminded of these unique blessings we share as a Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–09320
Filed 4–22–14; 8:45 am]
Billing code 3295–F4

Presidential Documents

Executive Order 13666 of April 18, 2014

Expanding Eligibility for the Defense Meritorious Service Medal

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Executive Order 12019 of November 3, 1977 (Establishing the Defense Meritorious Service Medal), is amended by inserting '', or to any member of the armed forces of a friendly foreign nation,'' after ''any member of the Armed Forces of the United States''.

THE WHITE HOUSE,
April 18, 2014.

[FR Doc. 2014–09343
Filed 4–22–14; 8:45 am]
Billing code 3295–F4

Rules and Regulations

Federal Register

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

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

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1639

Administrative Wage Garnishment

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: This regulation implements the authority established under the Debt Collection Improvement Act of 1996 (DCIA) for the Federal Retirement Thrift Investment Board (Agency) to order a non-Federal employer to withhold up to 15 percent of an employee's disposable income to pay a non-tax delinquent debt owed to the Agency or Thrift Savings Fund.

DATES: This rule is effective May 27, 2014 without further action, unless adverse comment is received by May 23, 2014. If adverse comment is received, the Federal Retirement Thrift Investment Board will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments using one of the following methods:

- Mail: Office of General Counsel, Attn: James B. Petrick, Federal Retirement Thrift Investment Board, 77 K Street NE., Washington, DC 20002.
- Hand Delivery/Courier: The address for sending comments by hand delivery or courier is the same as that for submitting comments by mail.
- Facsimile: Comments may be submitted by facsimile at (202) 942–1676.

The most helpful comments explain the reason for any recommended change and include data, information, and the authority that supports the recommended change.

FOR FURTHER INFORMATION CONTACT: Ryan R. Montgomery at 202–942–1661.

SUPPLEMENTARY INFORMATION: The Agency administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

Background

In 1996, Congress enacted the Debt Collection Improvement Act (Pub. L. 104–134, 110 Stat. 1321–1358, approved April 26, 1996), which amended the Debt Collection Act of 1982. Section 31001(o) of the DCIA authorizes collection of Federal agency debt by administrative wage garnishment (section 31001(o) is codified at 31 U.S.C. 3720D). Wage garnishment is a legal process whereby an employer withholds amounts from an employee's wages and pays those amounts to the employee's creditor in satisfaction of a withholding order. The DCIA authorizes Federal agencies to withhold up to 15 percent of an employee's disposable income to pay a non-tax delinquent debt owed to the agency. Prior to the enactment of the DCIA, agencies were required to obtain a court judgment before garnishing the wages of non-Federal employees.

The DCIA directed the Secretary of the Treasury to issue implementing regulations (see 31 U.S.C. 3720D(h)) on this subject. On May 6, 1998 (63 FR 25136), the Department of the Treasury published a final rule implementing the statutory administrative wage garnishment requirements at 31 CFR 285.11. Paragraph (f)(1) of 31 CFR 285.11 provides that agencies prescribe regulations for the conduct of administrative wage garnishment hearings consistent with the section or adopt the section without change by reference.

This final rule amends the Agency's regulations at 5 CFR part 1639 to adopt 31 CFR 285.11 in its entirety. Specifically, the final rule establishes a new provision that contains a cross-reference to 31 CFR 285.11.

Overview of the Administrative Wage Garnishment Process

Readers should refer to the Department of the Treasury regulation at 31 CFR 285.11 for details regarding the administrative wage garnishment procedures that are adopted by this rule. For the convenience of readers, the following presents a very brief overview of the rules and procedures codified at 31 CFR 285.11.

1. *Notice to debtor.* At least 30 days before the Agency initiates garnishment proceedings, the Agency will give the debtor written notice informing him or her of the nature and amount of the debt, the intention of the Agency to collect the debt through deductions from pay, and an explanation of the debtor's rights regarding the proposed action.

2. *Rights of debtor.* The Agency will provide the debtor with an opportunity to inspect and copy records related to the debt, to establish a repayment agreement, and to receive a hearing concerning the existence or amount of the debt and the terms of a repayment schedule. A hearing must be held prior to the issuance of a withholding order if the debtor's request is timely received. For hearing requests that are not received in the specified timeframe, the Agency need not delay the issuance of a withholding order prior to conducting a hearing. The Agency may not garnish the wages of a debtor who has been involuntarily separated from employment until that individual has been reemployed continuously for at least 12 months. The debtor bears the responsibility of notifying the Agency of the circumstances surrounding an involuntary separation from employment.

3. *Hearing official.* The Department of the Treasury regulations authorize the head of each agency to designate any qualified individual as a hearing official. This rule provides that any hearing required to establish the Agency's right to collect a debt through administrative wage garnishment will be conducted by a qualified individual selected by the Executive Director of the Agency. The hearing official is required to issue a written decision no later than 60 days after the request for a hearing is made. The hearing official's decision is the final agency action for purposes of judicial review.

4. *Employer's responsibilities.* The Agency will send to the employer of a delinquent debtor a wage garnishment order directing that the employer pay a portion of the debtor's wages to the Agency. The employer is required to certify certain payment information about the debtor. Employers are not required to vary their normal pay cycles in order to comply with these requirements. Employers are prohibited from taking disciplinary actions against the debtor because the debtor's wages are subject to administrative garnishment.

5. *Garnishment amounts.* As provided in the DCIA, no more than 15% of the debtor's disposable pay for each pay period may be garnished. Special rules apply to calculating the amount to be withheld from a debtor's pay that is subject to multiple withholding orders. A debtor may request a review by the Agency of the amount being garnished under a wage garnishment order based on materially changed circumstances, such as disability, divorce, or catastrophic illness, which result in financial hardship.

Administrative Procedure Act Requirements

The Agency has determined that implementation of this rule without prior notice and the opportunity for public comment is warranted because this rule is one of agency procedure and practice and therefore is exempt from notice and comment rulemaking requirements under the Administrative Procedure Act (APA) at 5 U.S.C. 553(b)(A) and (B).

This final rule parallels the existing operational regulations of other agencies to effectuate the collection of non-tariff and nontax debts to implement 31 U.S.C. 3711. Because this rule parallels existing, long-standing rules that have already been subject to APA notice and comment procedures, we believe that publishing this rule with the usual notice and comment procedures is unnecessary. Accordingly, the Agency has determined that prior notice and public comment procedures would be unnecessary pursuant to 5 U.S.C. 553(b)(B).

Regulatory Flexibility Act

Because the Agency has determined that it may issue these rules without public comment, the Agency is also not required to publish any initial or final regulatory flexibility analysis under the Regulatory Flexibility Act as part of such action. *See* 5 U.S.C. 603(a), 604(b).

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 810(a)(1)(A), the Agency submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publication of this rule in the **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1639

Claims, Government employees, Income taxes, Wages.

Gregory T. Long,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the Agency amends 5 CFR chapter VI as follows:

PART 1639—CLAIMS COLLECTION

■ 1. Amend the authority citation for part 1639 by revising it to read as follows:

Authority: 5 U.S.C. 8474 and 31 U.S.C. 3711, 3716, 3720A, and 3720D.

■ 2. Revise § 1639.1 to read as follows:

§ 1639.1 Authority.

The regulations of this part are issued under 5 U.S.C. 8474 and 31 U.S.C. 3711, 3716, 3720A, and 3720D.

■ 3. Add subpart E to read as follows:

Subpart E—Administrative Wage Garnishment

§ 1639.60 Administrative wage garnishment.

(a) *General.* The Board may use administrative wage garnishment to collect debts from non-Federal employees in accordance with the requirements of 31 U.S.C. 3720D and 31 CFR 285.11. This subpart adopts and incorporates all of the provisions of 31 CFR 285.11 concerning administrative wage garnishment, including the hearing procedures described in 31 CFR 285.11(f). This section does not apply to collection of debt by Federal salary offset, under 5 U.S.C. 5514, the process by which the Board collects debts from the salaries of Federal employees.

(b) [Reserved]

[FR Doc. 2014–09053 Filed 4–22–14; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1206013412–2517–02]

RIN 0648–XD230

Reef Fish Fishery of the Gulf of Mexico; 2014 Recreational Accountability Measure for Greater Amberjack in the Gulf of Mexico

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

ACTION: Temporary rule; accountability measure.

SUMMARY: NMFS implements an accountability measure (AM) for recreational greater amberjack in the Gulf of Mexico (Gulf) reef fish fishery for the 2014 fishing year through this temporary final rule. This rule reduces the Gulf greater amberjack 2014 recreational annual catch target (ACT) (equal to the recreational quota) to 862,512 lb (391,229 kg) and reduces the 2014 recreational annual catch limit (ACL) to 1,031,512 lb (467,886 kg), based on the 2013 recreational ACL overage. These actions are necessary to reduce overfishing of the Gulf greater amberjack resource.

DATES: This rule is effective April 23, 2014, through December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, Southeast Regional Office, telephone 727–824–5305, email *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf, which includes greater amberjack, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All

weights specified in this rule are round weight.

The Gulf greater amberjack recreational ACL is 1,299,000 lb (589,216 kg), and the recreational ACT (recreational quota) is 1,130,000 lb (512,559 kg), as specified in 50 CFR 622.41(a)(2)(iii) and 50 CFR 622.39(a)(2)(ii), respectively.

In accordance with regulations at 50 CFR 622.41(a)(2)(ii), if landings exceed the recreational ACL, then during the following fishing year, both the recreational ACT (recreational quota) and the recreational ACL will be reduced by the amount of the prior year's recreational ACL overage.

NMFS determined that the 2013 recreational landings were 1,566,488 lb (710,547 kg), which exceeded the 2013 recreational ACL of 1,299,000 lb (589,216 kg) by 267,488 lb (121,331 kg). Therefore, NMFS implements a post-season AM for recreational greater amberjack in the Gulf for the 2014 fishing year through this temporary rule. The reduced 2014 recreational ACT (recreational quota) for Gulf greater amberjack is 862,512 lb (391,229 kg) (*i.e.,* 1,130,000-lb (512,559-kg) recreational ACT minus the overage of 267,488 lb (121,331 kg)). The reduced 2014 recreational ACL for Gulf greater amberjack is 1,031,512 lb (467,886 kg) (*i.e.,* 1,299,000-lb (589,216-kg) recreational ACL minus the overage of 267,488 lb (121,331 kg)).

The 2015 recreational ACT (recreational quota) for greater amberjack will return to 1,130,000 lb (512,559 kg), as specified at 50 CFR 622.39(a)(2)(ii), and the recreational ACL for greater amberjack will return to 1,299,000 lb (589,216 kg), as specified in 50 CFR 622.41(a)(2)(iii), unless AMs are implemented due to a recreational ACL overage, or the Council takes subsequent regulatory action to adjust the recreational ACT (recreational quota) and recreational ACL.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf greater amberjack and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(a)(2)(ii) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because the AMs established by Amendment 35 to the FMP (77 FR 67574, November 13, 2013) and located at 50 CFR 622.41(a)(2)(ii) authorize the Assistant Administrator, NMFS, to file a notification with the Office of the Federal Register to reduce the recreational ACT (recreational quota) and recreational ACL the following fishing year when the recreational ACL is exceeded. The proposed rule for Amendment 35 (77 FR 42476, July 19, 2012) was already subject to notice and comment and all that remains is to notify the public of the 2014 recreational ACT (recreational quota) and recreational ACL for Gulf greater amberjack.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect the greater amberjack resource. Any delay in notification of the public of the 2014 recreational ACT (recreational quota) and recreational ACL could result in the recreational ACT or ACL for greater amberjack being exceeded, which, in turn, would trigger an in-season AM in 2014 or post-season AMs in 2015 for greater amberjack, respectively.

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

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

Dated: April 18, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–09260 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 78
Wednesday, April 23, 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.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1703

Proposed FOIA Fee Schedule Update

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the Board's regulations, the Defense Nuclear Facilities Safety Board is publishing its proposed Freedom of Information Act (FOIA) Fee Schedule Update and solicits comments from interested organizations and individual members of the public.

DATES: To be considered, comments must be mailed or delivered to the address listed below by 5:00 p.m. on or before May 23, 2014.

ADDRESSES: Comments on the proposed fee schedule should be mailed or delivered to the Office of the General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901. All comments will be placed in the Board's public files and will be available for inspection between 8:30 a.m. and 4:30 p.m., Monday through Friday (except on federal holidays), in the Board's Public Reading Room at the same address.

FOR FURTHER INFORMATION CONTACT: Mark T. Welch, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (202) 694–7060.

SUPPLEMENTARY INFORMATION: The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for agency records. 5 U.S.C. 552(a)(4)(A)(i). Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months. Previous Fee Schedule Updates were published in the **Federal Register** and went into effect, most recently, on July 23, 2012, 77 FR 41258. The Board's proposed fee schedule is consistent with the guidance. The components of the proposed fees (hourly charges for search and review and charges for copies of requested documents) are based upon the Board's specific cost.

Board Action

Accordingly, the Board proposes to establish the following schedule of updated fees for services performed in response to FOIA requests:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SCHEDULE OF FEES FOR FOIA SERVICES

[Implementing 10 CFR 1703.107(b)(6)]

Search or Review Charge	$83.00 per hour.
Copy Charge (paper)	$.05 per page, if done in-house, or generally available commercial rate (approximately $.10 per page).
Electronic Media	$5.00 per electronic media.
Copy Charge (audio and video cassette)	Actual commercial rates.
Duplication of DVD	$25.00 for each individual DVD; $16.50 for each duplicate DVD.
Copy Charge for large documents (e.g., maps, diagrams)	Actual commercial rates.

Dated: April 17, 2014.

Mark T. Welch,

General Manager.

[FR Doc. 2014–09199 Filed 4–22–14; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0253; Directorate Identifier 2013–NM–257–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 747–100B SUD, 747–200B, 747–300, 747–400, 747–400D series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the upper deck tension ties are subject to widespread fatigue damage (WFD). This proposed AD would require repetitive inspections for cracking in the upper deck tension ties, and related investigative and corrective actions if necessary; tension tie replacement; and post-replacement repetitive inspections for cracking in the upper deck tension ties, and related investigative and corrective actions if necessary. We are proposing this AD to detect and correct fatigue cracking of the upper deck tension ties. Severed or disconnected tension ties at multiple locations could result in rapid decompression and loss of structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by June 9, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data

& Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0253; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *nathan.p.weigand@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0253; Directorate Identifier 2013–NM–257–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as WFD. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent catastrophic failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that design approval holders (DAHs) establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this approach is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

The identified unsafe condition is at airplane body station locations 880 to 1100 where the floor beams were replaced with tension ties during airplane conversion to special freighter or Boeing converted freighter. Tension ties have been determined to be structure that is susceptible to WFD. WFD could cause multiple adjacent tension ties to become severed or disconnected from the frames, which could result in rapid decompression and loss of structural integrity of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0253.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD applies to current and future Model 747–100B SUD, 747–200B, 747–300, 747–400, 747–400D series airplanes converted to special freighter or Boeing converted freighter configuration.

This proposed AD would require repetitive inspections for cracking in the upper deck tension ties, and related investigative and corrective actions if necessary; tension tie replacement; and post-replacement repetitive inspections for cracking in the upper deck tension ties, and related investigative and corrective actions if necessary; as specified in the service information identified previously, except as discussed under ''Difference Between this Proposed AD and the Service Information.''

The phrase ''related investigative actions'' is used in this proposed AD. ''Related investigative actions'' are follow-on actions that (1) are related to the primary actions, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' correct or address any

condition found. Corrective actions in an AD could include, for example, repairs.

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee, to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in the service information described previously include steps that are labeled as RC (required for compliance) because these steps have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As noted in the specified service information, steps labeled as RC must be done to comply with the proposed AD. However, steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the service information without obtaining approval of an alternative method of compliance (AMOC), provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC will require approval of an AMOC.

Difference Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Explanation of Compliance Time

The compliance time for the modification specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is modified before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 76 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections (pre-modification and post-modification).	Up to 164 work-hours × $85 per hour = $13,940 per inspection cycle.	$0	Up to $13,940 per inspection cycle.	Up to 1,059,440 per inspection cycle.
Modification	366 work-hours × $85 per hour = $31,110.	$0	$31,110	$2,364,360.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0253; Directorate Identifier 2013–NM–257–AD.

(a) Comments Due Date

We must receive comments by June 9, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–100B SUD, 747–200B, 747–300, 747–400, and 747–400D series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the upper deck tension ties are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the upper deck tension ties. Severed or disconnected tension ties at multiple locations could result in rapid decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Inspections, Related Investigative Actions, and Corrective Actions

For airplanes identified as Group 1, Configuration 2; and Group 2; in Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013: Before the accumulation of 10,000 flight cycles after conversion to special freighter or Boeing converted freighter configuration, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, do the actions specified in paragraph (g)(1) or (g)(2) of this AD, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013, except as provided by paragraph (h) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the forward and aft tension tie channels thereafter at the applicable time and intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013.

(1) At each tension tie station from 880 to 1100: Do a detailed inspection for cracks in the forward and aft tension tie channels.

(2) At each tension tie station from 880 to 1100: Do a detailed inspection for cracks in the forward and aft tension tie channels, and do a surface high frequency eddy current (HFEC) inspection for cracks around fasteners in the tension tie channels.

(h) Exceptions to Service Information Specifications

If, during accomplishment of the related investigative action or inspections required by this AD, any cracking is found, and Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013, specifies to contact Boeing for repair instructions: Before further flight, do the repair using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(i) Tension Tie Replacement

After the accumulation of 13,000 total flight cycles; but before the accumulation of 22,000 flight cycles after conversion to special freighter or Boeing converted freighter configuration, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later: Do the tension tie replacement, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013, except as provided by paragraph (h) of this AD. Accomplishment of the actions required by this paragraph terminates the inspection requirements of paragraph (g) of this AD.

(j) Post-tension Tie Replacement Inspections, Related Investigative Actions, and Corrective Actions

After accomplishing the actions required by paragraph (i) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013, do the actions specified in paragraph (j)(1) or (j)(2) of this AD; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013, except as provided by paragraph (h) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the applicable inspection of the forward and aft tension tie channels thereafter at the applicable time and intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2866, dated December 4, 2013.

(1) At each tension tie station from 880 to 1100: Do a detailed inspection for cracks in the forward and aft tension tie channels.

(2) At each tension tie station from 880 to 1100: Do a detailed inspection for cracks in the forward and aft tension tie channels, and do a surface HFEC inspection for cracks around fasteners in the tension tie channels.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) If the service information contains steps that are labeled as RC (Required for Compliance), those steps must be done to comply with this AD; any steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC require approval of an AMOC.

(l) Related Information

(1) For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *nathan.p.weigand@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on April 14, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–09243 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0252; Directorate Identifier 2013–NM–213–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for The Boeing Company Model 707 airplanes, Model 720 and 720B series airplanes, Model 727 airplanes, and Model 737–

100, –200, and –200C series airplanes. This proposed AD was prompted by a report of a fire which originated near the first officer's area and caused extensive damage to the flight deck on a different airplane model. This proposed AD would require replacing the low-pressure oxygen hoses with non-conductive low-pressure oxygen hoses in the flight compartment. We are proposing this AD to prevent inadvertent electrical current from passing through an internal, anti-collapse spring of the low-pressure oxygen hose, which can cause the low-pressure oxygen hose to melt or burn, leading to an oxygen-fed fire and/or smoke in the flight deck.

DATES: We must receive comments on this proposed AD by June 9, 2014.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0252; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6457; fax: 425–917–6590, email: *susan.l.monroe@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0252; Directorate Identifier 2013–NM–213–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received a report indicating that, on certain The Boeing Company Model 757 airplanes, a fire originated near the first officer's area, which caused extensive damage to the flight deck. A Boeing investigation found that the low pressure flexible hoses in the pressurized flightcrew oxygen system can potentially be conductive because of the anti-kink metallic spring inside the hose. The flight crew oxygen system on The Boeing Company Model 707 airplanes, Model 720 and 720B series airplanes, Model 727 airplanes, and Model 737–100, –200, and –200C series airplanes is almost identical to the system installed on certain Model 757 airplanes. Therefore, Model 707 airplanes, Model 720 and 720B series airplanes, Model 727 airplanes, and Model 737–100, –200, and –200C series airplanes may be subject to the unsafe condition revealed on certain Model 757 airplanes. This proposed AD is being issued to prevent inadvertent electrical current, which can cause the low-pressure flex-hose of a flight crew or supernumerary oxygen system to melt or burn, resulting in oxygen system leakage and smoke or fire.

Related Rulemaking

On March 29, 2010, we issued AD 2010–06–17, Amendment 39–16242 (75 FR 15328, March 29, 2010), applicable to certain Model 757 airplanes. AD 2010–06–17 currently requires inspecting to verify the part number of the low-pressure flex-hoses of the flightcrew and supernumerary oxygen system installed under the oxygen mask stowage box at a flightcrew and supernumerary oxygen mask location and replacing with a new non-conductive low-pressure flex-hose of the oxygen system if necessary. AD 2010–06–17 was prompted by reports of a low-pressure flex-hose of a flightcrew oxygen system that burned through due to inadvertent electrical current from a short circuit in an adjacent audio select panel.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin A3538, dated October 2, 2013; Boeing Alert Service Bulletin 727–35A0031, dated July 18, 2013; and Boeing Alert Service Bulletin 737–35A1140, dated August 28, 2013. For information on the procedures, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA 2014–0252.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information identified previously.

Costs of Compliance

We estimate that this proposed AD affects 530 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace oxygen hoses	Up to 17 work-hours × $85 per hour = $1,445	$297	Up to $1,742	Up to $923,260.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0252; Directorate Identifier 2013–NM–213–AD.

(a) Comments Due Date

We must receive comments by June 9, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company airplanes identified in paragraphs (c)(1) through (c)(3) of this AD, certificated in any category.

(1) Model 707–100 long body, –200, –100B long body, and –100B short body airplanes; Model 707–300, –300B, –300C, and –400 series airplanes; and Model 720 and 720B series airplanes; as identified in Boeing 707 Alert Service Bulletin A3538, dated October 2, 2013.

(2) Model 727, 727C, 727–100, 727 –100C, 727–200, and 727–200F series airplanes, as identified in Boeing Alert Service Bulletin 727–35A0031, dated July 18, 2013.

(3) Model 737–100, –200, and –200C series airplanes, as identified in Boeing Alert Service Bulletin 737–35A1140, dated August 28, 2013.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by a report of a fire which originated near the first officer's area and caused extensive damage to the flight deck on a different airplane model. We are issuing this AD to prevent inadvertent electrical current from passing through an internal, anti-collapse spring of the low-pressure oxygen hose, which can cause the low-pressure oxygen hose to melt or burn, leading to an oxygen-fed fire and/or smoke in the flight deck.

(f) Compliance

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

(g) Oxygen Hose Replacement

Within 36 months after the effective date of this AD: Replace the low-pressure oxygen hoses in the flight compartment with non-conductive low-pressure oxygen hoses, in accordance with the Accomplishment Instructions of the service bulletin specified in paragraphs (g)(1) through (g)(3) of this AD, as applicable.

(1) For Model 707–100 long body, –200, –100B long body, and –100B short body series airplanes; Model 707–300, –300B, –300C, and –400 series airplanes; and Model 720 and 720B series airplanes: Boeing 707 Alert Service Bulletin A3538, dated October 2, 2013.

(2) For Model 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes: Boeing Alert Service Bulletin 727–35A0031, dated July 18, 2013.

(3) For Model 737–100, –200, and –200C series airplanes: Boeing Alert Service Bulletin 737–35A1140, dated August 28, 2013.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a low-pressure oxygen hose specified in Table 1 to paragraph (h) of this AD, on any airplane.

TABLE 1 TO PARAGRAPH (H) OF THIS AD—LOW-PRESSURE OXYGEN HOSES (P/N)

Boeing specification No.	Hydroflow	B/E aerospace	RE darling (aka REDAR)
10–60174–24	37001–642	Not applicable (n/a)	(n/a)
10–60174–26	37001–640	(n/a)	(n/a)
10–60174–25	37001–641	(n/a)	(n/a)
10–60174–36	37001–36	(n/a)	(n/a)

TABLE 1 TO PARAGRAPH (H) OF THIS AD—LOW-PRESSURE OXYGEN HOSES (P/N)—Continued

Boeing specification No.	Hydroflow	B/E aerospace	RE darling (aka REDAR)
10–60174–35	37001–35 37001–36	173470–35 173470–36 ZH833–35 ZH833–36	40830–505–018

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for The Boeing Company Model 737–100, –200, and –200C series airplanes, covered by this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for The Boeing Company Model 707 airplanes, Model 720 and 720B series airplanes, and Model 727 airplanes, covered by this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

(3) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(j) Related Information

(1) For more information about this AD, Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6457; fax: 425–917–6590; email: *susan.l.monroe@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on April 14, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–09250 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2014–F–0469]

Excentials B.V.; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Excentials B.V. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of L-selenomethionine as a dietary source of selenium in feed for poultry, swine, and ruminants.

DATES: Submit either electronic or written comments on the petitioner's request for categorical exclusion from preparing an environmental assessment or environmental impact statement by May 23, 2014.

ADDRESSES: Submit electronic comments to: *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Isabel W. Pocurull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6853.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5)), notice is given that a food additive petition (FAP 2278) has been filed by Excentials B.V., Vierlinghstraat 51, 4251 LC Werkendam, The Netherlands. The petition proposes to amend Title 21 of the Code of Federal Regulations (CFR) in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of L-selenomethionine as a dietary source of selenium in feed for poultry, swine, and ruminants.

The petitioner has requested a categorical exclusion from preparing an environmental assessment or environmental impact statement under 21 CFR 25.32(r). Interested persons may submit either electronic or a single copy of written comments regarding this request for categorical exclusion to the Division of Dockets Management (see **DATES** and **ADDRESSES**). Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: April 18, 2014.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2014–09216 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0008; FRL–9907–39]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before May 23, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) 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: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

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.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance

1. *PP 3F8205.* (EPA–HQ–OPP–2013–0758). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-*N*-nitro-4*H*-1,3,5-oxadiazin-4-imine) and its metabolite (*N*-(2-chloro-thiazol-5-ylmethyl)-*N'*-methyl-*N'*-nitro-guanidine), in or on alfalfa, seed at 1 parts per million (ppm); buckwheat, grain at 0.9 ppm; corn, field, grain at 0.03 ppm; oat, grain at 0.9 ppm; rice, grain at 6 ppm; rice, straw at 2 ppm; rye, grain at 0.9 ppm; soybean at 0.02 ppm; sunflower, seed at 0.4 ppm; triticale, grain at 0.9 ppm; vegetable, legume, subgroup 6A at 0.9 ppm; vegetable,

legume, subgroup 6B at 0.5 ppm; vegetable, legume, subgroup 6C at 0.2 ppm; vegetable, foliage of legume, subgroup 7A at 4 ppm; wheat, aspirated grain fraction at 2.5 ppm; wheat, bran at 0.5 ppm; wheat, germ at 0.5 ppm; wheat, grain at 0.5 ppm. Syngenta Crop Protection, LLC, has submitted practical analytical methodology for detecting and measuring levels of thiamethoxam in or on raw agricultural commodities. This method is based on crop specific cleanup procedures and determination by liquid chromatography with either ultraviolet (UV) or mass spectrometry (MS) detections. The limit of detection (LOC) for each analyte of this method is 1.25ng injected for samples analyzed by UV and 0.25 nanogram (ng) injected for samples analyzed by MS, and the limit quantification (LOQ) is 0.005 ppm for milk and juices, and 0.01 ppm for all other substrates.

2. *PP 4F8237.* (EPA–HQ–OPP–2014–0156). Dow AgroSciences, LLC, 9330 Zionsville Rd., Indianapolis, IN 46268, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, sulfoxaflor (*N*-[methyloxido[1-[6-(trifluoromethyl)-3-pyridinyl]ethyl]-γ^4-sulfanylidene]cyanamide), in or on alfalfa, forage at 7 parts per million (ppm); alfalfa, hay at 20 ppm; alfalfa, seed at 30 ppm; alfalfa, silage at 9 ppm; animal feed, nongrass, group 18, forage at 15 ppm; animal feed, nongrass, group 18, hay at 20 ppm; animal feed, nongrass, group 18, silage at 9 ppm; buckwheat, forage at 1 ppm; buckwheat, grain at 0.08 ppm; buckwheat, hay at 1.5 ppm; buckwheat, straw at 2 ppm; cacao bean, dried bean at 0.15 ppm; clover forage at 15 ppm; clover hay at 20 ppm; clover silage at 8 ppm; corn, field, forage at 0.5 ppm; corn, field, grain at 0.015 parts ppm; corn, field, stover at 0.8 ppm; corn, pop at 0.015 ppm; corn, pop, stover at 0.8 ppm; corn, sweet, at 0.01 ppm; corn, sweet, forage at 0.6 ppm; corn, sweet, stover at 0.7 ppm; millet, forage at 0.4 ppm; millet, grain at 0.3 ppm; oat, grain at 0.4 ppm; oat, hay at 1 ppm; oat, straw at 2 ppm; pineapple at 0.09 ppm; rye, forage at 1 ppm; rye, grain at 0.08 ppm; rye, hay at 1.5 ppm; rye, straw at 2 ppm; sorghum, forage at 0.4 ppm; sorghum, grain at 0.3 ppm; sorghum, stover at 0.9 ppm; teff, forage at 1 ppm; teff, grain at 0.08 ppm; teff, hay at 1.5 ppm; teff, straw at 2 ppm; teosinte, grain at 0.015 ppm; triticale, forage at 1 ppm; triticale, grain at 0.08 ppm; triticale, hay at 1.5 ppm; triticale, straw at 2 ppm. The residue profile of sulfoxaflor is adequately understood and an acceptable analytical method is available for enforcement purposes. Analytical method 091116, ''Enforcement Method for the Determination of Sulfoxaflor (XDE–208) and its Main Metabolites in Agricultural Commodities using Offline Solid-Phase Extraction and Liquid Chromatography with Tandem Mass Spectrometry Detection'' was validated on a variety of plant matrices. The method was validated over the concentration range of 0.010–5.0 milligrams/kilograms (mg/kg) with a validated limit of detection (LOD) of 0.003 mg/kg and limit of quantitation (LOQ) of 0.010 mg/kg.

Amended Tolerance

3. *PP 3F8205.* (EPA–HQ–OPP–2013–0758). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerances in 40 CFR 180.565 for residues of the insecticide, thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-*N*-nitro-4*H*-1,3,5-oxadiazin-4-imine) and its metabolite (*N*-(2-chloro-thiazol-5-ylmethyl)-*N'*-methyl-*N'*-nitro-guanidine), by increasing the existing tolerances in or on alfalfa, forage from 0.05 to 10 parts per million (ppm); alfalfa, hay from 0.12 to 8 ppm; barley, grain from 0.4 to 0.9 ppm; barley, hay from 0.40 to 1.5 ppm; barley, straw from 0.40 to 3 ppm; corn, field, forage from 0.10 to 4 ppm; corn, field, stover from 0.05 to 4 ppm; corn, sweet, forage from 0.10 to 5 ppm; corn, sweet, kernel plus cob with husks removed from 0.02 to 0.03 ppm; corn, sweet, stover from 0.05 to 4 ppm; wheat, forage from 0.50 to 3 ppm; wheat, hay from 0.02 to 8 ppm; wheat, straw from 0.02 to 6 ppm. Concurrently, Syngenta Crop Protection, LLC, requests to amend the tolerances in 40 CFR 180.565 by removing tolerances for residues of the insecticide, thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-*N*-nitro-4*H*-1,3,5-oxadiazin-4-imine) in or on grain, cereal, group 15, except barley at 0.02 ppm; sunflower at 0.02 ppm; and vegetable, legume, group 6 at 0.02 ppm, upon approval of the tolerances listed under ''New Tolerances'' for PP 3F8205. Syngenta Crop Protection, LLC, has submitted practical analytical methodology for detecting and measuring levels of thiamethoxam in or on raw agricultural commodities. This method is based on crop specific cleanup procedures and determination by liquid chromatography with either ultraviolet (UV) or mass spectrometry (MS) detections. The limit of detection (LOC) for each analyte of this method is 1.25 ng injected for samples analyzed by UV and 0.25 nanogram (ng) injected for samples analyzed by MS, and the limit quantification (LOQ) is 0.005 ppm for milk and juices, and 0.01 ppm for all other substrates.

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 17, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–09257 Filed 4–22–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1355

Statewide Data Indicators and National Standards for Child and Family Services Reviews

AGENCY: Children's Bureau (CB), Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of Statewide Data Indicators and National Standards for Child and Family Services Reviews.

SUMMARY: The Children's Bureau reviews a state's substantial conformity with titles IV–B and IV–E of the Social Security Act through the Child and Family Services Reviews (CFSRs). Statewide data indicators are used to inform the Children's Bureau's determination of a state's substantial conformity relative to certain safety and permanency outcomes. This document advises the public of the Children's Bureau's plan to replace the statewide data indicators and the methods for calculating associated national standards on those indicators. We invite the public to comment on these indicators and methods before their use in CFSRs scheduled for Federal Fiscal Years (FFY) 2015 through FY 2018.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 23, 2014.

ADDRESSES: Interested persons may submit written comments by any of the following methods:

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

• *Mail or Courier Delivery:* Miranda Lynch Thomas, Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families, 1250 Maryland Avenue SW., 8th Floor, Washington, DC 20024.

Instructions: If you choose to use an express, overnight, or other special delivery method, ensure that delivery may be made at the address listed under the **ADDRESSES** section. We urge interested parties to submit comments electronically to ensure that they are received in a timely manner. All comments received will be posted without change to *http://www.regulations.gov.* This will include any personal information provided.

FOR FURTHER INFORMATION CONTACT: Miranda Lynch Thomas, Children's Bureau, 1250 Maryland Ave. SW., 8th Floor, Washington, DC 20024, (202) 205–8138.

SUPPLEMENTARY INFORMATION:

Background

The Children's Bureau implemented the CFSRs in 2001 in response to a mandate in the Social Security Amendments of 1994 for the Department of Health and Human Services to issue regulations for the review of state child and family services programs under titles IV–B and IV–E of the Social Security Act (see section 1123A of the Social Security Act). The reviews are required for the Children's Bureau to determine whether such programs are in substantial conformity with title IV–B and IV–E plan requirements, implementing regulations, and relevant title IV–B and IV–E plans. The review process, as regulated at 45 CFR 1355.31–37, grew out of extensive consultation with interested groups, individuals, and experts in the field of child welfare and related areas.

The Children's Bureau conducted the first round of CFSRs from 2001 through 2004 and the second round from 2007 through 2010. The third round is scheduled to begin in FFY 2015. Information about the initiation of this latest round can be found in CFSR Technical Bulletin #7 issued in March 2014 (see *http://www.acf.hhs.gov/programs/cb/resource/cfsr-technical-bulletin-7*).

The CFSRs enable the Children's Bureau to: (1) Ensure conformity with federal child welfare requirements; (2) determine what is actually happening to children and families as they are engaged in child welfare services; and (3) assist states to enhance their capacity to help children and families achieve positive outcomes. The Children's Bureau conducts the reviews in partnership with state child welfare agency staff and other stakeholders involved in the provision of child welfare services. We have structured the reviews to help states identify strengths as well as areas needing improvement within their agencies and programs.

The CFSR assesses state performance on seven outcomes and seven systemic factors. The seven outcomes focus on key items measuring safety, permanency, and well-being. The seven systemic factors focus on key state plan requirements of titles IV–B and IV–E that provide a foundation for child outcomes. States that the Children's Bureau determines have not achieved substantial conformity in all the areas assessed in the review are required to develop and implement a program improvement plan within two years addressing the areas of nonconformity. The Children's Bureau supports the states with technical assistance and monitors implementation of their program improvement plans. States that are unable to complete their plans successfully have some of their federal child welfare funds withheld.

Most relevant to this document is the element of the reviews that provides for the Children's Bureau to determine whether the state is in substantial conformity with certain child outcomes based on national standards we set for state performance on statewide data indicators. The regulations at 45 CFR 1355.34(b)(4) and (5) authorize us to add, amend, or suspend any of the statewide data indicators when appropriate, and to adjust the national standards when appropriate. Statewide data indicators are aggregate measures and we calculate them using administrative data available from a state's submissions to the Adoption and Foster Care Analysis and Reporting System (AFCARS),[1] the National Child Abuse and Neglect Data System (NCANDS),[2] or a Children's Bureau-approved alternate source for safety-related data. If a state is determined not to be in substantial conformity with a related outcome due to its performance compared to the national standard for an indicator, the state will include that indicator in a program improvement plan. The Children's Bureau establishes performance goals for each indicator included in a program improvement plan, based on the state's prior performance, that the state is expected to reach by the end of the program improvement plan period. The goal to be achieved is relative to the state's baseline performance at the beginning of the program improvement plan period.

The Children's Bureau views the CFSR as a dynamic process and has made ongoing improvements in the process to best meet state and federal needs. Most recently, we solicited feedback from the public (see 76 FR 18677, published April 5, 2011) about how they would envision a federal review process that meets the statutory requirements in section 1123A of the Social Security Act and holds child welfare agencies accountable for achieving positive outcomes for children and families and continuously improving the quality of their systems for doing so. In addition, we hired a consultant that specializes in child welfare measurement to work with Children's Bureau data specialists. In 2013 we also tasked a contractor to the Children's Bureau to convene a panel of child welfare administrators and data measurement experts to develop recommendations and feedback about specific aspects of the review process, including the statewide data indicators, national standards, and program improvement. The information from these experts along with public comments has shaped our plan for replacing the statewide data indicators that will be used in the CFSRs.

Existing Statewide Data Indicators and Composite Measures and Planned Improvements To Address Feedback

For CFSR Round 2, the Children's Bureau developed six statewide data indicators and measures: two indicators related to safety and four composite measures related to permanency. The two safety-related statewide data indicators focused on recurrence of maltreatment and maltreatment of children in foster care and were used to inform an assessment of the state's substantial conformity with the safety outcome that children are, first and foremost, protected from abuse and neglect. The four permanency-related data composites were used to inform the assessment of a state's substantial conformity with the permanency outcome that children have permanency and stability in their living situations. The four permanency composites used during CFSR Round 2 were related to measures of timeliness and permanency

[1] AFCARS collects case-level information from state and Tribal title IV–E agencies on all children in foster care and those who have been adopted with title IV–E agency involvement. Title IV–E agencies must submit AFCARS data to the Children's Bureau twice a year.

[2] NCANDS collects child-level information on every child who receives a response from a child protective services agency due to an allegation of abuse or neglect. States report this data to the Children's Bureau voluntarily. In FFY 2013, all 50 states, the District of Columbia, and Puerto Rico submitted NCANDS data.

of reunification; timeliness of adoptions, permanency for children in foster care for extended time periods, and placement stability.[3] The Children's Bureau established national standards for each of the six data indicators and composites. The Children's Bureau thoroughly considered the alternatives available to us at the time and had a clear rationale for supporting the statewide data indicators, composites and methods chosen. However, we believe there is reason to make further improvements now given the additional concerns raised by stakeholders and the Children's Bureau that we summarize below and throughout this document as we describe the proposed new indicators.

Cohorts Used for Statewide Data Indicators: The Children's Bureau is planning to calculate several statewide data indicators using entry cohorts to address concerns about the measurement techniques that relied on multiple exit cohorts in prior CFSR rounds. Some stakeholders noted that relying on exit cohorts and cross-sectional (also referred to as point-in-time) cohorts, rather than prospective entry cohorts, can statistically distort system performance outcomes because they represent biased sub-samples of all children who are served.[4] For example, looking only at children who exit foster care in a given year ignores those children who did not leave; it is therefore not representative of all children in foster care who would be affected by state improvement efforts. Looking only at those children in foster care at the end of the year biases the sample to include more children with long lengths of stay in foster care. Entry cohorts, which include all children entering foster care in a given year, avoid these problems and provide a more complete assessment of overall system performance and recent practice trends.

While entry cohorts have methodological advantages, they have limitations in terms of assessing state performance with regard to children who have been in foster care for a long time because of the length of time we measure for state improvements. For example, with an entry cohort approach, children who had already been in foster care for two or more years could only start being tracked in a third year. To address this limitation, the Children's Bureau will still use other cohorts in some of its indicators.

Composites: The Children's Bureau plans to use individual indicators rather than composite measures for the purpose of establishing national standards in this round of review. We implemented the composite approach in CFSR Round 2 after consultation with states and national experts to support a more holistic approach to measuring state performance. The expansion to composites from the one-dimensional measures used in CFSR Round 1 allowed state performance on a particular domain to reflect broader performance, accounting for both strengths and weaknesses within the domain. Criticism of the composite measures used during CFSR Round 2 included the complexity of the composite scores for interpretation purposes.

To address these concerns and clarify expectations with regard to national performance, the Children's Bureau proposes to measure state performance with simplified statewide data indicators. We propose to maintain some of the advantages found with the composite approach by implementing companion measures during the program improvement plan period to provide an expanded and more effective measurement of a domain.

New Proposed Statewide Data Indicators and Methods

The Children's Bureau plans for the new statewide data indicators to measure maltreatment in foster care and re-report of maltreatment as a component in evaluating Safety Outcome 1: *Children are, first and foremost, protected from abuse and neglect.* We also plan for statewide data indicators to measure the achievement of permanency in 12 months for children entering foster care, permanency in 12 months for children in foster care for 2 years or more, re-entry to foster care, and placement stability. These four permanency indicators will be used as a component in evaluating Permanency Outcome 1: *Children have permanency and stability in their living situations.* Below is a description of each of the six proposed indicators including their definition, justification for inclusion, calculation and a discussion of relevant issues. Following the description of the indicators is information on the methods the Children's Bureau plans to use for calculating the national standards and our approach to measuring a state's program improvement on the indicators should we find that the state is not able to meet the national standard. We also provide additional information on how the Children's Bureau will share data information with states through profiles and data quality issues that impact these indicators and methods.

Attachment A provides a summary of each planned indicator including numerators, denominators, exclusions, and adjustments. Attachment B provides a comparison of the data measures used during CFSR Round 2 with the statewide data indicators we propose to use during Round 3. Attachment C provides information on the AFCARS and NCANDS data elements that are used to calculate the proposed indicators and national standards.

Statewide Data Indicators for CFSR Safety Outcome 1: Children Are, First and Foremost, Protected From Abuse and Neglect

Proposed Safety Performance Area 1: Maltreatment in Foster Care

Indicator Definition: Of all children in foster care during a 12-month period, what is the rate of victimization per day of foster care?[5] The indicator includes all cases of substantiated or indicated maltreatment while in foster care and all days for all children in foster care at any point during a 12-month period. The denominator is all child days in foster care over a 12-month period, and the numerator is the number of instances of substantiated or indicated maltreatment among children in foster care over that same period. The definition of ''children'' for this indicator (and all indicators) includes those under the age of 18. This indicator includes all maltreatment types by any perpetrator, which may include foster parents, facility staff members, parents, or others. In addition, this indicator includes all days for all children in foster care at any point during a 12-month period.

Some states provide incident dates in their NCANDS data submissions. If a state provides incident dates, records with an incident date occurring before the date of removal will be excluded. Children in foster care for less than 8 days and any report that occurs within the first 7 days of removal are excluded from this indicator. This indicator is calculated using data that match

[3] More detailed information on the CFSR Round 2 measures can be found on the Children's Bureau Web site at *http://www.acf.hhs.gov/sites/default/files/cb/data_indicators_for_the_second_round_of_cfsrs.pdf.*

[4] See Testa, M., Poertner, J. Koh, E. (2008). *Can AFCARS be rescued? Fixing the statistical yardstick that measures state child welfare performance.* Urbana, IL: CFRC; and Testa, M. & Poertner, J. (Eds.). (2010). *Fostering accountability: Using evidence to guide and improve child welfare policy.* Oxford: Oxford University Press.

[5] Rates are calculated per day of foster care. However, we will multiply the rate by 100,000 to produce larger and more meaningful numbers.

children across AFCARS and NCANDS using the AFCARS identifier.

Justification for Inclusion: This indicator provides a measure of whether the state child welfare agency is able to ensure that children do not experience abuse or neglect while in the state's foster care system. The indicator holds states accountable for keeping children safe from harm while under the responsibility of the state, no matter who perpetrates the maltreatment in foster care.

Relevant Issues and Discussion: During CFSR Round 2, the Children's Bureau had a safety data indicator related to maltreatment in foster care. For that indicator, the counts of children not maltreated in foster care were derived by subtracting the NCANDS count of children maltreated by foster care providers from the total count of all children in foster care on the last day of the year, as reported in AFCARS. Because of improved reporting by states, we can now link AFCARS and NCANDS data using the child identifier and determine whether maltreatment occurred during a foster care episode, improving accuracy on this indicator by using entry cohorts instead of the retrospective method used in CFSR Round 2.[6] This technique also allows us to expand the indicator to include maltreatment regardless of the perpetrator type. This measure uses the report date reported in NCANDS to determine if a child is victimized while in foster care, discounting the first week to allow for a potential lag time between an incidence of maltreatment and report of maltreatment. For those states that provide incident dates, an adjustment will be made if the data indicates that the incident occurred prior to the foster care episode. We encourage states to report incident dates in NCANDS, which will improve the accuracy of this indicator. The Children's Bureau made this change in response to a suggestion from stakeholders with regard to the indicators used for the last round of reviews that we are now able to address.

Proposed Safety Performance Area 2: Re-Report of Maltreatment

Indicator Definition: Of all children who received a screened-in report of maltreatment during a 12-month period (regardless of disposition type), what percent were reported again within 12 months from the date of initial report? The denominator is the number of children with at least one screened-in report of alleged maltreatment in a 12-month period and the numerator is the number of children in the denominator that had another screened-in report with a disposition within 12 months of their initial report. Screened-in reports that have a disposition reported are included, regardless of whether the disposition is that the child is a victim or a non-victim. This indicator is calculated using data from NCANDS.

Justification for Inclusion: This indicator is included to provide an assessment of whether the agency took the necessary actions to prevent a future report of maltreatment for children previously the subject of a screened-in report to the agency.

Relevant Issues and Discussion: During CFSR Round 2, the Children's Bureau had a safety performance area related to repeat maltreatment. That measure was derived from calculating what percent of all children who were victims in a substantiated or indicated maltreatment allegation during the first 6 months of the reporting period were not victims in another substantiated or indicated maltreatment allegation within a 6-month period. We are expanding this measure to count all children with screened-in reports of alleged maltreatment. The Children's Bureau believes that multiple reports regardless of whether maltreatment is substantiated or indicated is a viable measure of the agency's attempts to prevent maltreatment based on research indicating that families with screened-in but unsubstantiated reports are at a high risk of re-report, in some cases as high as substantiated cases.[7] Because reports are included regardless of disposition, this indicator includes both victims and non-victims. In addition, this indicator expands the time period examined to 12 months to include more children. The indicator also tracks such children for 12 months, as opposed to 6 months as in the prior indicator.

The Children's Bureau made this change in response to a suggestion from stakeholders with regard to the indicators used for the last round of reviews that we are now able to address with the improved quality of data reported in NCANDS. In addition, the contractor's recommendations based on the expert panel convened in 2013 expressed support for a measure of screened-in reports to capture repeat maltreatment.

Previous CFSR data measures focused on substantiated and indicated reports of maltreatment. The growing implementation of differential response in the states (sometimes referred to as alternative response programs) where a substantial percentage of cases may bypass formal investigation altogether, however, makes a comparison of differential-response and non-differential-response states difficult. In addition, states that initiate or expand differential response during an improvement period could show improvement on a substantiation-based measure of repeat maltreatment merely as an artifact of adopting differential response. An indicator based only on screened-in reports is not affected by differential response which contributed to our selecting this indicator.

CFSR Permanency Outcome 1: Children Have Permanency and Stability in Their Living Situations

The permanency-related statewide data indicators exclude children entering foster care at age 18 and older or who are already 18 and older on the first day of the period under review. Although the amendments to title IV–E of the Social Security Act made by the Fostering to Success and Increasing Adoptions Act of 2008 (Pub. L. 110–351) permit states to provide foster care to youth who are age 18 and older, all states have not exercised such an option. Some states provide foster care to youth age 18 and older, however, there is no consistent inclusion of this population of youth across states and no consistent construct at this time for what achieving permanency means for such older youth. Therefore, the Children's Bureau believes that it is appropriate to limit the permanency statewide data indicators to children under age 18 in this way to maintain consistency as we have in prior rounds.

Proposed Permanency Performance Area 1: Permanency in 12 Months for Children Entering Foster Care

Indicator Definition: Of all children who enter foster care in a 12-month period, what percent discharged to permanency within 12 months of entering foster care? The denominator is the number of children who enter foster care in a 12-month period and the numerator is the number of children in the denominator who discharged to permanency within 12 months of entering foster care. For the purposes of this indicator, permanency includes a child's discharge from foster care to parent(s), living with relatives, guardianship, or adoption. Children who are in foster care for less than 8 days are excluded from this indicator. For children with multiple episodes during the same 12 month period, this

[6] Almost all states report AFCARS identifiers in the NCANDS data. For those states that do not, a Children's Bureau-approved alternate source will be required to assess performance on this indicator.

[7] See Drake, Jonson-Reid, Way, & Chung (2003). Substantiation and Recidivism. Child Maltreatment. Vol. 8, No. 4, 248–260.

measure will only evaluate the first episode within the period. This indicator is calculated using data from AFCARS.

Justification for Inclusion: This indicator provides a focus for the child welfare agency's responsibility to reunify or place children in safe and permanent homes as soon as possible after removal.

Relevant Issues and Discussion: During CFSR Round 2, the Children's Bureau included a similar measure as part of one of the permanency composites. That measure assessed the percent of all children entering foster care for the first time in a 6-month period that left foster care to reunification (or living with a relative) within 12 months of entering foster care. For CFSR Round 3, the indicator will stand alone and not be combined into a composite measure. The indicator is also more expansive than the prior to include: (1) All permanency outcomes, including guardianship or adoption; (2) all children entering foster care rather than first removals only; and (3) children entering foster care over the course of 12 months rather than 6 months.

The Children's Bureau made this change in response to suggestions from stakeholders with regard to the indicators used for the last round of reviews that we are now able to address. The indicator's expanded set of permanency outcomes recognizes that all forms of permanency represent equally successful outcomes for children. Although all permanency outcomes are included within this one indicator, states will still be able to analyze their data to determine which types of permanency they are achieving for children. The indicator's expanded population recognizes the Children's Bureau's desire to measure performance for all children entering foster care rather than first removals only. The expansion to 12 months, as opposed to 6 months in the prior indicator will yield more stable estimates of performance. A 12 month period is important for this indicator as this cohort will also serve as the basis for the denominator in the re-entry into foster care indicator (discussed further below). Re-entry into foster care after a discharge from foster care is a rarer event that is better captured over a longer period to accommodate variability. In addition, including a full 12 month period lessens the effect of potential seasonal differences between 6 month periods.

Please see the section on program improvement plans for more information on how this indicator may be used in program improvement.

Proposed Permanency Performance Area 2: Permanency in 12 Months for Children in Foster Care for 2 Years or More

Indicator Definition: Of all children in foster care the first day of the year who had been in foster care (in that episode) for 2 years or longer, what percent discharged to permanency within the next 12 months? The denominator is the number of children in foster care on the first day of a 12-month period who had been in foster care (in that episode) for 2 or more years, and the numerator is the number of children in the denominator who discharged to permanency within 12 months of the first day. Permanency includes discharge to parent(s), living with relatives, guardianship, or adoption. Children in foster care for less than 8 days are excluded from this indicator. This indicator is calculated using data from AFCARS.

Justification for Inclusion: The Children's Bureau is committed to maintaining focus on the key outcome of achieving permanency for all children in foster care and shortening the time to permanency. With a second indicator of permanency in 12 months specifically focused on the cohort of children who have been in foster care for 2 or more years, the Children's Bureau can monitor the effectiveness of the state child welfare agency in ensuring that states continue to emphasize permanency for children who have been in foster care for longer periods of time, to ensure they achieve permanency during the period under review.

Relevant Issues and Discussion: During CFSR Round 2, this same individual measure was evaluated as a part of a composite. There are substantial numbers of children that cannot achieve permanency in 12 months, and those children may present different challenges. Such children may have a higher likelihood of achieving permanency goals such as adoption and guardianship than those achieving permanency in the first year. The Children's Bureau continues this measure because of a commitment to monitor performance for children and youth who were already in foster care, and hold states accountable for attaining permanency for them, as well.

Proposed Permanency Performance Area 3: Re-Entry to Foster Care

Indicator Definition: Of all children who entered foster care in a 12-month period who were discharged within 12 months of that entry to reunification, living with a relative, or guardianship, what percent re-entered foster care within 12 months of their discharge? The denominator is the number of children who entered foster care in a 12-month period who discharged within 12 months to reunification, living with a relative, or guardianship, and the numerator is the number of children in the denominator who re-entered foster care within 12 months of their discharge from foster care. Children in foster care for less than 8 days are excluded from this indicator. If a child re-enters foster care multiple times within 12 months of when they left, only the first re-entry into foster care is selected. This indicator is calculated using data from AFCARS.

Justification for Inclusion: Although the Children's Bureau believes that it is important to reunify children with their families as quickly as possible, we also believe that children should be reunified when safe and appropriate and with sufficient supports in place to prevent a subsequent removal. This indicator enables the Children's Bureau to monitor the effectiveness of programs and practice that support reunification and other permanency goals.

Relevant Issues and Discussion: During CFSR Round 2, this performance area was evaluated using a similar measure as a part of a composite. That measure was derived by calculating what percent of all children discharged from foster care to reunification or living with a relative in a 12-month period re-entered foster care in less than 12 months from the date of discharge. This indicator differs from the measure used for CFSR Round 2 by limiting the children eligible for re-entry to the entry cohort. The CFSR Round 2 measure counted all children who left foster care to reunify or live with a relative, regardless of when they entered foster care. The purpose of this focus on current practice is in keeping with the rationale that new interventions may best be monitored in an entry cohort. We also expanded the denominator to include children who leave foster care for guardianship in an effort to reflect a more comprehensive definition of permanency.

The Children's Bureau made this change in response to suggestions from stakeholders with regard to the indicators used for the last round of reviews that we are now able to address. The indicator attempts to capture the rate of ''permanency'' for children who leave foster care by measuring whether children re-enter foster care. For this indicator, adoption is not included as a permanency outcome because it is not

always possible to identify children who re-enter foster care following adoption.

Please see the section on program improvement plans for more information on how this indicator may be used in program improvement.

Proposed Permanency Performance Area 4: Placement Stability

Indicator Definition: Of all children who enter foster care in a 12-month period, what is the rate of placement moves per day of foster care? [8] The denominator is, among children who enter foster care in a 12-month period, the total number of days these children were in foster care as of the end of the 12-month period. The numerator is, among children in the denominator, the total number of placement moves during the 12-month period. The initial placement in foster care is not counted, but all subsequent moves occurring within the 12-month period are included in the calculation. Children in foster care for less than 8 days and other settings a child may be placed in, that are not considered as placement settings for AFCARS purposes such as trial home visits, are not included in this indicator. This indicator is calculated using data from AFCARS.

Justification for Inclusion: Placement stability is a critical component of the permanency and well-being of children in foster care. States are responsible for ensuring that children who are removed from their homes by the state experience stability while they are in foster care.

Relevant Issues and Discussion: During CFSR Round 2, this performance area was evaluated using a similar measure as a part of a composite. That measure was derived from calculating what percent of all children served in foster care during the 12-month period had two or fewer placement settings. The new indicator controls for the length of time children spend in foster care so that we can examine moves per day of foster care, rather than children as the unit of analysis, as was employed during CFSR Round 2. The measure used for CFSR Round 2 was unable to differentiate between children who moved twice from children who moved more. The new indicator counts each move to accurately capture the rate of placement moves, rather than the number of children affected.

The Children's Bureau believes that placement stability is important to the permanency and well-being of children in foster care regardless of how long they have been in foster care. Even so, our analysis of AFCARS data indicates that most placement moves occur within a child's first 12 months of foster care, which is why we plan to focus this indicator on that time period. With this refined focus, the Children's Bureau and states can monitor the period during which placement moves are most likely to occur and the state's most recent performance. In the CFSR Round 2 measure, placement moves were monitored over the life of the case which meant that placement instability for a child in the early years of foster care placement would affected the assessment of the state's CFSR performance in a more recent period under review. We also believe that by confining the indicator to this period of time, we are better able to measure a state's improvement in a subsequent 12-month period. The Children's Bureau made this change in response to suggestions from stakeholders with regard to the indicators used for the last round of reviews that we are now able to address.

National Standards

National standards will be established for all indicators. By measuring state performance against national standards on statewide data indicators, the Children's Bureau can assist states in continuously monitoring their performance on child outcomes and help practitioners and administrators better understand the entirety of their child welfare systems.

We propose that the national standard for each indicator be set at the national observed performance for that particular indicator. The national standards will remain constant over the entire round of review, as has been the case in prior rounds. In CFSR round 2, national standards were based on the 75th percentile (approximately) of all states' performance, with an adjustment for sampling error. For this round, we believe that the national observed performance, which will be similar to the average performance across all states, is a more reasonable benchmark and would appropriately challenge states to improve their performance.

The national standard set at the national performance level for each indicator is a benchmark that is easily communicated to and understood by stakeholders, and a reasonable goal given the reality that states still need to improve practice in multiple areas. Setting the national standard at the national performance for each indicator is rooted in strategies central to an effective performance management system focused on continuous quality improvement.

Methodology: We propose that state performance on each statewide data indicator be assessed using a multi-level (i.e., hierarchical) model that risk-adjusts for select child- and state-level characteristics. Multi-level modeling is a widely accepted statistical method that enables fair evaluation of relative performance among states with different case mixes. The technique calculates how much variance in performance is due to (1) children's individual risk factors; (2) random measurement errors (due to modest sample sizes); and (3) the state's long-run ability to achieve the desired outcome.

Risk Adjustment: The model we propose to use will incorporate some risk adjustment. By incorporating risk adjustment, the multi-level model takes into account and controls for factors that differ across the states and that can affect outcomes regardless of the quality of services the state provides. The goal of risk adjustment is to minimize differences in outcomes that are due to factors over which states have little control, such as the age of children coming into foster care. For example, for the statewide data indicator of *permanency in 12 months for children entering foster care,* a state may discharge 40% of its children to permanency by 12 months. Forty percent is the state's observed performance, and is simply the number of children discharged to permanency by 12 months divided by the number of children eligible for such an exit. But this state's risk-adjusted performance might be 45%. That the state's risk-adjusted performance is higher than its observed performance means permanency was achieved for more children than expected, given the state's case mix and how other states, on average, performed with a similar case mix.

The Children's Bureau will finalize risk adjustment variables after receiving public comments on this document. The contractor's recommendations to us based on feedback from the expert panel convened in 2013 support the use of risk adjustment. The Children's Bureau's consideration of particular risk-adjustment variables will be based initially on the research literature, recommendations based on feedback from the expert panel and expert consultants, and the availability of data. The Children's Bureau will test proposed variables and retain only those variables that have a statistically significant relationship to the outcome for each statewide data indicator. For example, the Children's Bureau has

[8] Rates are calculated per day of foster care. However, we will multiply the rate by 1,000 to produce larger and more meaningful numbers.

tested for possible inclusion child's age, sex, number of prior removals, and interactions among these with the proposed statewide data indicators. The Children's Bureau will consider risk-adjustment variables at both the level of the child (e.g., age at entry) and the state (e.g., foster care entry rate).

Assessing State Performance

To assess state performance, the Children's Bureau proposes to estimate each state's risk-adjusted performance and the corresponding 95% interval estimate. The Children's Bureau can be 95% confident that a state's true performance lies somewhere between the lower and upper limit of this interval. This interval also provides a way to judge whether a state's performance is above or below the national average in a statistically meaningful way.

The Children's Bureau plans to compare each state's interval estimate to the national observed performance, and assign each state to one of three groups:

- *''No different than national performance''* if the 95% interval estimate surrounding the state's risk-adjusted performance includes the national observed performance.
- *''Higher than national performance''* if the entire 95% interval estimate surrounding the state's risk-adjusted performance is higher than the national observed performance.
- *''Lower than national performance''* if the entire 95% interval estimate surrounding the state's risk-adjusted performance is lower than the national observed performance.

Whether it is desirable for a state to be higher or lower than the national performance depends on the indicator. For the two permanency measures, a higher value is more desirable; for the remaining measures, a lower value is desirable.

The methodology described above is similar to that used by the Centers for Medicare & Medicaid Services to measure hospital performance as part of its Hospital Inpatient Quality Reporting program.[9] The methodology is also consistent with the use of such models in education and health care to distinguish statistically high- and low-performing schools and hospitals.[10]

Data

Data Profiles: The Children's Bureau will provide data profiles of state performance to each state before the state's CFSR on the statewide data indicators and other contextual data available from AFCARS and NCANDS. This data profile will assist the state to develop its statewide assessment. In addition, the Children's Bureau will provide data profiles semi-annually to assist states in measuring progress toward the goals identified in the program improvement plan.

Data Quality: Setting national standards and measuring state performance on statewide data indicators for CFSR purposes relies upon the states submitting high-quality data to AFCARS and NCANDS. The Children's Bureau has provided states with consultation and technical assistance before and throughout both rounds of reviews to address data quality issues. Additionally, the Children's Bureau has provided states with tools for AFCARS and NCANDS that allow the agency to examine its data for accuracy and encourages states to incorporate these in their ongoing quality assurance process to review data.

During the first two rounds of the CFSR, there have been occasions in which the Children's Bureau cannot use a state's data in aggregate calculations of the national standard. In isolated circumstances, these data quality issues have been significant enough to prevent us from relying on the state's data as an accurate assessment of its performance on a statewide data indicator. The Children's Bureau would like to be clear about the level of data quality issues that prevent state data from being used for CFSR purposes as described below.

Data Quality: Excluding States From National Standards or State Performance

We analyzed every data element from AFCARS and NCANDS that is relevant to each statewide data indicator (as listed in Attachment C) and performed data quality checks across files both over time as well as between files.[11] Examples of these checks included looking for the presence of the same child identifier in the AFCARS and NCANDS file and reviewing for consistent reporting of a child in AFCARS from the time the child entered foster through discharge and with an associated reason for discharge. This analysis revealed the scope of data quality issues present in current AFCARS and NCANDS submissions.

Based on this analysis, we developed thresholds to identify data quality concerns and either accept or exclude the files when calculating national standards and state performance. For those data quality issues that are contained to one data file submission, we will consider a threshold of 5%. In other words, any state that has more than 5% of data missing or invalid[12] will be excluded from the model used to calculate the national standard (i.e., the national observed performance) and estimate states' risk-adjusted performance. For cross-file checks, we are setting a higher threshold for exclusion. For the maltreatment in foster care measure, a state will be excluded from the national standards calculation and performance estimate if more than 10% of NCANDS victims are missing an AFCARS identifier. For the permanency indicators, a state will be excluded if it has more than 10% of dropped cases across two six month file submissions.

Data Quality: Case-Level Exclusions

For those states that do not exceed the data quality thresholds but still have identified data quality problems, we will include the state in national standards calculations and measure state performance but we will exclude child-level records with missing or invalid data on elements needed to determine the child's outcome and perform the risk-adjustment. For example, if the risk-adjustment for an indicator includes age at entry, a child whose age at entry cannot be determined (due to a missing date of birth) will not be include in the analysis. We believe this exclusion will result in more accurate estimates of performance for those states with minor data quality issues. For each indicator, the Children's Bureau will provide each state with a list of records that were excluded from the analyses.

Program Improvement Plans

States that fall below the national standard on any given indicator will be required to include that indicator in a program improvement plan. Regardless of which indicators a state is required to include in its program improvement plan, the Children's Bureau will provide each state with a data profile that

[9] Yale New Haven Health Services Corporation, & Center for Outcomes Research & Evaluation. (2013). *2013 Measures Updates and Specifications Report: Hospital-Level 30-Day Risk-Standardized Readmission Measures for Acute Myocardial Infarction, Heart Failure, and Pneumonia (Version 6.0).* Retrieved from *http://www.qualitynet.org/dcs/ContentServer?c=Page&pagename=QnetPublic/Page/QnetTier4&cid=1219069855841.*

[10] See Goldstein & Spiegelhalter (2007). League Tables and Their Limitations. 159(3), 385–443; Normand & Shahian (2007). Statistical and Clinical Aspects of Hospital Outcomes Profiling. Statistical Science, 22(2), 206–226.

[11] This data quality analysis is specific to indicators proposed for CFSR Round 3. It is a separate analysis from the standard data quality checks or validation that are performed when states submit their AFCARS or NCANDS data.

[12] For example, the date of birth is greater than the date of latest removal.

includes information on the state's performance on all of the statewide data indicators.

Companion Measures: For two of the statewide data indicators, permanency in 12 months for children entering foster care and re-entry to foster care, the Children's Bureau proposes to consider performance for program improvement purposes in concert with the other indicator. This means that if a state has a program improvement plan that includes improving on the indicator permanency in 12 months for children entering foster care, the Children's Bureau's determination of whether the state has improved successfully will take into consideration its performance on the re-entry to foster care indicator as a companion measure. Specifically, the state must stay above a threshold for the companion re-entry to foster care indicator as well as achieve its goal on the permanency in 12 months for children entering foster care indicator, to successfully complete the program improvement plan. The reverse is also true. For details about threshold calculations, please see the section below. If a state must improve on the re-entry to foster care indicator in its program improvement plan, it must also include the permanency in 12 months for children entering foster care indicator as a companion measure. Although the Children's Bureau believes that it is important to reunify children with their families as quickly as possible, we also believe that children should be reunified when safe and appropriate and sufficient supports are in place to prevent a subsequent removal. The recommendations to us based on the expert panel convened in 2013 also support the use of companion measures in program improvement.

Methods for Setting State Performance Baselines, Goals, and Thresholds: The key components for setting performance goals and monitoring progress over the course of a program improvement plan involve calculating baselines, goals, and thresholds. The Children's Bureau methodology for specifying state improvement goals is statistically grounded, producing goals that are programmatically challenging, yet attainable. In addition, goals and thresholds should reflect each state's own performance history and demonstrated capacity for change. In CFSR Round 2, the percent of improvement required for each state was the same for all states, and was applied to state-specific baselines. While this standardization was easy to communicate how it applied to each state, it also meant that high-performing states were asked to make larger absolute improvements than lower-performing states. This approach did not take into account the variability in performance that states have shown over time. For CFSR Round 3, the Children's Bureau plans to set improvement goals relative to each state's past performance.

Setting Baselines: The Children's Bureau plans to set the baseline for each statewide data indicator included in a program improvement plan at the state's observed performance on that indicator for the most recent year of data available before the beginning of program improvement plan implementation. We also considered using the state's three-year average in this calculation, but that approach occasionally produced goals that fell below the state's performance in the most recent year. Consistent with CFSR Round 2, we will use the most recent year as the baseline, because it represents a reasonable estimate of the state's current performance.

Setting Goals and Thresholds: We plan to set performance goals and thresholds will be based on the variability in the state's observed performance in the three most recent years of data. There will be improvement factors, as in CFSR Round 2, but these will be driven by the variability in performance that the particular state has shown in the last three years. We will apply the improvement factors to the baseline to produce the concrete performance goal. The state's amount of improvement required for a program improvement plan will be more than what is likely, in a statistical sense, to occur by chance alone. Conversely, we plan to set thresholds as the inverse of goals, which will identify a point by which a state is demonstrating a performance decline for companion measures that is more statistically than what might be expected by chance.

We will use a technique called bootstrapping to develop goals and thresholds. The method calls for the Children's Bureau to repeatedly sample a state's past three years of performance estimates to construct a larger sample, and from that the calculation of a grand mean and standard deviation. The grand mean reflects that state's ''average'' performance and the standard deviation reflects how much normal fluctuation in performance the Children's Bureau might expect for that state, given its past performance. Then the standard deviation is used to calculate an estimate that would represent a level of change above and beyond the typical fluctuation that would otherwise be expected. The Children's Bureau will set the magnitude at four standard deviations from the grand mean. At that level we can say with confidence that—if we were to randomly estimate a state's performance on the indicator (using their past performance), and did so 100 times—we would expect to see performance at this level less than 6% of the time (or fewer than 6 times out of 100). Six times out of 100 is rather rare, which is why we can treat it as representing a statistically meaningful change has occurred in the program.[13]

To determine exactly how much a state will need to improve, we must first calculate an improvement factor, which is the percentage difference between the grand mean and four standard deviations above the grand mean. We then apply that to the baseline, which is the observed performance in the most recent year. To demonstrate a sample calculation:

> A state may have a grand mean of 50%, a grand mean plus four standard deviations = 52%, and a year 3 value of 51. This will give us an improvement factor of 52/50 = 1.04. If that is applied to the baseline of 51%, the program improvement plan goal will be 51% × 1.04 = 53.04%.

We will use a comparable technique to set thresholds for companion measures, subtracting rather than adding four standard deviations to the grand mean (when higher performance on an indicator is better), which can be used to identify a state's decline in performance. To provide an example, if a goal was calculated to be three percentage points higher than the baseline percent, the threshold would be three percentage points below it. Thresholds are only relevant to companion measures.

By design, states with less variation in performance from year to year have more modest goals, while those showing greater variation have more aggressive goals. Overall, we believe that the goals are reflective of each state's own prior experience and performance levels, with goals that are achievable and substantively meaningful. We acknowledge that a few states with the

[13] These guidelines are based on a theorem known as Chebyshev's inequality. When all you have is an overall mean and standard deviation (which is what we have for each state's performance), the theorem guarantees that a certain percent of values will be *k* standard deviations away from the mean. Specifically, at least 75% of the values will be within two standard deviations of the mean, at least 89% within three standard deviations, at least 94% within four standard deviations, at least 96% within five standard deviations, and at least 97% within six standard deviations (Chong et al. (2012). Improving Generalization Performance in Co-Evolutionary Learning. IEEE, vol. 16, no. 1, 70–85; Sheppard (2011). Environmental Study-Soil Sample Analysis for the Department of Ecology at Hanford).

lowest variation in performance for each indicator are assigned very modest goals, while a few states with the highest variation in performance are assigned very aggressive goals.

To address these problems at the extreme ends, we propose to establish minimum and maximum improvement factors. Specifically, a floor will be set at the top of the bottom fifth, and the bottom of the top fifth, ordered by the size of the improvement factor. While the impact of this rule varies somewhat from indicator to indicator, overall we believe it provides a consistent basis for producing goals that are achievable and substantively meaningful. The inverse would be done for the thresholds. The contractor's recommendations to us based on the feedback from the expert panel convened in 2013 support the setting of maximum and minimum thresholds for improvement goals at the level of performance of top and bottom quintiles.

Process for Final Indicators

We are interested in comments on all aspects of the statewide data indicators proposed and the methods to calculate national standards and program improvement. After considering the feedback to this docuemnt, we plan to publish a final list of indicators and methods that will be used in the CFSRs along with the actual national standards.

(Authority: 42 U.S.C. 1320a–1a; 45 CFR 1355.31–37.)

Mark Greenberg,

Acting Commissioner, Administration on Children, Youth and Families.

Attachment A: Proposed Statewide Data Indicators

Category	Measure title	Measure description	Denominator	Numerator	Exclusions	Notes
Safety	Maltreatment in foster care.	Of all children in foster care during a 12-month period, what is the rate of victimization per day of foster care?	(From AFCARS) Among children in foster care during a 12-month period, total number of days these children were in foster care as of the end of the 12-month period [a].	(From NCANDS) Among children in the denominator, total number of substantiated or indicated reports of maltreatment (by any perpetrator) during the 12-month period [b].	—If a state provides incident dates, records with an incident date occurring before the date of removal will be excluded. —Children in foster care <8 days. —Any report that occurs within the first 7 days of removal.	Cases are matched across AFCARS and NCANDS using AFCARS ID.
Safety	Re-report of maltreatment.	Of all children with a screened-in report of alleged maltreatment in a 12-month period (regardless of disposition), what percent had another screened-in report within 12 months of their initial report?	(From NCANDS) Number of children with at least one screened-in report of alleged maltreatment in a 12-month period.	(From NCANDS) Number of children in the denominator that had another screened-in report within 12 months of their initial report.	None	Reports are included regardless of the type of disposition, so this indicator includes both victims and non-victims.
Permanency.	Permanency in 12 months for children entering foster care.	Of all children who enter foster care in a 12-month period, what percent discharged to permanency within 12 months of entering foster care? [c]	(From AFCARS) Number of children who enter foster care in a 12-month period.	(From AFCARS) Number of children in the denominator who discharged to permanency within 12 months of entering foster care or by the time they reached 18.	—Children in foster care <8 days. —Children who enter foster care at age 18 or more.	Youth who turn 18 while in foster care who were included in the denominator will not be counted as having achieved permanency, regardless of discharge reason.
Permanency.	Permanency in 12 months for children in foster care 2 years or more.	Of all children in foster care on the first day of a 12-month period, who had been in foster care (in that episode) for 2 or more years, what percent discharged to permanency within 12 months of the first day?	(From AFCARS) Number of children in foster care on the first day of a 12-month period who had been in foster care (in that episode) for 2 or more years.	(From AFCARS) Number of children in the denominator who discharged to permanency within 12 months of the 1st day or by the time they reached 18.	—Children age 18 or more on the first day of the year.	Youth who turn 18 while in foster care who were included in the denominator will not be counted as having achieved permanency, regardless of discharge reason.

Category	Measure title	Measure description	Denominator	Numerator	Exclusions	Notes
Permanency.	Re-entry to foster care.	Of all children who enter foster care in a 12-month period who discharged within 12 months to reunification, live with relative, or guardianship, what percent re-entered foster care within 12 months of their discharge? [a]	(From AFCARS) Number of children who enter foster care in a 12-month period who discharged within 12 months to reunification, live with relative, or guardianship.	(From AFCARS) Number of children in the denominator who re-enter foster care within 12 months of their discharge.	—Children in foster care < 8 days. —Children who enter or exit foster care at age 18 or more.	If a child has multiple re-entries to foster care within 12 months of their discharge, only his first re-entry is selected.
Permanency.	Placement Stability	Of all children who enter foster care in a 12-month period, what is the rate of placement moves per day of foster care?	(From AFCARS) Among children who enter foster care in a 12-month period, total number of days these children were in foster care as of the end of the 12-month period [d].	(From AFCARS) Among children in the denominator, total number of placement moves during the 12-month period [e].	—Children in foster care < 8 days. —Children who enter foster care at age 18 or more.	The initial removal from home (and into foster care) is not counted as a placement move.

[a] For example, if during the 12-month period there were two children in foster care, one child for 10 days (1st episode), the same child for 40 days (2nd episode), and the other child for 100 days (his only episode), the denominator would = 150 days (10+40+100).
[b] For example, if during the 12-month period there were two children in foster care, and one child with 3 substantiated or indicated reports and the other with 1 such report, the numerator would = 4 reports (3+1).
[c] If a child has multiple entries during the year, only his or her first entry is selected.
[d] For example, if during the 12-month period two children entered foster care, one child for 10 days and the other child for 100 days, the denominator would be 110 days (10+100).
[e] For example, if during the 12-month period two children entered foster care, and one child had 3 moves and the other had 1 move, the numerator would = 4 moves (3+1).

Attachment B: Comparison of Data Measures—CFSR Round 2 and Round 3

Category	Measure title	Proposed CFSR round 3 indicator	Comparable CFSR round 2 measure	How and why it's changed
Safety	Maltreatment in foster care.	Of all children in foster care during a 12-month period, what is the rate of victimization per day [a] of foster care?	Of all children in foster care during the reporting period, what percent were not victims of substantiated or indicated maltreatment by a foster parent or facility staff member?	In the CFSR 2 measure, counts of children not maltreated in foster care are derived by subtracting the NCANDS count of children maltreated by foster care providers from the total count of all children placed in foster care, as reported in AFCARS. Because of improved reporting by states, we now link AFCARS and NCANDS data using the child ID and determine if maltreatment occurred *during* a foster care episode, improving accuracy on the indicator. This also allows us to expand the measure to include all types of perpetrators (including, for example, parents) under the assumption that states should be held accountable for keeping children safe from harm while in the care of the state, no matter who the perpetrator is.
Safety	Re-report of maltreatment.	Of all children with a screened-in report of alleged maltreatment in a 12-month period, what percent had another screened-in report within 12 months of their initial report?	Of all children who were victims of substantiated or indicated maltreatment allegation during the first 6 months of the reporting period, what percent were not victims of another substantiated or indicated maltreatment allegation within a 6-month period?	We are expanding the measure to count all children with screened-in reports of alleged maltreatment, because research suggests children with prior reports are at greater risk. In addition, by limiting only to victims, we could face measurement challenges as states implement Differential Response during a monitoring cycle, which could have an impact on numbers of substantiations. We also propose using a full 12-month period rather than only 6 months to capture the denominator, to create more stable estimates.

Category	Measure title	Proposed CFSR round 3 indicator	Comparable CFSR round 2 measure	How and why it's changed
Permanency.	Permanency in 12 months for children entering foster care.	Of all children who enter foster care in a 12-month period, what percent discharged to permanency within 12 months of entering foster care?	Composite 1.3: Of all children entering foster care for the first time in a 6-month period, what percent discharged to reunification (or live with relative) within 12 months of entering foster care or by the time they reached 18?	We now count all types of permanency (reunification, live with relative, adoption or guardianship) as having 'met' the indicator. We also expanded the measure to include all children who entered foster care that year; not just those on their first removal episode. We also expanded the window of time for the entry cohort to a full year instead of 6 months; this will yield more stable estimates.
Permanency.	Permanency in 12 months for children in foster care for 2 years or more.	Of all children in foster care on the first day of a 12-month period who had been in foster care (in that episode) for 2 or more years, what percent discharged to permanency within 12 months of the first day?	Composite 3.1: Of all children in foster care on the first day of a 12-month period who had been in foster care (in that episode) for 2 or more years, what percent discharged to permanency within 12 months of the first day or by the time they reached 18?	Same measure; no change. The difference is that it is now evaluated on its own, rather than as just one part of a composite measure. By including the Entry Cohort Permanency indicator (listed above) as well as the Legacy Cohort Permanency indicator, we hold states accountable not only for children in their first year of foster care, but also those children/youth who have been in foster care for long periods of time.
Permanency.	Re-entry in 12 months ...	Of all children who enter foster care in a 12-month period and discharged within 12 months to reunification, live with relative, or guardianship, what percent re-entered foster care within 12 months of their date of discharge?	Composite 1.4: Of all children discharged from foster care to reunification or live with a relative in a 12-month period, what percent re-entered foster care in less than 12 months from the date of discharge?	The new indicator is limited to those children who entered foster care during the year, whereas the CFSR Round 2 measure counted all children who discharged to reunification or live with relative, regardless of when they entered foster care. The purpose of this focus is in keeping with the rationale that new interventions may best be monitored in an entry cohort. This indicator will also be used as a companion measure with permanency in 12 months, to ensure that states working to improve permanency rates in their entry cohort do not see worsening performance on rates of re-entry to foster care. We also expanded the denominator to allow discharges to guardianship, in an effort to capture more discharges to permanency. Exits to adoption are not included because they cannot be tracked reliably, as some states issue new child identifiers if a child who was previously adopted enters foster care.
Permanency.	Placement stability	Of all children who enter foster care in a 12-month period, what is the rate of placement moves per day [b] of foster care?	Composite 4.1: Of all children served in foster care during the 12-month period, what percent had two or fewer placement settings?	The proposed indicator controls for length of time in foster care, so we are looking at moves per day of foster care, rather than children as the unit of analysis. The rationale for using an entry cohort rather than all children served is that our analysis shows children entering foster care tend to move much more than those children/youth in foster care for longer periods of time, whose placements may have stabilized. In CFSR Round 2 measure, moves that took place prior to the monitoring period were counted. Now we only count those moves that occur during the monitoring period. The initial placement is not counted. The CFSR Round 2 measure treated children who moved 2 times in an episode the same as children who moved 15 times; both were a failure to meet the measure. The new indicator counts each move, so it continues to hold states accountable for those children/youth who have already moved several times.

[a] The rate may be expressed per 100,000 days because it is such a rare event. Using this metric gives us numbers greater than zero, which are easier to communicate.

[b] The rate is expressed per 1,000 days to convert the rate to a metric that gives us numbers greater than zero.

Attachment C: Data Elements Required for Statewide Data Indicators

For instruction regarding AFCARS data elements, refer to *http://www.acf.hhs.gov/programs/cb/resource/afcars-tb1.*

For instruction with regard to NCANDS data elements, refer to *http://www.ndacan.cornell.edu/datasets/pdfs_user_guides/178-NCANDS-child2012v1-User-Guide-and-Codebook.pdf.*

Primary data elements required for calculation	Permanency by 12 months	Re-entry by 12 months	Placement stability	Re-report of maltreatment	Maltreatment in foster care
AFCARS FC Element #1: [a] Title IV–E Agency	✓	✓	✓	NA	✓
AFCARS FC Element #4: Record Number	✓	✓	✓	NA	✓
AFCARS FC Element #21: Date of Latest Removal	✓	✓	✓	NA	✓
AFCARS FC Element #23: Date of Placement in Current Foster Care Setting	NA	NA	✓	NA	NA
AFCARS FC Element #24: Number of Placement Settings during this Removal Episode	NA	NA	✓	NA	NA
AFCARS FC Element #56: Date of Discharge from FC	✓	✓	✓	NA	✓
AFCARS FC Element #58: Reason for Discharge	✓	✓	NA	NA	NA
NCANDS CF Element #4: Child ID	NA	NA	NA	✓	NA
NCANDS CF Element #6: Report Date	NA	NA	NA	✓	✓
NCANDS CF Element #27: Child Maltreatment 1—Disposition Level [b]	NA	NA	NA	NA	✓
NCANDS CF Element #29: Child Maltreatment 2—Disposition Level	NA	NA	NA	NA	✓
NCANDS CF Element #31: Child Maltreatment 3—Disposition Level	NA	NA	NA	NA	✓
NCANDS CF Element #33: Child Maltreatment 4—Disposition Level	NA	NA	NA	NA	✓
NCANDS CF Element #34: Maltreatment death	NA	NA	NA	NA	✓
NCANDS CF Element #145: AFCARS ID	NA	NA	NA	NA	✓

[a] The elements are numbered by their position in the flat ASCII files submitted by states to these reporting systems. These numbering schema are specific to the files utilized by ACYF. Files obtained through the National Data Archive on Child Abuse and Neglect (NDACAN) may have a slightly different order.

[b] Definition of 'victim' includes all children with a disposition level (for any of up to four maltreatments per child) of: a) Substantiated, or b) Indicated. These do not propose including differential response victims. Victims also include children who died as a result of maltreatment.

Additional data elements required for risk-adjusted Analysis [c]	Permanency by 12 months	Re-entry by 12 months	Placement stability	Re-report of maltreatment	Maltreatment in foster care
AFCARS FC Element #6: Child's Date of Birth	✓	✓	✓	NA	✓
AFCARS FC Element #7: Child Sex	✓	✓	✓	NA	✓
AFCARS FC Element #19: Total # of Removals	✓	✓	✓	NA	✓
NCANDS CF Element #14: Child Age	NA	NA	NA	✓	NA
NCANDS CF Element #17: Child Sex	NA	NA	NA	✓	NA
US Census Bureau: Child Population, by State	✓	✓	NA	✓	✓

[c] In addition to those data elements used for risk adjustment, a few more are used to make necessary adjustments to outcomes; for example, we use the child's current placement setting to determine if he or she is in Trial Home Visit before Reunification and, if so, time in foster care is adjusted consistent with adjustments for trial home visits used in CFSR Round 2. If a state provides NCANDS CF Element #146, Incident Date, an adjustment will be made to the *maltreatment in foster care* indicator to improve accuracy.

[FR Doc. 2014–09001 Filed 4–22–14; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 14, 15, and 52

[FAR Case 2014–001; Docket No. 2014–0001; Sequence No. 1]

RIN 9000–AM78

Federal Acquisition Regulation; Incorporating Section K in Contracts

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to standardize the incorporation by reference of representations and certifications in contracts.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before June 23, 2014 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2014–001 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2014–001''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2014–001.'' Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FAR Case 2014–001'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2014–001, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis Glover, Sr., Procurement Analyst, at 202–501–1448, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAR Case 2014–001.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to revise the language at FAR subpart 4.12, Representations and Certifications, and add a new clause at FAR 52.204–X to standardize the incorporation by reference of representations and certifications in contracts. In the Uniform Contract Format, section K is the ''Representations, certifications, and other statements of offerors or respondents''. Currently, FAR 15.204–1 requires incorporation by reference of section K into the contract.

Additionally, the standard contract award forms are inconsistent regarding the reference to Section K. Standard Forms (SF) 26 and 33, and Optional Form 307 each have a block for the page numbers where Section K is located in the contract, whereas, the other solicitation/award forms (SFs 252, 1442, 1447, and 1449) are silent.

This case revises the language at FAR subpart 4.12, Representations and Certifications, and adds a new clause at FAR 52.204–X to standardize the incorporation by reference of representations and certifications in contracts regardless of which contract award form is used. The commercial items clause 52.212–4 will have a new paragraph (v) to cover this issue for commercial items.

II. Executive Orders 12866 and 13563

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

III. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because it only standardizes the incorporation by reference of representations and certifications in contracts.

However, an Initial Regulatory Flexibility Analysis has been performed and is summarized as follows:

The standard process is for the offeror to submit the representations and certifications with each proposal to demonstrate compliance with a variety of statutes and regulations. The proposed rule does not revise, change or impact the existing representations and certifications submissions done by small entities; therefore, this proposed rule will have no significant impact on a substantial number of small entities. There are no recordkeeping, reporting, or other compliance requirements associated with the proposed rule. The rule does not duplicate, overlap, or conflict with any other Federal rules.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2014–001), in correspondence.

IV. Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 4, 14, 15, and 52

Government procurement.

Dated: April 17, 2014.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 4, 14, 15, and 52 as set forth below:

■ 1. The authority citations for 48 CFR part 4, 15, and 52 continue to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE MATTERS

■ 2. Amend section 4.1200 by—

■ a. Removing from the end of paragraph (a) the word ''and'';

■ b. Removing from the end of paragraph (b) the period and adding ''; and'' in its place; and

■ c. Adding paragraph (c) to read as follows:

4.1200 Scope.

* * * * *

(c) Incorporate by reference the contractors' representations and certifications in the awarded contract.

■ 3. Amend section 4.1201 by adding paragraph (d) to read as follows:

4.1201 Policy.

* * * * *

(d) The contracting officer shall incorporate the representations and certifications by reference in the contract (see 52.204–X, or for commercial items see 52.212–4(v)).

■ 4. Amend section 4.1202 by—

■ a. Redesignating paragraphs (a) through (bb) as paragraphs (1) through (28), respectively;

■ b. Designating the introductory text as paragraph (a); and

■ c. Adding a new paragraph (b) to read as follows:

4.1202 Solicitation provision and contract clause.

* * * * *

(b) The contracting officer shall insert the clause at 52.204–X, Incorporation by Reference of Representations and Certifications, in solicitations and contracts.

PART 14—SEALED BIDDING

■ 5. The authority citation for part 14 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

■ 6. Amend section 14.201–1 by adding a sentence at the end of paragraph (c) to read as follows:

14.201–1 Uniform contract format.

* * * * *

(c) * * * The representations and certifications are incorporated by reference in the contract by using 52.204–X (see 4.1202(b)) or for commercial items 52.212–4(v).

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

■ 7. Amend section 15.204–1 by revising the last sentence of paragraph (b) to read as follows:

15.204–1 Uniform contract format.

* * * * *

(b) * * * The representations and certifications shall be incorporated by reference in the contract by using 52.204–X (see 4.1202(b)) or for commercial items 52.212–4(v).

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.204–8 [Amended]

■ 8. Amend section 42.204–8 by removing from the introductory text ''4.1202'' and adding ''4.1202(a)'' in its place.

■ 9. Add section 52.204–X to read as follows:

52.204–X Incorporation by Reference of Representations and Certifications.

As prescribed in 4.1202(b), insert the following clause:

Incorporation by Reference of Representations and Certifications (Date)

The contractor's representations and certifications, including those completed electronically via the System for Award Management (SAM), are incorporated by reference into the contract.

(End of clause)

■ 10. Amend section 52.212–4 by revising the clause heading; and adding paragraph (v) to read as follows:

52.212–4 Contract Terms and Conditions—Commercial Items.

* * * * *

Contract Terms and Conditions—Commercial Items (Date)

* * * * *

(v) *Incorporation by reference.* The contractor's representations and certifications, including those completed electronically via the System for Award Management (SAM), are incorporated by reference into the contract.

* * * * *

[FR Doc. 2014–09231 Filed 4–22–14; 8:45 am]

BILLING CODE 6820–EP–P

Notices

Federal Register

Vol. 79, No. 78

Wednesday, April 23, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 17, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 23, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Animal and Plant Health Inspection Service

Title: U.S. Origin Health Certificate.

OMB Control Number: 0579–0020.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. As part of its mission to facilitate the export of U.S. animals and products, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), maintains information regarding the import health requirements of other countries for animals and animal products exported from the United States. Most countries require a certification that the animals are disease free. The VS form 17–140 and 17–140A&B, U.S. Origin Health Certificate, and VS form 17–145, U.S. Origin Health Certificate for the Export of Horses from the United States to Canada, are used to meet these requirements. The forms are authorized by 21 U.S.C. 112.

Need and Use of the Information: The U.S. Origin Health Certificate is used in connection with the exportation of animals to foreign countries and is completed and authorized by APHIS veterinarian. The information collected is used to: (1) Establish that the animals are moved in compliance with USDA regulations, (2) verify that the animals destined for export are listed on the health certificate by means of an official identification, (3) verify to the consignor and consignee that the animals are healthy, (4) prevent unhealthy animals from being exported and (5) satisfy the import requirements of receiving countries. Without the information, APHIS would be unable to certify the health status of animals exported from the United States to other countries.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 1,393.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 17,611.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–09264 Filed 4–22–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Enoree Ranger District; South Carolina; Chester County Stream and Riparian Restoration/Enhancement Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Chester County Stream and Riparian Restoration/Enhancement Project will involve restoring and enhancing the hydrologic, riparian and aquatic functions within four watersheds located on National Forest System (NFS) lands in Chester County, S.C., and help meet the stream restoration goals outlined in the 2004 Revised Land and Resource Management Plan, *Sumter National Forest* (Forest Plan). More specifically, the Project Area is located along the western most portion of Chester County, approximately two miles south of Lockhart, and is bounded by the Broad River to the west and Hwy. SC 49 to the east. It includes four watersheds: Clarks Creek, Little Turkey Creek, McCluney Branch and an unnamed tributary to Clarks Creek. Restoration work will be accomplished through the use of the following stream restoration design approaches: Floodplain reconnection (FR) (also known as a Rosgen Priority 1), floodplain excavation (FE) (also known as a Rosgen Priority 2), and floodplain benches (FB) (also known as a Rosgen Priority 3). Selection of a restoration approach is made for each stream segment based on individual stream and floodplain conditions, and a combination of approaches is typically employed within an individual watershed to meet site conditions. Approximately 18 miles of streams are proposed for restoration.

DATES: Comments concerning the scope of the analysis must be received by May 23, 2014. The draft environmental impact statement is expected July 2014

and the final environmental impact statement is expected November 2014.

ADDRESSES: Send written comments to USDA Forest Service, 4931 Broad River Road, Columbia, SC 29212. Comments may also be sent via email to *comments-southern-francismarion-sumter@fs.fed.us*, or via facsimile to 803–561–4004.

FOR FURTHER INFORMATION CONTACT: Chris Evans (*chrisevans@fs.fed.us*), 864–427–9858.

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:

Purpose and Need for Action

The purpose and need for this Project is to restore and enhance the hydrologic and aquatic functions within four watersheds (Project Area) located upon lands of the Sumter National Forest in Chester County, SC. Hereinafter in this Environmental Impact Statement (EIS), ''restore'' is used synonymously with ''rehabilitate''. This change in condition would restore riparian functions and help move the current stream systems toward stability and reestablishment of natural stream and related habitat forming processes. This may include, but not be limited to, restoring the hydrologic regime including reconnecting streams to their respective floodplains, reducing sedimentation and stabilizing banks, improving in-stream and riparian habitats, and improving water quality.

In 2010, the United States Army Corps of Engineers (the Corps) approached the Forest Service about the potential for completing compensatory mitigation projects upon National Forest System lands. The Corps' Final Mitigation Rule (the Rule) requires that compensatory mitigation be completed within or immediately adjacent to the watershed where the impacts are occurring. The Enoree Ranger District is geographically located within the Lower Broad, Enoree and Tyger sub-basins (8-digit Hydrologic Unit Codes (HUC)), making it within the primary service area for projects in Greenville, Spartanburg and possibly the greater Charlotte metro area. There is high demand for compensatory mitigation in these HUCs, while currently no private mitigation banks are serving them. The Rule also clarifies that public lands are appropriate for use in completion of compensatory mitigation projects, provided a land management plan is in place to enable long-term protection and management of the mitigation property.

Stream restoration is a primary goal of the Forest Service's 2004 Revised Land and Resource Management Plan (Plan) and the Plan includes multiple objectives designed to restore and enhance stream habitat and aquatic communities within the Project Area streams. The Forest Service and Corps have entered into a regional Conservation Land Use Agreement that sets forth the policies, undertakings, and responsibilities governing the use of Sumter National Forest lands for compensatory mitigation projects required or authorized under the Corp's permit program. In May 2011, the Forest Service began discussions with the Corps and Duke Energy Carolinas, LLC (Duke Energy) regarding the potential for a compensatory mitigation project to be completed on the Enoree Ranger District. The project would be used to offset the impacts associated with Duke Energy's construction of a drought contingency reservoir for the proposed Lee Nuclear Station in Cherokee County, SC.

It is the intent of this EIS to identify those watersheds within the analysis area that may benefit from restoration and enhancement, and to provide the required documentation so that they may be considered for future use as compensatory mitigation properties.

Background

The Project Area is located along the western most portion of Chester County, South Carolina, approximately 2 miles south of Lockhart. The Project Area is bounded by the Broad River to the west and Highway SC–49 to the east. The potential restoration work to be completed within the Project Area includes approximately 18 miles of streams within four watersheds: Clarks Creek, Little Turkey Creek, McCluney Branch, and an unnamed tributary to Clarks Creek.

Native Americans moved into the Broad River valley about 12,000 years ago. Their populations remained relatively low throughout their occupation and their impact on the environment was limited. Small groups of European settlers first moved into the project area in the 1750s.They were primarily farmers who cultivated level terrain along the major streams and rivers. An influx of settlement followed the American Revolution with these settlers moving into the uplands. Cotton agriculture started in the early 1800's and continued as the main staple crop in the Piedmont until the early 1900's. Extensive tracts of erosion prone land were cleared for cultivation. Fields that were allowed to lay fallow after the growing season were soon subjected to sheet erosion which quickly became gullies. When federal acquisition began in the 1930s, the South Carolina Piedmont was one of the most severely eroded regions in the United States (SNF Cultural Resources Overview 2006). Sediment covers Piedmont stream valleys in varying depths up to several feet and has inundated once pristine stream and wetland systems (SNF Component Final Mitigation Plan 2012). Streams within the Project Area reflect past land management practices that have led to the deteriorated conditions and reduced stream function.

Past land abuses as described above within the Project Area have led to deeply incised streambeds that are subject to reduced floodplain interactions and ongoing water quality and aquatic habitat degradation (Forest Service 2004). Streams are incised and disconnected from an active floodplain, which exacerbates in-stream channel erosion and further down-cutting, and substantially limits the hydrologic, physical, chemical, and biological function that would likely occur when a stream has access to its floodplain.

Forest Goals and Objectives

This proposal is consistent with the 2004 Revised Land and Resource Management Plan, Sumter National Forest (Plan) that provides goals and objectives for the Project Area.

Restoring and enhancing the historic hydrologic and aquatic functions in the Project Area would help meet the following goals and objectives in the Plan.

Goal 1 Watersheds are managed (and where necessary restored) to provide resilient and stable conditions to ensure the quality and quantity of water necessary to protect ecological functions and support intended beneficial water uses.

- Objective 1.01—Improve soil and water conditions on 1,500 acres through stabilization or rehabilitation of actively eroding areas such as gullies, barren areas, abandoned roads or trails, and unstable stream banks over the 10-year planning period.

Goal 2 Manage in-stream flows and water levels, by working with other agencies if possible, to protect stream processes, aquatic and riparian habitats and communities, and recreation and aesthetic values.

- Objective 2.01—The in-stream flows needed to protect stream processes, aquatic and riparian habitats and communities, and recreation and aesthetic values will be determined on 50 streams.

Goal 3 Riparian ecosystems, wetlands, and aquatic systems are managed (and where necessary restored) to protect and maintain their physical, chemical, and biological integrity.

Goal 4 Maintain or restore natural aquatic and riparian communities or habitat conditions in amounts, arrangements, and conditions to provide suitable habitats for riparian dependent and migratory species, especially aquatic species including fish, amphibians, and water birds within the planning area. Perennial and intermittent streams are managed in a manner that emphasizes and recruits large woody debris.

• Objective 4.01—Create and maintain dense understory of native vegetation on 1–5 percent of the total riparian corridor acreage during the 10-year planning period.

Goal 6 Cooperate with landowners and other partners to address watershed needs and participate in efforts to identify stream problems, watershed planning, BMP (Best Management Practice(s)) and Total Maximum Daily Load (TMDL) implementation with the South Carolina Department of Health and Environmental Control, South Carolina Forestry Commission and other agencies.

Goal 9 Provide habitats to sustain the diversity and distribution of resident reptile and amphibian species as well as breeding, wintering, and migration staging and stopover habitat for migratory birds in ways that contributes to their long-term conservation.

Goal 11:

• Objective 2—Restore and enhance stream habitat and aquatic communities in 50 miles of streams. This includes woody debris, stream bank stabilization, brook trout restoration, and in stream habitat improvement.

Goal 14 Manage forest ecosystems and associated communities to maintain or restore composition, structure, function and productivity over time.

Proposed Action

The Proposed Action is to restore and enhance the hydrologic and aquatic functions on approximately 18 miles of streams within the Project Area's four watersheds, namely McCluney Branch, Little Turkey Creek, Clarks Creek, and an unnamed tributary to Clarks Creek). The Proposed Action represents an effort to restore ecosystem functions across multiple watersheds and at a landscape-scale, which when completed would provide regionally-significant ecological benefits.

To accomplish the restoration work, the following restoration design approaches would be used: Floodplain reconnection (FR), floodplain excavation (FE), and floodplain benches (FB). The stream restoration approaches are summarized in Table 1; definitions for the design approaches are provided in Table 2.

Selection of a restoration approach is made for each stream segment based on individual stream and floodplain conditions, and a combination of approaches is typically employed within an individual watershed to meet site conditions. An understanding of the approach can be used to generally describe the project footprint, the amount of excavation and fill material needed to complete the work, and the ecological outcome of the proposed project. Implementation would ultimately require more detailed designs that identify specific construction details (e.g., channel patterns, longitudinal profiles, cross-sections, in-stream channel structures for aquatic species habitat (e.g., large wood, rock substrate), substrate modifications, planting native vegetation, and restoration of work areas). The proposed stream restoration approaches for the various stream reaches are identified in Table 1.

TABLE 1—SUMMARY OF THE PROPOSED RESTORATION

Stream	Restoration length*	Restoration approach
McCluney Branch	3.1	Floodplain Reconnection. Floodplain Excavation.
Little Turkey Creek	4.6	Floodplain Reconnection. Floodplain Excavation.
Clarks Creek	7.0	Floodplain Reconnection. Floodplain Excavation. Floodplain Benches.
Unnamed Tributary to Clarks Creek	3.1	Floodplain Benches Floodplain Excavation.
Total Length	17.9	

*Approximate lengths.

For the four watersheds, the restoration would include a variety of methods to return natural channel form, floodplain function and habitat conditions. Restoration would involve some earthmoving and shaping of the channel and floodplain and to the extent possible, soil borrow and disposal areas would occur within these small watersheds. Activities would include some temporary roads and repair or replacement of facilities such as roads, culverts and bridges. Other restoration activities would involve some removal of trees and vegetation to accommodate the restoration work. Stream restoration would include planting native tree, shrub, and herbaceous vegetation to help stabilize the stream banks and adjacent areas, provide habitat improvements and to speed recovery within the areas temporarily disturbed by construction activities. Mitigation measures would be chosen to accelerate stabilization rates to limit erosion and restore native forest and vegetation types.

• *McCluney Branch:* Proposed activities for restoration within McCluney Branch include floodplain reconnection and floodplain excavation. A hybrid restoration approach would be used in smaller drainage areas to create a wetland/intermittent stream complex with little or no defined stream channels, similar to what was historically present in these areas. Restoration would involve some earthmoving and shaping of the floodplain, including the use of soil borrowed from areas both within and potentially outside of the watershed. In the lower portion of McCluney Branch, floodplain excavation would be used to transition the stream bed to the existing

elevation of the stream near Broad River.

• *Little Turkey Creek:* The floodplain excavation approach would be used in the upstream part of the watershed, and then the floodplain reconnection approach would be used in the middle part of the watershed. Floodplain excavation would be used to transition the restored channel back into the existing stream channel in the lower portion of the watershed. Restoration would involve some earthmoving and shaping of the floodplain, including the use of soil borrowed from areas both within and potentially outside of the watershed. Also, some additional structural diversity such as boulders and cobble rock may be added to a portion of the newly created stream channel.

• *Clarks Creek:* All three restoration approaches (i.e., floodplain reconnection, floodplain excavation, and floodplain benches) would be used to restore Clarks Creek. The upstream portions of Clarks North Fork tributary would begin with the floodplain excavation, transitioning quickly to the floodplain reconnection approach below the first tributary stream; this tributary stream would have a short section of floodplain reconnection in its headwaters. Downstream of this area, the floodplain reconnection approach would be used before reaching a short segment where no restoration is proposed. The approach for the middle sections of Clark Creek would transition from floodplain excavation down into floodplain reconnection along the mainstem of Clarks Creek, where the approach would have a final transition back to floodplain excavation so that the stream can tie into the existing stream bed. Within the Clarks South Fork tributary, the stream would transition from floodplain reconnection to floodplain excavation, and then through a short segment adjacent to the Project Area boundary that would be restored using the floodplain bench approach. The downstream area would then transition from floodplain excavation back to floodplain reconnection, as it joins the mainstem at the confluence with Clarks North Fork. Restoration would involve extensive earthmoving and shaping of the floodplain, including both the use of borrowed soil and disposal of excess soil to areas outside of the floodplain.

• *Unnamed Tributary to Clarks Creek:* The Unnamed Tributary to Clarks Creek would be restored using the floodplain benches approach as well as floodplain excavation in localized sections. Restoration activities proposed on this stream would be targeted to key problem areas to help augment natural channel changes the stream is undergoing as it moves toward greater stability. Restoration would involve moderate to extensive earthmoving and shaping of the floodplain in key areas, including both the use of borrowed soil and disposal of excess soil to areas outside of the floodplain. To the extent possible, soil borrow and disposal areas would occur within watershed.

Forest Service Plan Amendment

The proposed action includes a non-significant forest plan amendment to the *Revised Land and Resource Management Plan, Sumter National Forest* (Forest Plan). The amendment would change current Forest Plan management direction to allow for implementation (construction, reconstruction and maintenance) of the Chester County Stream and Riparian Restoration/Enhancement Project (stream restoration project) in project streams only.

Proposed Forest Plan changes would:

1. Allow heavy equipment within project stream channels during implementation and maintenance activities.
2. Allow removal of trees and other vegetation on project stream banks during implementation and maintenance activities.
3. Allow removal of hardwood inclusions (½ acre in size or larger) in pine stands dominated by hard and soft mast species where needed during implementation activities.
4. Allow removal of trees in areas with old growth characteristics where necessary during implementation of the steam restoration project.
5. Allow removal of healthy shortleaf pine in areas where necessary during implementation of the steam restoration project.
6. Allow stream restoration project work to take place on plastic soils with approval of the forest soil scientist on a case-by-case basis.
7. In the short term, change the scenic integrity objective for stream restoration work to moderate in management prescriptions 6.C, 7.D, 7.E.1, 7.E.2, 9.A.3, 9F, and 11 in the project area to allow the restoration work to be completed.
8. Allow temporary removal of large woody material during restoration and maintenance work.
9. Allow minimal impacts to rare communities during stream restoration and maintenance work.

Connected Actions

The following activities would be conducted in connection with stream restoration and enhancement activities.

• Road Reconstruction and Maintenance: Road maintenance and/or reconstruction would be needed on existing Forest Service system roads. Reconstruction work would consist of but not be limited to graveling road surfaces, replacing culverts—including replacements for aquatic organism passage, ditch cleaning, removing brush and trees along road rights-of-way, installing, repairing or replacing gates and correcting road safety hazards. Bridge replacements may be necessary on some roads to accommodate the restored stream. Road maintenance would consist of spot gravel replacement, blading, cleaning culverts, light brushing and mowing.

• Temporary Roads: Stream restoration work would require the construction of temporary roads during project implementation work. Upon completion of restoration activities, temporary roads would be closed, obliterated and adequate erosion and stormwater control measures completed. Road surfaces would be replanted with native and desirable non-native vegetation.

• Soil Borrow and Soil Deposition Areas: Implementation of the project would generate the need for soil borrow to fill in and shape the new channels and adjacent areas. Likewise, sediment deposited by past land erosion would be removed in some locations, generating soil that would need to be deposited elsewhere. Soil borrow and deposition areas would be established on national forest system lands within the project area and transported to the stream restoration areas as needed.

• Merchantable Timber: The project would result in the removal of trees within the stream restoration areas and from the soil borrow and deposition areas. Merchantable timber would likely be sold. Some of the woody material would be utilized in the restoration work. Trees would be cut down and skidded to landings where it would be transported off site or used in the restoration work. All landings and skid trails would be closed, water-barred, and reseeded.

TABLE 2—STREAM RESTORATION METHODS—DEFINITIONS

Restoration approach (based on Rosgen, 1997)	Terms and definitions for EIS
Floodplain Reconnection (FR)	• Raise the streambed and use the existing valley elevation as the floodplain. • Create a meandering stable channel on existing forest bottom with alternating riffle and pool bed forms. • Small headwater streams may have a small step-pool channel or swale. • Fill/plug sections of old stream channel and create oxbow ponds and wetlands; may include the use of groundwater dams.
Floodplain Excavation (FE)	• Excavate, at the stream's existing bankfull elevation, a new floodplain that is wide enough to support a meandering channel. The stream bed elevation remains nearly the same. • Create or allow for the natural development of a meandering channel with alternating riffle and pool bed forms.
Floodplain Benches (FB)	• Constraints in the stream corridor will not support a meandering channel. • Excavate relatively narrow, floodplain benches at the stream's existing bankfull elevation. • Create a relatively straight channel that dissipates energy through a step-pool bed form rather than a meandering stream.

Rosgen. D.L. 1997. A Geomorphological Approach to Restoration of Incised Rivers. In: Proceedings of the Conference on Management of Landscapes Disturbed by Channel Incision, S.S.Y Wang, E.J. Langendoen, & F.D. Shields (Editors). University of Mississippi. Oxford.

To view project vicinity, location map and more detailed information about proposed treatments go to: *http://www.fs.fed.us/nepa/nepa_project_exp.php?project=44310*.

Lead and Cooperating Agencies

The United States Army, Corps of Engineers—Regulatory Division, Charleston District, Charleston, South Carolina will be a cooperating agency on this project.

Responsible Official

The Forest Supervisior for the Francis Marion/Sumter National Forests.

Nature of Decision To Be Made

Whether or not to implement the action as proposed or an alternative way to achieve the desired outcome.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. A public scoping meeting will be held in Chester County at the West Chester Community Center, located at 2684 West Chester School Road, Chester, SC 29706 on April 28, 2014 from 4:30 p.m. to 6:30 p.m.

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 also be accepted and considered, however.

Dated: April 17, 2014.

Robin Mackie,

Acting Forest Supervisor.

[FR Doc. 2014–09215 Filed 4–22–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–805]

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

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Spain. The period of review (POR) is March 1, 2012, through February 28, 2013. The review covers one producer/exporter of the subject merchandise, Gerdau Aceros Especiales Europa, S.L. (Gerdau).[1] We preliminarily find that subject merchandise has not been sold at less than normal value. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* April 23, 2014.

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

SUPPLEMENTARY INFORMATION:

Scope of the Order

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

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

[1] We preliminarily determine that Gerdau is the successor-in-interest to Sidenor Industrial S.L. For further discussion, *see* the memorandum from James Maeder, Director, Office II, Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Spain'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[2] A full description of the scope of the order is contained in the Preliminary Decision Memorandum.

the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

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

Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Gerdau for the period March 1, 2012, through February 28, 2013.

Disclosure and Public Comment

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

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

Assessment Rates

Upon completion of the administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If Gerdau's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If Gerdau's weighted-average dumping margin continues to be zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.''[6]

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

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

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from Spain entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Gerdau will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 25.77 percent, the all-others rate established in the *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Spain,* 59 FR 66931 (December 28, 1994). These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

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

Dated: April 17, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

A. Summary
B. Background
C. Scope of the Order
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[3] *See* 19 CFR 351.309(d).

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

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

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

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[FR Doc. 2014–09281 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet and Strip From the United Arab Emirates: Partial Rescission of Antidumping Duty Administrative Review; 2012–2013

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

DATES: *Effective Date:* April 23, 2014.

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

Background

On November 1, 2013, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet and strip from the United Arab Emirates covering the period November 1, 2012, through October 31, 2013.[1] The Department received a timely request from Petitioners [2] for an AD administrative review of two companies: JBF RAK LLC (JBF) and Flex Middle East FZE (Flex).[3] In addition, the Department received a timely request for an AD review of itself from JBF.[4] On December 30, 2013, the Department published a notice of initiation of administrative review with respect to Flex and JBF.[5] On March 31, 2014, petitioners withdrew their request for an AD administrative review of Flex.[6]

Rescission in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioners' March 31, 2014 withdrawal request was submitted within the 90-day period and thus is timely.[7] Because Petitioners' withdrawal of their requests for review is timely and because no other party requested a review of Flex, we are rescinding this review with respect to this company, in accordance with 19 CFR 351.213(d)(1). The request from petitioners for an administrative review of JBF has not been withdrawn. As such, we are not rescinding the review with respect to JBF.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess ADs on all appropriate entries. Subject merchandise of Flex will be assessed ADs at rates equal to the cash deposit of estimated ADs required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

This notice serves as a final reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of ADs prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the ADs occurred and the subsequent assessment of double ADs.

Notification Regarding Administrative Protective Orders

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

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: April 17, 2014.

James Maeder,

Director, Office II, Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–09282 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 78 FR 65612, 65613 (November 1, 2013).

[2] Petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc.

[3] *See* Petitioners' letter, ''Polyethylene Terephthalate (PET) Film, Sheet, and Strip from United Arab Emirates: Request for Antidumping Duty Administrative Review,'' dated December 2, 2013.

[4] *See* JBF's letter, ''JBF RAK LLC/Request for A/D Administrative Review: Polyethylene Terephthalate (PET) Film, Sheet, and Strip from United Arab Emirates,'' dated November 29, 2013.

[5] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 78 FR 79392 (December 30, 2013).

[6] *See* Petitioners' letter ''Withdrawal of Request for Antidumping Duty Administrative Review of Flex Middle East FZE,'' dated March 31, 2014.

[7] The 90th day fell on March 30, 2014. However, because this day fell on a weekend, the actual due date is the following business day, *i.e.,* March 31, 2014. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533, 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–928, A–791–821, A–552–803]

Uncovered Innerspring Units From the People's Republic of China, South Africa, and Socialist Republic of Vietnam: Continuation of Antidumping Duty Orders

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

SUMMARY: The Department of Commerce (the Department) and the International Trade Commission (the ITC) determined that revocation of the antidumping duty (AD) orders on uncovered innerspring units from the People's Republic of China (PRC), South Africa, and Socialist Republic of Vietnam (Vietnam) would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States. Therefore, the Department is publishing a notice of continuation of these AD orders.

DATES: *Effective Date:* April 23, 2014.

FOR FURTHER INFORMATION CONTACT: Sandra Dreisonstok or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW.,

Washington, DC 20230; telephone: (202) 482–0768 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2013, the Department published the notice of initiation of the first sunset reviews of the AD orders on uncovered innerspring units from the PRC, South Africa, and Vietnam, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] As a result of its reviews, the Department determined that revocation of the AD orders on uncovered innerspring units from the PRC, South Africa, and Vietnam would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the orders be revoked.[2] On April 11, 2014, pursuant to section 751(c) of the Act, the ITC determined that revocation of the AD orders on uncovered innerspring units from the PRC, South Africa, and Vietnam would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

Scope of the Orders

The merchandise covered by these orders is uncovered innerspring units composed of a series of individual metal springs joined together in sizes corresponding to the sizes of adult mattresses (*e.g.,* twin, twin long, full, full long, queen, California king, and king) and units used in smaller constructions, such as crib and youth mattresses. All uncovered innerspring units are included in this scope regardless of width and length. Included within this definition are innersprings typically ranging from 30.5 inches to 76 inches in width and 68 inches to 84 inches in length. Innersprings for crib mattresses typically range from 25 inches to 27 inches in width and 50 inches to 52 inches in length.

Uncovered innerspring units are suitable for use as the innerspring component in the manufacture of innerspring mattresses, including mattresses that incorporate a foam encasement around the innerspring. Pocketed and non-pocketed innerspring units are included in this definition. Non-pocketed innersprings are typically joined together with helical wire and border rods. Non-pocketed innersprings are included in this definition regardless of whether they have border rods attached to the perimeter of the innerspring. Pocketed innersprings are individual coils covered by a ''pocket'' or ''sock'' of a nonwoven synthetic material or woven material and then glued together in a linear fashion.

Uncovered innersprings are classified under subheading 9404.29.9010 and have also been classified under subheadings 9404.10.0000, 7326.20.0070, 7320.20.5010, or 7320.90.5010 of the Harmonized Tariff Schedule of the United States (HTSUS). On January 11, 2011, the Department included HTSUS classification numbers 9404.29.9005 and 9404.29.9011 to the customs case reference file, pursuant to a request by U.S. Customs and Border Protection (CBP). On January 7, 2013, the Department included the HTSUS classification 7326.20.0071 number to the customs case reference file, pursuant to a request by CBP. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the AD orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping orders on uncovered innerspring units from the PRC, South Africa, and Vietnam. CBP will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year reviews of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These sunset reviews and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: April 17, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–09275 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 65614 (November 1, 2013).

[2] *See Uncovered Innerspring Units From the People's Republic of China, South Africa, and Socialist Republic of Vietnam: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders,* 79 FR 13277 (March 10, 2014).

[3] *See Uncovered Innerspring Units From China, South Africa, and Vietnam,* 79 FR 20230 (April 11, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Circular Welded Carbon Steel Pipe and Tube Products From Turkey: Preliminary Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Intent To Rescind Countervailing Duty Administrative Review, in Part

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on circular welded carbon steel pipe and tube products from Turkey (steel pipe) for the period of review (POR) of January 1, 2012, through December 31, 2012. The review covers one producer/exporter of subject merchandise that the Department selected for individual examination: Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB), and Borusan Istikbal Ticaret T.A.S. (Istikbal), (collectively, the Borusan Companies). Additionally, this review covers two firms that were not individually examined: Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan AS) and Erbosan Erciyas Pipe Industry and Trade Co. Kayseri Free Zone Branch (Erbosan FZB), (collectively Erbosan), and Tosyali dis Ticaret A.S. (Tosyali) and Toscelik Profil ve Sac Endustrisi A.S. (Toscelik Profil), (collectively, Toscelik). We preliminarily determine that the Borusan Companies received countervailable subsidies during the POR but that the total net subsidy rate is less than 0.5 percent *ad valorem* and, therefore, *de minimis.* For purposes of these preliminary results, we assigned Erbosan and Toscelik, the non-selected respondents, net subsidy rates of *de minimis* and 0.83 percent *ad valorem,* respectively. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* April 23, 2014.

FOR FURTHER INFORMATION CONTACT: Jolanta Lawska, 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: 202–482–8362.

Scope of the Order

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (HTSUS) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Intent To Rescind the 2012 Administrative Review, in Part

Umran Celik Born Sanayii A.S. (also known as Umran Steel Pipe Inc.) (Umran), Yucel Group and all affiliates including Yucel Boru ye Profil Endustrisi A.S, Yucelboru Ihracat Ithalat ye Pazarlama A.S, and Cayirova Born Sanayi ye Ticaret A.S.) (collectively, Yucel), and Guven Steel Pipe (also known as Guven Celik Born San. Ve Tic. Ltd.) (Guven) submitted letters to the Department on May 6, 2013, May 17, 2013, and June 4, 2013, respectively, timely certifying that they had no sales, shipments, or entries, directly or indirectly, of subject merchandise to the United States during the POR.[1] Petitioners did not comment on Yucel's, Umran's, and Guven's claims of no sales, shipments, or entries. On May 28 and 29 and June 18, 2013, we transmitted ''No-Shipment Inquiries'' to U.S. Customs and Border Protection (CBP) regarding these companies. We did not receive any information from CBP contrary to Yucel's, Guven's, and Umran's claims of no sales, shipments, or entries of subject merchandise to the United States during the POR. Accordingly, based on record evidence, we preliminarily determine that Yucel, Umran, and Guven did not ship subject merchandise to the United States during the POR. Therefore, in accordance with 19 CFR 351.213(d)(3), and consistent with our practice,[2] we preliminarily determine to rescind the review for Yucel, Umran, and Guven.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[3] For a full description of the methodology underlying our conclusions, *see* Decision Memorandum for Preliminary Results of Countervailing Duty (CVD) Administrative Review: Circular Welded Carbon Steel Pipe and Tube Products from Turkey (Preliminary Decision Memorandum) from James Maeder, Director, Office II, Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with these results and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the 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://enforcement.trade.gov/frn/.*

The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department determined that the following preliminary net subsidy rates exist for the period January 1, 2012, through, December 31, 2012:

Company	Net subsidy rate
Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB), and Borusan Istikbal Ticaret T.A.S. (Istikbal), (collectively, the Borusan Companies).	0.31 percent *ad valorem (de minimis).*
Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan AS) and Erbosan Erciyas Pipe Industry and Trade Co. Kayseri Free Zone Branch (Erbosan FZB), (collectively Erbosan).	*de minimis.*
Tosyali dis Ticaret A.S. (Tosyali) and Toscelik Profil ve Sac Endustrisi A.S. (Toscelik Profil), (collectively, Toscelik).	0.83 percent *ad valorem.*

Assessment and Cash Deposit Requirements

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this review. If the final results remain the same as these preliminary results, the Department will instruct CBP to liquidate without regard to CVDs all shipments of subject merchandise produced by the Borusan Companies and Erbosan, entered, or withdrawn from warehouse, for consumption from January 1, 2012, through December 31, 2012. The Department will also instruct CBP to collect cash deposits of zero percent on shipments of the subject merchandise produced by the Borusan Companies and Erbosan, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

If the final results remain the same as these preliminary results, the Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise by Toscelik entered, or withdrawn from warehouse, for consumption on or after January 1, 2012, through December 31, 2012, at the *ad valorem* assessment rate listed above. We will also instruct CBP to collect cash deposits for Toscelik at the CVD cash deposit rate indicated above on all shipments of the subject merchandise

[1] *See* Welded Carbon Steel Pipe & Tube Products from Turkey; Notification of no Shipments, dated May 6, 2013; Welded Carbon Steel Pipe & Tube Products from Turkey; Notification of no Shipments, dated May 17, 2013; Welded Carbon Steel Pipe & Tube Products from Turkey; Notification of no Shipments, dated June 4, 2013.

[2] *See, e.g., Aluminum Extrusions From the People's Republic of China: Notice of Partial Rescission of Countervailing Duty Administrative Review,* 79 FR 2635 (January 15, 2014).

[3] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of review.

We will instruct CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to companies covered by this order, but not examined in this review, are those established in the most recently completed administrative proceeding for each company. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested.

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[4] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[5] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using IA ACCESS.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically 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 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, 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.[7] Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Act, the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: April 17, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Analysis of Programs

I. *Programs Preliminarily Determined To Be Countervailable*
- A. Deduction From Taxable Income for Export Revenue
- B. Short Term Pre-Shipment Rediscount Program
- C. Short Term Pre-Export Program
- D. Investment Encouragement Program (IEP): Customs Duty Exemptions

II. *Programs Preliminarily Determined To Not Confer Countervailable Benefits During the POR*
- Inward Processing Certificate Exemption

III. *Programs Preliminarily Determined To Not Be Used*
- Stamp Duties and Fees Exemptions Under the Free Zones Law
- Law 5084: Withholding of Income Tax on Wages and Salaries
- Law 5084: Incentive for Employers' Share in Insurance Premiums
- Law 5084: Allocation of Free Land and Purchase of Land for Less Than Adequate Remuneration (LTAR)
- Law 5084: Energy Support
- Corporate Income Tax Exemption Under the Free Zones Law
- Deductions on Social Security Payments Program Under Law 5510
- Deductions on Social Security Payments Program Under Law 5921
- Customs Duties and Value-Added Tax (VAT) Exemptions Under the Free Zones Law
- Provision of Buildings and Land Use Rights for LTAR Under the Free Zones Law
- Post-Shipment Export Loans
- Export Credit Bank of Turkey Buyer Credits
- Subsidized Turkish Lira Credit Facilities
- Subsidized Credit for Proportion of Fixed Expenditures
- Subsidized Credit in Foreign Currency
- Regional Subsidies
- VAT Support Program (Incentive Premium on Domestically Obtained Goods)
- IEP: VAT Exemptions
- IEP: Reductions in Corporate Taxes
- IEP: Interest Support
- IEP: Social Security Premium Support
- IEP: Land Allocation
- National Restructuring Program
- Regional Incentive Scheme: Reduced Corporate Tax Rates
- Regional Incentive Scheme: Social Security Premium Contribution for Employees
- Regional Incentive Scheme: Allocation of State Land
- Regional Incentive Scheme: Interest Support
- Organized Industrial Zone (OIZ): Exemption From Property Tax
- OIZ: Waste Water Charges
- OIZ: Exemptions From Customs Duties, VAT, and Payments for Public Housing Fund, for Investments for Which an Income Certificate Is Received
- OIZ: Credits for Research and Development Investments, Environmental Investments, Certain Technology Investments, Certain ''Regional Development'' Investments, and Investments Moved From Developed Regions to ''Regions of Special Purpose''
- Foreign Trade Companies Short Term Export Credits
- Pre-Shipment Export Credits
- OIZ: Exemption from Building and Construction Charges
- OIZ: Exemption from Amalgamation and Allotment Transaction Charges

[FR Doc. 2014–09280 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–DS–P

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

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

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

[7] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 97–12A003]

Export Trade Certificate of Review

ACTION: Notice of Issuance (97–12A003) of an amended Export Trade Certificate of Review to the Association for the Administration of Rice Quotas, Inc.

SUMMARY: The U.S. Department of Commerce issued an amended Export Trade Certificate of Review to Association for the Administration of Rice Quotas, Inc. ''AARQ''.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) (''the Act'') authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2013). The Office of Trade and Economic Analysis (''OTEA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the

certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certificate: AARQ's Export Trade Certificate of Review has been amended to:

1. Remove the following member companies from AARQ Certificate: Newfield Rice, Inc., Miramar, Florida and The Connell Company for the activities of itself and its two divisions, Connell Rice & Sugar Co. and Connell International Company, Berkeley Heights, New Jersey.

2. Change the names of the following AARQ members: Commodity Specialists Company, Minneapolis, Minnesota to Sinamco Trading Inc., Minneapolis, Minnesota and Nidera US LLC, Wilton, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands) to Nidera US LLC, Wilton, Connecticut (a subsidiary of Nidera BV (Netherlands)).

AARQ's Export Trade Certificate of Review complete amended membership is listed below:

ADM Latin, Inc., Decatur, Illinois, ADM Grain Company, Decatur, Illinois, and ADM Rice, Inc.,
Tarrytown, New York (subsidiaries of Archer Daniels Midland Company)
American Commodity Company, LLC, Williams, California
Associated Rice Marketing Cooperative (ARMCO), Richvale, California
Bunge Milling, St. Louis, Missouri (a subsidiary of Bunge North America, White Plains, New York) dba
PIRMI (Pacific International Rice Mills), Woodland, California
Cargill Americas, Inc., and its subsidiary CAI Trading LLC, Coral Gables, Florida
Family & Sons, Inc., Miami, Florida
Farmers' Rice Cooperative, Sacramento, California
Farmers Rice Milling Company, Inc., Lake Charles, Louisiana
Far West Rice, Inc., Durham, California
Gulf Pacific Rice Co., Inc., Houston, Texas; Gulf Rice Milling, Inc., Houston, Texas; and Harvest Rice, Inc., McGehee, Arkansas (each a subsidiary of Gulf Pacific, Inc., Houston, Texas)
Gulf Pacific Disc, Inc., Houston, Texas
Itochu International Inc., Portland, Oregon (a subsidiary of Itochu Corporation (Japan))
JFC International Inc., Los Angeles, California (a subsidiary of Kikkoman Corp.)
JIT Products, Inc., Davis, California
Kennedy Rice Dryers, L.L.C., Mer Rouge, Louisiana
Kitoku America, Inc., Burlingame, California (a subsidiary of Kitoku Shinryo Co., Ltd. (Japan))
LD Commodities Rice Merchandising LLC, Wilton, Connecticut, and LD Commodities Interior Rice Merchandising LLC, Kansas City, Missouri (subsidiaries of Louis Dreyfus Commodities LLC, Wilton, Connecticut)
Louisiana Rice Mill, LLC, Mermentau, Louisiana
Nidera, US LLC, Wilton, Connecticut (a subsidiary of Nidera BV (Netherlands))
Nishimoto Trading Co., Ltd., Santa Fe Springs, California (a subsidiary of Nishimoto Trading Company, Ltd. (Japan))
Noble Logistic USA Inc., Portland, Oregon
Producers Rice Mill, Inc., Stuttgart, Arkansas
PS International, LLC dba PS International Ltd., Chapel Hill, North Carolina (jointly owned by Seaboard Corporation, Kansas City, Missouri and PS Trading Inc., Chapel Hill, North Carolina)
Riceland Foods, Inc., Stuttgart, Arkansas
Rickmers Rice USA, Inc., Knoxville, Tennessee
Riviana Foods Inc., Houston, Texas (a subsidiary of Ebro Foods, S.A. (Spain)) for the activities of itself and its subsidiary, American Rice, Inc., Houston, Texas
Sinamco Trading, Inc., Minneapolis, Minnesota
SunFoods LLC, Woodland, California
SunWest Foods, Inc., Davis, California
Texana Rice, Inc., Louise, Texas
The Sun Valley Rice Co., LLC, Arbuckle, California
TRC Trading Corporation, Roseville, California (a subsidiary of TRC Group Inc., Roseville California) and its subsidiary Gulf Rice Arkansas II, LLC, Houston, Texas
Trujillo & Sons, Inc., Miami, Florida
Veetee Rice, Inc., Great Neck, New York (a subsidiary of Veetee Investments Corporation (Bahamas))
Wehah Farm, Inc., dba Lundberg Family Farms, Richvale, California.

The amended Certificate of Review is effective from January 7, 2014, the date on which the application for an amendment was deemed submitted.

Dated: April 17, 2014.

Emily Kilcrease,

Acting Director, Office of Trade and Economic Analysis, International Trade Administration.

[FR Doc. 2014–09230 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Greater Atlantic Region Dealer Purchase Reports

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 23, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to David Ulmer, (757) 723–0303 or *David.Ulmer@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Federally-permitted dealers, and any individual acting in the capacity of a dealer, must submit to the Regional Administrator or to the official designee a detailed report of all fish purchased or received for a commercial purpose, other than solely for transport on land by one of the available electronic reporting mechanisms approved by National Marine Fisheries Service (NMFS). The information obtained is used by economists, biologists, and managers in the management of the fisheries. The data collection parameters are consistent with the current requirements for Federal dealers under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

II. Method of Collection

Dealers submit purchase information through an electronic process by either the web-based system as administered by the Atlantic Coast Cooperative Statistics Program, the computer based

trip ticket program issued by the NMFS or through a NMFS approved proprietary mechanism.

III. Data

OMB Control Number: 0648–0229.

Form Number: None.

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

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

Estimated Number of Respondents: 657.

Estimated Time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 33,430.

Estimated Total Annual Cost to Public: $25,071.

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 17, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–09214 Filed 4–22–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0088]

Submission for OMB Review; Comment Request

AGENCY: Office of the Secretary, Department of Defense (DoD).

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 23, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: 2014 Ethnographies and Focus Groups; OMB Control Number 0704–TBD.

Type of Request: New.

Number of Respondents: 475.

Responses Per Respondent: 1.

Annual Responses: 475.

Average Burden per Response: 2 hours per ethnography; 2–2.25 hours per in-person focus group (depending on specific population); 1.5 hours per on-line focus group.

Annual Burden Hours: 298 hours total.

Needs and Uses: The primary objective of the set of information collections referred to as the 2014 Ethnographies and Focus Groups, conducted on behalf of the Federal Voting Assistance Program (FVAP), an agency of the Department of Defense, is to examine the attitudes, experiences, and behaviors of a number of actors involved in the absentee voting process as it pertains to CONUS and OCONUS military voters and overseas voters covered under the Uniformed and Overseas Civilian Absentee Voting Act (UOCAVA). This research will explore potential deficiencies, risks, and pitfalls which serve as barriers to voting success among these UOCAVA voters. The data obtained through this study will provide an assessment of potential changes to address current barriers to UOCAVA voting.

Affected Public: Non-military UOCAVA voters; Local Election Officials, and Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra 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 18, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–09217 Filed 4–22–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0054]

Proposed Collection; Comment Request

AGENCY: Pentagon Force Protection Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Pentagon Force Protection Agency 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 23, 2014.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Pentagon Force Protection Agency Project Integration Directorate (PFPA\PID), 9000 Defense Pentagon, Washington, DC 20301–9000, ATTN: PID, or email at *PFPAHSPD-12@pfpa.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Privilege Management Program (PMP); DD Form 2249; OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary to facilitate background investigations and properly assign privileges to the customers utilized within the Pentagon Reservation and National Capital Region (NCR). The form is evidence the customer has been properly vetted and has provided justification for access to the locations needed to perform their occupational duties.

Affected Public: Individuals and Households

Annual Burden Hours: 3,332

Number of Respondents: 31,989

Responses per Respondent: 1.25

Total Annual Responses: 39,986

Average Burden per Response: 5 minutes

Frequency: On occasion

Respondents are tenants and visitors who are provided identification badges, submit biometric attributes for collection, and/or have access privileges assigned. The PMP collects data which is stored in the PMP database at the time of enrollment. Having qualified agents provide credentialing and enrollment services is essential to maintaining daily operations and access rights to various installations throughout the NCR.

Dated: April 18, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–09229 Filed 4–22–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Investing in Innovation Fund—Scale-Up Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information

Investing in Innovation Fund—Scale-up grants Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.411A (Scale-up grants).

DATES:

Applications Available: April 25, 2014.

Deadline for Notice of Intent to Apply: May 13, 2014.

Deadline for Transmittal of Applications: June 24, 2014.

Deadline for Intergovernmental Review: August 21, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Investing in Innovation Fund (i3), established under section 14007 of the American Recovery and Reinvestment Act of 2009 (ARRA), provides funding to support (1) local educational agencies (LEAs), and (2) nonprofit organizations in partnership with (a) one or more LEAs or (b) a consortium of schools. The i3 program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of effective solutions to serve substantially larger numbers of students. The central design element of the i3 program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project. Applicants proposing practices supported by limited evidence can receive relatively small grants that support the development and initial evaluation of promising practices and help to identify new solutions to pressing challenges; applicants proposing practices supported by evidence from rigorous evaluations, such as large randomized controlled trials, can receive sizable grants to support expansion across the country. This structure provides incentives for applicants to build evidence of effectiveness of their proposed projects and to address the barriers to serving more students across schools, districts, and States so that applicants can compete for more sizeable grants.

As importantly, all i3 projects are required to generate additional evidence of effectiveness. All i3 grantees must use part of their budgets to conduct independent evaluations (as defined in this notice) of their projects. This ensures that projects funded under the i3 program contribute significantly to improving the information available to practitioners and policymakers about which practices work, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Development'' grants, ''Validation'' grants, and ''Scale-up'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration of funding, the level of scale the funded project should reach, and, consequently, the amount of funding available to support the project.

This notice invites applications for Scale-up grants only. The notice inviting applications for Validation grants is published elsewhere in this issue of the **Federal Register**. The notice inviting applications for Development grants was published in the **Federal Register** on March 14, 2014 (79 FR 14486) and is available at *http://www.gpo.gov/fdsys/pkg/FR-2014-03-14/pdf/2014-05706.pdf.*

Scale-up grants provide funding to support expansion of projects supported by strong evidence of effectiveness (as defined in this notice) to the national level (as defined in this notice). In addition to improving outcomes for an increasing number of high-need students, Scale-up grants will generate information about the students and contexts for which a practice is most effective. We expect that Scale-up grants will increase practitioners' and policymakers' understanding of strategies that allow organizations or practices to expand quickly and efficiently while maintaining their effectiveness.

All Scale-up grantees must evaluate the effectiveness of the i3-supported practice that the project implements and expands. This is particularly important in instances in which the proposed project includes changing the i3-supported practice in order to more efficiently reach the proposed level of scale (for example, by developing technology-enabled training tools). The evaluation of a Scale-up grant must

identify the core elements of, and codify, the i3-supported practice that the project implements in order to support adoption or replication by other entities. We also expect that evaluations of Scale-up grants will be conducted in a variety of contexts and for a variety of students in order to determine the context(s) and population(s) for which the i3-supported practice is most effective.

We remind LEAs of the continuing applicability of the provisions of the Individuals with Disabilities Education Act (IDEA) for students who may be served under i3 grants. Any grants in which LEAs participate must be consistent with the rights, protections, and processes established under IDEA for students who are receiving special education and related services or are in the process of being evaluated to determine their eligibility for such services.

As described later in this notice, in connection with making competitive grant awards, an applicant is required, as a condition of receiving assistance under this program, to make civil rights assurances, including an assurance that its program or activity will comply with Section 504 of the Rehabilitation Act of 1973 and the Department's section 504 implementing regulations, which prohibit discrimination on the basis of disability. Regardless of whether a student with disabilities is specifically targeted as a ''high-need student'' (as defined in this notice) in a particular grant application, recipients are required to comply with all legal nondiscrimination requirements, including, but not limited to the obligation to ensure that students with disabilities are not denied access to the benefits of the recipient's program because of their disability. The Department also enforces Title II of the Americans with Disabilities Act (ADA), as well as the regulations implementing Title II of the ADA, which prohibit discrimination on the basis of disability by public entities.

Furthermore, Title VI and Title IX of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color, and national origin, and sex, respectively. On December 2, 2011, the Departments of Education and Justice jointly issued guidance that explains how educational institutions can promote student diversity or avoid racial isolation within the framework of Title VI (e.g., through consideration of the racial demographics of neighborhoods when drawing assignment zones for schools or through targeted recruiting efforts). The ''Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools'' is available on the Department's Web site at *www.ed.gov/ocr/docs/guidance-ese-201111.pdf.*

Background:

Through its competitions, the i3 program strives to improve the academic achievement of high-need students by accelerating the identification of promising solutions to pressing challenges in kindergarten through grade 12 (K–12) education, supporting the evaluation of the efficacy of such solutions, and developing new approaches to scaling effective practices to serve more students. The i3 program aims to build a portfolio of solutions and corresponding evidence regarding different approaches to addressing critical challenges in education. When selecting the priorities for a given competition, the Department considers several factors, including the Department's policy priorities, the need for new solutions in a particular priority area, the extent of the evidence in the field supporting effective practices in a particular priority area, whether other available funding exists for a particular priority area, and the results and lessons learned from prior i3 competitions.

We include five absolute priorities in the FY 2014 Scale-up competition. The Department encourages applicants to propose projects that address pressing needs under these priorities.

First, we include an absolute priority on improving the effectiveness of teachers or principals because research continually indicates that teachers and principals are the most critical in-school factors in improving student achievement.[1] Applicants may focus on any dimension of the teacher or principal career path, including differentiated opportunities and roles for teachers or principals. This priority encourages applicants to identify and to scale effective methods for recruiting, preparing, supporting, evaluating, or retaining effective teachers or principals, particularly in schools that serve high-need students (as defined in this notice).

Second, we include an absolute priority on improving low-performing schools (e.g., schools with the lowest academic performance in the State or schools with the largest within-school performance gaps between student subgroups; see the requirements related to this priority for a full description of the schools that must be served by projects addressing it) to help more students receive a high-quality K–12 education. Applicants may propose a variety of approaches to address this priority, including changes to staff roles and how classrooms or schools are structured. This priority aims to ultimately improve student outcomes by supporting projects that are designed to rapidly improve low-performing schools and, when appropriate, their feeder schools.

Third, we include an absolute priority aimed at improving science, technology, engineering, and mathematics (STEM) education. Ensuring that all students can access and excel in STEM fields is essential to our Nation's economy and future prosperity.[2] Careers in STEM fields are growing, as is the body of knowledge required to compete for and succeed in these specialized jobs.[3] Recent Bureau of Labor Statistics data show that, between 2010 and 2020, employment in STEM occupations is expected to expand faster than employment in non-STEM occupations (by 17 versus 14 percent).[4] As such, we encourage applicants to propose projects that will scale meaningful STEM learning opportunities for teachers or students that would lead to increased student interest, persistence, and achievement in STEM subjects.

Fourth, we include an absolute priority focused on implementing

[1] Wright, S.P., Horn, S.P., Sanders, W.L. (1997). Teacher and classroom context effects on student achievement: Implications for teacher evaluation. Journal of Personnel Evaluation in Education 11:57–67; Rivkin, S.G., Hanushek, E.A., Kain, J.F. (2005). Teachers, schools, and academic achievement. Economerica, 73(2):417–458. Leithwood, K., Louis, K.S., Anderson, S., and Wahlstrom, K. (2004). Review of research: How leadership influences student learning. University of Minnesota, Center for Applied Research and Educational Improvement. Available at: *www.cehd.umn.edu/carei/Leadership/ReviewofResearch.pdf.*

[2] Langdon, D.; McKittrick, G.; Beede, D.; Khan, B.; and Doms, M. Office of the Chief Economist, U.S. Department of Commerce. STEM: Good Jobs Now and for the Future (July 2011). Available at: *www.esa.doc.gov/sites/default/files/reports/documents/stemfinaljuly14.pdf.*

[3] Chairman's Staff of the Joint Economic Committee. Calculations using data from the Bureau of Labor Statistics. Employment Projections: 2010–20. Table 1.7 Occupational Employment and Job Openings Data, Projected 2010–20, and Worker Characteristics, 2010. February 2012. Available at: *http://bls.gov/emp/.* For the purposes of this calculation, STEM occupations are defined as in the U.S. Department of Commerce's Economics and Statistics Administration report, STEM: Good Jobs Now and for the Future. ESA Issue Brief #03–11. July 2011.

[4] Chairman's Staff of the Joint Economic Committee. Calculations using data from the Bureau of Labor Statistics. Employment Projections: 2010–20. Table 1.7 Occupational Employment and Job Openings Data, Projected 2010–20, and Worker Characteristics, 2010. February 2012. Available at: *http://bls.gov/emp/.* For the purposes of this calculation, STEM occupations are defined as in the U.S. Department of Commerce's Economics and Statistics Administration report, STEM: Good Jobs Now and for the Future. ESA Issue Brief #03–11. July 2011.

internationally benchmarked, college- and career-ready elementary and secondary academic standards. As reports, such as the 2012 Brown Center Report on American Education point out, the implementation of such standards is crucial to their effectiveness in improving student achievement.[5] We include this priority to support projects that will help teachers, principals, and others translate these standards into classroom practices that help students, particularly high-need students, excel.

Finally, we include an absolute priority that focuses on serving rural communities. Students living in rural communities face unique challenges. This year's competition welcomes applicants applying under this priority to address one of the other four absolute priorities for the FY 2014 i3 Scale-up competition, as described above, while serving students enrolled in rural LEAs.

We also include three competitive preference priorities in the FY 2014 Scale-up competition. The Department encourages applicants to design projects that address these competitive preference priorities in their applications.

First, we include a competitive preference priority focusing on improving cost-effectiveness and productivity. Improvements in operational, organizational, and instructional processes and structures will enable organizations to achieve the best possible results in the most efficient manner. Applicants should provide detailed information about how they aim to modify their processes and structures to improve productivity and how they will evaluate whether the proposed projects are cost-effective when implemented. Further, in order to receive competitive preference points, applicants addressing this priority must provide a detailed budget, an examination of different types of costs, and a plan to monitor and evaluate cost savings, all of which are essential to improving productivity.

Second, we include a competitive preference priority for projects that enable the broad adoption of effective practices. This competitive preference priority rewards applicants that will implement systematic methods for identifying and supporting the expansion of these practices. While Scale-up grantees must codify the core elements of their i3-supported practices, we are interested in projects that have a particular focus in this area. In addition, the education field needs access to strong, reliable data to make informed decisions about effective practices that could replace less effective practices. This competitive preference priority supports strategies that identify key elements of effective practices and that capture lessons learned about the implementation of the practices. In addition, an applicant addressing this priority must commit to implementing the practice in other settings and locations in order to ensure that the practice can be successfully replicated.

Third, in order to expand the reach of the i3 program and encourage entities that have not previously received an i3 grant to apply, the Department includes a competitive preference priority for novice i3 applicants. A novice i3 applicant is an applicant that has never received a grant under the i3 program. An applicant must identify whether it is a novice applicant when completing the applicant information sheet. Instructions on how to complete the applicant information sheet are included in the application package.

Finally, we include one invitational priority. High-quality early learning programs can improve children's vocabulary, improve their social and emotional development so they arrive at school ready to learn, and help them stay on track and engaged in early elementary grades.[6] To support the Department's early learning efforts, we include an invitational priority for projects that, in addition to addressing one of i3's absolute priorities, improve the coordination and alignment between early learning and development systems and elementary education systems to improve transitions for children from birth through third grade. Through this invitational priority, we encourage applicants to propose projects that sustain early learning and development outcomes through the early elementary school years.

In summary, applications must address one of the absolute priorities for this competition and propose projects designed to implement practices that serve students who are in grades K–12 at some point during the funding period. Additionally, applicants must be able to show strong evidence of effectiveness for the proposed process, product, strategy, or practice included in their applications. Applicants should carefully review all of the requirements in the *Eligibility Information* section of this notice for instructions on how to demonstrate strong evidence of effectiveness and for information on the other eligibility and program requirements.

The i3 program includes a statutory requirement for a private-sector match for all i3 grantees. For Scale-up grants, an applicant must obtain matching funds or in-kind donations from the private sector equal to at least five percent of its grant award. Each highest-rated application, as identified by the Department following peer review of the applications, must submit evidence of at least 50 percent of the required private-sector match prior to the awarding of an i3 grant. An applicant must provide evidence of the remaining 50 percent of the required private-sector match no later than six months after the project start date (i.e., for the FY 2014 competition, six months after January 1, 2015, or by July 1, 2015). The grant will be terminated if the grantee does not secure its private-sector match by the established deadline.

This notice also includes selection criteria for the FY 2014 Scale-up competition that are designed to ensure that applications selected for funding have the best potential to generate substantial improvements in student achievement (and other key outcomes), and include well-articulated plans for the implementation and evaluation of the proposed projects. Applicants should review the selection criteria and submission instructions carefully to ensure their applications address this year's criteria.

An entity that submits an application for a Scale-up grant must include the following information in its application: an estimate of the number of students to be served by the project; evidence of the applicant's ability to implement and appropriately evaluate the proposed project; and information about its capacity (e.g., management capacity, financial resources, qualified personnel) to implement the project at a national level, working directly or through partners. We recognize that LEAs are not typically responsible for taking their practices, strategies, or programs to scale; however, all applicants can and should partner with others to disseminate their effective practices, strategies, and programs and take them to scale.

The Department will screen applications that are submitted for Scale-up grants in accordance with the requirements in this notice and determine which applications meet the eligibility and other requirements. Peer reviewers will review all applications

[5] Loveless, Tom. How Well are American Students Learning (2012). The 2012 Brown Center Report on American Education. Volume III Number 1. Available at: *www.brookings.edu/~/media/newsletters/0216_brown_education_loveless.pdf.*

[6] Heckman, James J. (2008). Schools, Skills, and Synapses. University of Chicago. Available at: *www.heckmanequation.org/content/resource/schools-skills-synapses.*

for Scale-up grants that are submitted by the established deadline.

Applicants should note, however, that we may screen for eligibility at multiple points during the competition process, including before and after peer review; applicants that are determined to be ineligible will not receive a grant award regardless of peer reviewer scores or comments. If we determine that a Scale-up grant application is not supported by strong evidence of effectiveness, or that the applicant does not demonstrate the required prior record of improvement, or does not meet any other i3 requirement, the application will not be considered for funding.

Priorities: This competition includes five absolute priorities, three competitive preference priorities, and one invitational priority. Four of the absolute priorities and the competitive preference priorities are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18682) (the ''2013 i3 NFP''). The 2013 i3 NFP is available at *www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-07016.pdf.* One absolute priority is from the Department's notice of final supplemental priorities and definitions (Supplemental Priorities), published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one of these priorities.

An applicant for a Scale-up grant must choose one of the five absolute priorities contained in this notice and address that priority in its application. Each applicant must clearly identify the specific absolute priority that the proposed project addresses. Applicants that choose to submit an application under the absolute priority for Serving Rural Communities must identify an additional absolute priority.

These priorities are:

Absolute Priority 1—Improving the Effectiveness of Teachers or Principals

Under this priority, we provide funding to projects addressing pressing needs related to improving teacher or principal effectiveness.

Absolute Priority 2—Improving Low-Performing Schools

Under this priority, we provide funding to projects addressing pressing needs related to improving low-performing schools.

Other Requirements Related to Absolute Priority 2

To meet this priority, a project must serve schools among (1) the lowest-performing schools in the State on academic performance measures; (2) schools in the State with the largest within-school performance gaps between student subgroups described in section 1111(b)(2) of the ESEA; or (3) secondary schools in the State with the lowest graduation rate over a number of years or the largest within-school gaps in graduation rates between student subgroups described in section 1111(b)(2) of the ESEA. Additionally, projects funded under this priority must complement the broader turnaround efforts of the school(s), LEA(s), or State(s) where the projects will be implemented.

Absolute Priority 3—Improving Science, Technology, Engineering, and Mathematics (STEM) Education

Under this priority, we provide funding to projects addressing pressing needs for improving STEM education.

Absolute Priority 4—Implementing Internationally Benchmarked, College- and Career-Ready Elementary and Secondary Academic Standards

Under this priority, we provide funding to projects that are designed to support the implementation of internationally benchmarked, college- and career-ready academic standards held in common by multiple States and to improve instruction and learning, including strategies that translate the standards into classroom practice.

Absolute Priority 5—Serving Rural Communities

Under this priority, we provide funding to projects addressing one of the absolute priorities established for the 2014 Scale-up i3 competition and under which the majority of students to be served are enrolled in rural local educational agencies (as defined in this notice).

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional three points to applications that meet the first competitive preference priority, an additional five points to applications that meet the second competitive preference priority, and an additional three points to applications that meet the third competitive preference priority.

Applicants may address more than one of the competitive preference priorities. An applicant must identify in the project narrative section of its application the priority or priorities it wishes the Department to consider for purposes of earning competitive preference priority points.

Note: The Department will not review or award points under any competitive preference priority that the applicant fails to clearly identify as the competitive preference priority or priorities the applicant wishes the Department to consider for purposes of earning competitive preference priority points.

These priorities are:

Competitive Preference Priority 1—Improving Cost-Effectiveness and Productivity (Zero or 3 Points)

Under this priority, we provide funding to projects that address one of the following areas:

(a) Substantially improving student outcomes without commensurately increasing per-student costs.

(b) Maintaining student outcomes while substantially decreasing per-student costs.

(c) Substantially improving student outcomes while substantially decreasing per-student costs.

Other Requirements Related to Competitive Preference Priority 1

An application addressing this priority must provide—

(1) A clear and coherent budget that identifies expected student outcomes before and after the practice, the cost per student for the practice, and a clear calculation of the cost per student served;

(2) A compelling discussion of the expected cost-effectiveness of the practice compared with alternative practices;

(3) A clear delineation of one-time costs versus ongoing costs and a plan for sustaining the project, particularly ongoing costs, after the expiration of i3 funding;

(4) Identification of specific activities designed to increase substantially the cost-effectiveness of the practice, such as re-designing costly components of the practice (while maintaining efficacy) or testing multiple versions of the practice in order to identify the most cost-effective approach; and

(5) A project evaluation that addresses the cost-effectiveness of the proposed practice.

Competitive Preference Priority 2—Enabling Broad Adoption of Effective Practices (Zero or 5 Points)

Under this priority, we provide funding to projects that enable broad adoption of effective practices. An application proposing to address this priority must, as part of its application:

(a) Identify the practice or practices that the application proposes to prepare for broad adoption, including formalizing the practice (i.e., establish and define key elements of the practice), codifying (i.e., develop a guide or tools to support the dissemination of information on key elements of the practice), and explaining why there is a need for formalization and codification.

(b) Evaluate different forms of the practice to identify the critical components of the practice that are crucial to its success and sustainability, including the adaptability of critical components to different teaching and learning environments and to diverse learners.

(c) Provide a coherent and comprehensive plan for developing materials, training, toolkits, or other supports that other entities would need in order to implement the practice effectively and with fidelity.

(d) Commit to assessing the replicability and adaptability of the practice by supporting the implementation of the practice in a variety of locations during the project period using the materials, training, toolkits, or other supports that were developed for the i3-supported practice.

Competitive Preference Priority 3—Supporting Novice i3 Applicants (Zero or 3 Points)

Eligible applicants that have never directly received a grant under this program.

Invitational Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority—Supporting High-Quality Early Learning

The Secretary encourages applicants to propose projects that improve the coordination and alignment between early learning and development systems and elementary education systems in order to improve transitions for children from birth through third grade.

Definitions

These definitions are from the 2013 i3 NFP. We may apply these definitions in any year in which this program is in effect.

Note: This notice invites applications for Scale-up grants. The following definitions apply to all three types of grants under the i3 program (Development, Validation, and Scale-up). Therefore, some of the definitions included in this section, primarily those related to demonstrations of evidence, may be more applicable to applications for Validation or Development grants.

Consortium of schools means two or more public elementary or secondary schools acting collaboratively for the purpose of applying for and implementing an i3 grant jointly with an eligible nonprofit organization.

Evidence of promise means there is empirical evidence to support the theoretical linkage between at least one critical component and at least one relevant outcome presented in the logic model (as defined in this notice) for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the following conditions are met:

(a) There is at least one study that is either a—

(1) Correlational study with statistical controls for selection bias;

(2) Quasi-experimental study (as defined in this notice) that meets the What Works Clearinghouse Evidence Standards with reservations; [7] or

(3) Randomized controlled trial (as defined in this notice) that meets the What Works Clearinghouse Evidence Standards with or without reservations; [8] and

(b) Such a study found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger), favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

High-need student means a student at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools (as defined in this notice), who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

High-minority school is defined by a school's LEA in a manner consistent with the corresponding State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the ESEA. The applicant must provide, in its i3 application, the definition(s) used.

High school graduation rate means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1)(v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA.

Highly effective principal means a principal whose students, overall and for each subgroup as described in section 1111(b)(3)(C)(xiii) of the ESEA (economically disadvantaged students, students from major racial and ethnic groups, migrant students, students with disabilities, students with limited English proficiency, and students of each gender), achieve high rates (e.g., one and one-half grade levels in an academic year) of student growth. Eligible applicants may include multiple measures, provided that principal effectiveness is evaluated, in significant part, based on student growth. Supplemental measures may include, for example, high school graduation rates; college enrollment rates; evidence of providing supportive teaching and learning conditions, support for ensuring effective instruction across subject areas for a well-rounded education, strong instructional leadership, and positive family and community engagement; or evidence of attracting, developing, and retaining high numbers of effective teachers.

Highly effective teacher means a teacher whose students achieve high rates (e.g., one and one-half grade levels in an academic year) of student growth. Eligible applicants may include multiple measures, provided that teacher effectiveness is evaluated, in significant part, based on student academic growth. Supplemental measures may include, for example, multiple observation-based assessments of teacher performance or evidence of leadership roles (which may include mentoring or leading professional learning communities) that increase the effectiveness of other teachers in the school or LEA.

[7] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[8] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Independent evaluation means that the evaluation is designed and carried out independent of, but in coordination with, any employees of the entities who develop a process, product, strategy, or practice and are implementing it.

Innovation means a process, product, strategy, or practice that improves (or is expected to improve) significantly upon the outcomes reached with status quo options and that can ultimately reach widespread effective usage.

Large sample means a sample of 350 or more students (or other single analysis units) who were randomly assigned to a treatment or control group, or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units) and that were randomly assigned to a treatment or control group.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (i.e., the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Moderate evidence of effectiveness means one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that: Meets the What Works Clearinghouse Evidence Standards without reservations;[9] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(b) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that: Meets the What Works Clearinghouse Evidence Standards with reservations;[10] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice; and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice) (Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph).

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (e.g., economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit organization means an entity that meets the definition of ''nonprofit'' under 34 CFR 77.1(c), or an institution of higher education as defined by section 101(a) of the Higher Education Act of 1965, as amended.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations[11] (they cannot meet What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.[12]

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (e.g., economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project to be considered a regional level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the State educational agency is the sole educational agency for all schools.

Relevant outcome means the student outcome or outcomes (or the ultimate outcome if not related to students) that the proposed project is designed to improve, consistent with the specific goals of the project and the i3 program.

Rural local educational agency means a local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *http://www2.ed.gov/nclb/freedom/local/reap.html.*

Strong evidence of effectiveness means that one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that: Meets the What Works Clearinghouse Evidence Standards without reservations;[13] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or

[9] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[10] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[11] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[12] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[13] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

practice; and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice). (Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph).

(b) There are at least two studies of the effectiveness of the process, product, strategy, or practice being proposed, each of which: meets the What Works Clearinghouse Evidence Standards with reservations;[14] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the studies or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice; and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice).

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model (as defined in this notice).

Student achievement means—

(a) For grades and subjects in which assessments are required under ESEA section 1111(b)(3): (1) A student's score on such assessments and may include (2) other measures of student learning, such as those described in paragraph (b), provided they are rigorous and comparable across schools within an LEA.

(b) For grades and subjects in which assessments are not required under ESEA section 1111(b)(3): Alternative measures of student learning and performance such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. An applicant may also include other measures that are rigorous and comparable across classrooms.

[14] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: American Recovery and Reinvestment Act of 2009, Division A, Section 14007, Pub. L. 111–5.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18682). (d) The Supplemental Priorities published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreements or discretionary grants.

Estimated Available Funds: $134,800,000.

These estimated available funds are the total available for all three types of grants under the i3 program (Development, Validation, and Scale-up grants).

Contingent upon the availability of funds and the quality of the applications received, we may make additional awards in FY 2015 or later years from the list of unfunded applicants from this competition.

Estimated Range of Awards

Development grants: Up to $3,000,000.
Validation grants: Up to $12,000,000.
Scale-up grants: Up to $20,000,000.

Estimated Average Size of Awards

Development grants: $3,000,000.
Validation grants: $11,500,000.
Scale-up grants: $19,000,000.

Estimated Number of Awards

Development grants: 10–20 awards.
Validation grants: 4–8 awards.
Scale-up grants: 0–2 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36–60 months.

III. Eligibility Information

1. *Innovations that Improve Achievement for High-Need Students:* All grantees must implement practices that are designed to improve student achievement (as defined in this notice) or student growth (as defined in this notice), close achievement gaps, decrease dropout rates, increase high school graduation rates (as defined in this notice), or increase college enrollment and completion rates for high-need students (as defined in this notice).

2. *Innovations that Serve Kindergarten-through-Grade-12 (K–12) Students:* All grantees must implement practices that serve students who are in grades K–12 at some point during the funding period. To meet this requirement, projects that serve early learners (i.e., infants, toddlers, or preschoolers) must provide services or supports that extend into kindergarten or later years, and projects that serve postsecondary students must provide services or supports during the secondary grades or earlier.

3. *Eligible Applicants:* Entities eligible to apply for i3 grants include either of the following:

(a) An LEA.

(b) A partnership between a nonprofit organization and—

(1) One or more LEAs; or

(2) A consortium of schools.

Statutory Eligibility Requirements: Except as specifically set forth in the *Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization* that follows, to be eligible for an award, an eligible applicant must—

(a)(1) Have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (economically disadvantaged students, students from major racial and ethnic groups, students with limited English proficiency, students with disabilities); or

(2) Have demonstrated success in significantly increasing student academic achievement for all groups of students described in that section;

(b) Have made significant improvements in other areas, such as high school graduation rates (as defined in this notice) or increased recruitment and placement of high-quality teachers and principals, as demonstrated with meaningful data;

(c) Demonstrate that it has established one or more partnerships with the private sector, which may include philanthropic organizations, and that organizations in the private sector will provide matching funds in order to help bring results to scale; and

(d) In the case of an eligible applicant that includes a nonprofit organization, provide in the application the names of the LEAs with which the nonprofit organization will partner, or the names

of the schools in the consortium with which it will partner. If an eligible applicant that includes a nonprofit organization intends to partner with additional LEAs or schools that are not named in the application, it must describe in the application the demographic and other characteristics of these LEAs and schools and the process it will use to select them.

Note: An entity submitting an application should provide, in Appendix C, under ''Other Attachments Form,'' of its application, information addressing the eligibility requirements described in this section. An applicant must provide, in its application, sufficient supporting data or other information to allow the Department to determine whether the applicant has met the eligibility requirements. Note that in order to address the statutory eligibility requirement above, applicants must provide data that demonstrate a change. In other words, applicants must provide data for at least two points in time when addressing this requirement in Appendix C of their applications. If the Department determines that an applicant has provided insufficient information in its application, the applicant will not have an opportunity to provide additional information.

Note about LEA Eligibility: For purposes of this program, an LEA is an LEA located within one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico.

Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization: The authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements in paragraphs (a) and (b) of the eligibility requirements for this program if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention. For an eligible applicant that includes a nonprofit organization, the nonprofit organization must demonstrate that it has a record of significantly improving student achievement, attainment, or retention through its record of work with an LEA or schools. Therefore, an eligible applicant that includes a nonprofit organization does not necessarily need to include as a partner for its i3 grant an LEA or a consortium of schools that meets the requirements in paragraphs (a) and (b) of the eligibility requirements in this notice.

In addition, the authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements of paragraph (c) of the eligibility requirements in this notice if the eligible applicant demonstrates that it will meet the requirement for private-sector matching.

4. *Cost Sharing or Matching:* To be eligible for an award, an applicant must demonstrate that one or more private-sector organizations, which may include philanthropic organizations, will provide matching funds in order to help bring project results to scale. An eligible Scale-up applicant must obtain matching funds, or in-kind donations, equal to at least five percent of its Federal grant award. The highest-rated eligible applicants must submit evidence of 50 percent of the required private-sector matching funds following the peer review of applications. A Federal i3 award will not be made unless the applicant provides adequate evidence that the 50 percent of the required private-sector match has been committed or the Secretary approves the eligible applicant's request to reduce the matching-level requirement. An applicant must provide evidence of the remaining 50 percent of required private-sector match six months after the project start date.

The Secretary may consider decreasing the matching requirement on a case-by-case basis, and only in the most exceptional circumstances. An eligible applicant that anticipates being unable to meet the full amount of the private-sector matching requirement must include in its application a request that the Secretary reduce the matching-level requirement, along with a statement of the basis for the request.

Note: An applicant that does not provide a request for a reduction of the matching-level requirement in its application may not submit that request at a later time.

5. *Other:* The Secretary establishes the following requirements for the i3 program. These requirements are from the 2013 i3 NFP. We may apply these requirements in any year in which this program is in effect.

- *Evidence Standards:* To be eligible for an award, an application for a Scale-up grant must be supported by strong evidence of effectiveness (as defined in this notice).

Note: An applicant should identify up to four study citations to be reviewed against What Works Clearinghouse Evidence Standards for the purposes of meeting the i3 evidence standard requirement. An applicant should clearly identify these citations in Appendix D, under the ''Other Attachments Form,'' of its application. The Department will not review a study citation that an applicant fails to clearly identify for review. In addition to the four study citations, applicants should include a description of the intervention(s) the applicant plans to implement and the intended student outcomes that the intervention(s) attempts to impact in Appendix D.

An applicant must either ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available; or, in the application, include copies of evidence in Appendix D. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time.

Note: The evidence standards apply to the prior research that supports the effectiveness of the proposed project. The i3 program does not restrict the source of prior research providing evidence for the proposed project. As such, an applicant could cite prior research in Appendix D for studies that were conducted by another entity (i.e., an entity that is not the applicant) so long as the prior research studies cited in the application are relevant to the effectiveness of the proposed project.

- *Funding Categories:* An applicant will be considered for an award only for the type of i3 grant (i.e., Development, Validation, and Scale-up grants) for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant.
- *Limit on Grant Awards:* (a) No grantee may receive more than two new grant awards of any type under the i3 program in a single year; (b) in any two-year period, no grantee may receive more than one new Scale-up or Validation grant; and (c) no grantee may receive in a single year new i3 grant awards that total an amount greater than the sum of the maximum amount of funds for a Scale-up grant and the maximum amount of funds for a Development grant for that year. For example, in a year when the maximum award value for a Scale-up grant is $20 million and the maximum award value for a Development grant is $3 million, no grantee may receive in a single year new grants totaling more than $23 million.
- *Subgrants:* In the case of an eligible applicant that is a partnership between a nonprofit organization and (1) one or more LEAs or (2) a consortium of schools, the partner serving as the applicant and, if funded, as the grantee, may make subgrants to one or more entities in the partnership.
- *Evaluation:* The grantee must conduct an independent evaluation (as defined in this notice) of its project. This evaluation must estimate the impact of the i3-supported practice (as implemented at the proposed level of scale) on a relevant outcome (as defined in this notice). The grantee must make broadly available digitally and free of charge, through formal (e.g., peer-reviewed journals) or informal (e.g., newsletters) mechanisms, the results of any evaluations it conducts of its funded activities. For Scale-up and Validation grants, the grantee must also

ensure that the data from its evaluation are made available to third-party researchers consistent with applicable privacy requirements.

In addition, the grantee and its independent evaluator must agree to cooperate with any technical assistance provided by the Department or its contractor and comply with the requirements of any evaluation of the program conducted by the Department. This includes providing to the Department, within 100 days of a grant award, an updated comprehensive evaluation plan in a format and using such tools as the Department may require. Grantees must update this evaluation plan at least annually to reflect any changes to the evaluation. All of these updates must be consistent with the scope and objectives of the approved application.

• *Communities of Practice:* Grantees must participate in, organize, or facilitate, as appropriate, communities of practice for the i3 program. A community of practice is a group of grantees that agrees to interact regularly to solve a persistent problem or improve practice in an area that is important to them.

• *Management Plan:* Within 100 days of a grant award, the grantee must provide an updated comprehensive management plan for the approved project in a format and using such tools as the Department may require. This management plan must include detailed information about implementation of the first year of the grant, including key milestones, staffing details, and other information that the Department may require. It must also include a complete list of performance metrics, including baseline measures and annual targets. The grantee must update this management plan at least annually to reflect implementation of subsequent years of the project.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www2.ed.gov/programs/innovation/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.411A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.]

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Deadline for Notice of Intent to Submit Application: May 13, 2014.

We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the one absolute priority the applicant intends to address. Applicants may access this form online at *http://go.usa.gov/krPx.* Applicants that do not complete this form may still submit an application.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants should limit the application narrative [Part III] for a Scale-up grant application to no more than 50 pages. Applicants are also strongly encouraged not to include lengthy appendices that contain information that they were unable to include within the page limits for the narrative. Applicants should use the following standards:

• A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit for the application does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support of the application. However, the page limit does apply to all of the application narrative section [Part III] of the application.

b. *Submission of Proprietary Information:*

Given the types of projects that may be proposed in applications for the i3 program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Consistent with the process followed in the prior i3 competitions, we plan on posting the project narrative section of funded i3 applications on the Department's Web site so you may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:* Deadline for Notice of Intent to Submit Application: May 13, 2014.

Informational Meetings: The i3 program intends to hold webinars designed to provide technical assistance to interested applicants for all three types of grants. Detailed information regarding these meetings will be provided on the i3 Web site at *http://www2.ed.gov/programs/innovation/index.html.*

Deadline for Transmittal of Applications: June 24, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: August 21, 2014.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:*

Applications for grants for the i3 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the i3 program, CFDA number 84.411A (Scale-up grants), must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the i3 program at www.Grants.gov. You must search for the downloadable application package for this program this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.411, not 84.411A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor

will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W111, Washington, DC 20202–5930. FAX: (202) 205–5631.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.411A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.411A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in

Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Scale-up competition are from the 2013 i3 NFP and are listed below.

The points assigned to each criterion are indicated in the parenthesis next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

Note: An applicant must provide information on how its proposed project addresses the selection criteria in the project narrative section of its application. In responding to the selection criteria, applicants should keep in mind that peer reviewers may consider only the information provided in the written application when scoring and commenting on the application. Therefore, applicants should structure their applications with the goal of helping peer reviewers understand:

- What the applicant is proposing to do, including the absolute priority (or, if the applicant has selected the absolute priority for Serving Rural Communities, the absolute priorities) under which the applicant intends the application to be reviewed;
- How the proposed project will reach a national scale that the applicant was previously unable to reach; and
- What the outcomes of the project will be if it is successful, including how those outcomes will be evaluated.

Selection Criteria for the Scale-Up Grant Application

A. Significance (Up to 20 Points)

In determining the significance of the project, the Secretary considers the following factors:

(1) The extent to which the proposed project addresses a national need.

(2) The extent of the expected impact of the project on relevant outcomes (as defined in this notice), including the estimated impact of the project on student outcomes (particularly those related to student achievement (as defined in this notice) and the breadth of the project's impact, compared with alternative practices or methods of addressing similar needs.

(3) The likelihood that the project will have the estimated impact, including the extent to which the applicant demonstrates that unmet demand for the proposed project or the proposed services will enable the applicant to reach the proposed level of scale.

Note: In responding to this criterion, the Secretary encourages applicants to explain how the proposed project will address a national need and how the applicant determined an unmet demand for the proposed project exists. Additionally, the Secretary encourages applicants to quantify the expected impact of their proposed project if it is successful, and explain why the applicant expects the proposed project to have the described impact. Applicants are also encouraged to explain how the expected impact of the proposed project on student outcomes compares to other practices.

B. Quality of the Project Design (Up to 25 Points)

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The extent to which the project would build the capacity of the applicant to scale up and sustain the project or would create an organization capable of expanding if successful outcomes are achieved.

(2) The extent to which the applicant will use grant funds to address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale proposed in the application.

(3) The sufficiency of the resources to support effective project implementation, including the project's plan for ensuring funding after the period of the Federal grant.

Note: In responding to this criterion, the Secretary encourages applicants to explain how the proposed project will build capacity so that the proposed project can be scaled to and sustained at a national level. The Secretary also encourages applicants to address how the proposed project will overcome barriers that prevented the applicant from previously scaling the project. Lastly, the Secretary encourages applicants to consider the resources necessary for project implementation to ensure that the proposed project continues after the grant period ends.

C. Quality of the Management Plan and Personnel (Up to 25 Points)

In determining the quality of the management plan and personnel for the proposed project, the Secretary considers the following factors:

(1) The extent to which the management plan articulates key responsibilities and well-defined objectives, including the timelines and milestones for completion of major project activities, the metrics that will be used to assess progress on an ongoing basis, and annual performance targets the applicant will use to monitor whether the project is achieving its goals.

(2) The clarity and coherence of the applicant's multi-year financial and operating model and accompanying plan to operate the project at a national level (as defined in this notice) during the project period.

(3) The extent to which the applicant demonstrates that it will have the resources to operate the project at the proposed level of scale during the project period and beyond the length of the grant, including the demonstrated commitment of any partners and evidence of broad support from stakeholders critical to the project's long-term success (e.g., State educational agencies, teachers' unions).

(4) The extent to which the project director has experience managing large, complex, and rapidly growing projects.

Note: In responding to this criterion, the Secretary encourages applicants to address how the project team will evaluate the success or challenges of the project and use that feedback to make improvements to the project. Applicants are encouraged to explain the organization's plan that will enable the project to operate at a national level during and after the life of the grant. Applicants are also encouraged to address how the project director's past experience demonstrates an ability to manage large, complex, and rapidly growing projects, such as an i3 Scale-up grant.

D. Quality of Project Evaluation (Up to 30 Points)

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The clarity and importance of the key questions to be addressed by the project evaluation, and the appropriateness of the methods for how each question will be addressed.

(2) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations.[15]

(3) The extent to which the evaluation will study the project at the proposed level of scale, including, where appropriate, generating information about potential differential effectiveness of the project in diverse settings and for diverse student population groups.

(4) The extent to which the evaluation plan includes a clear and credible analysis plan, including a proposed sample size and minimum detectable effect size that aligns with the expected

[15] See What Works Clearinghouse Procedures and Standards Handbook. (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

project impact, and an analytic approach for addressing the research questions.

(5) The extent to which the evaluation plan clearly articulates the key components and outcomes of the project, as well as a measurable threshold for acceptable implementation.

(6) The extent to which the proposed project plan includes sufficient resources to carry out the project evaluation effectively.

Note: In responding to this criterion, the Secretary encourages applicants to describe the key evaluation questions and address how the proposed evaluation methodologies will allow the project to answer those questions. The applicant should address whether the methods for evaluation would meet What Works Clearinghouse Evidence Standards and how the evaluation design will ensure the project will be evaluated at the proposed level of scale. The response to this criterion should include a description of the proposed sample size and the estimated project impacts as well as the key components of the proposed project for implementation. Finally, applicants should also address whether sufficient resources, which may include the qualifications of the independent evaluator, are included in the project budget to carry out the evaluation effectively.

We encourage eligible applicants to review the following technical assistance resources on evaluation:

(1) What Works Clearinghouse Procedures and Standards Handbook: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1;* and

(2) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.*

2. *Review and Selection Process:* As described earlier in this notice, before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

We will use independent peer reviewers with varied backgrounds and professions, such as pre-kindergarten-grade 12 teachers and principals, college and university educators, researchers and evaluators, social entrepreneurs, strategy consultants, grant makers and managers, and others with education expertise for the peer review process. All reviewers will be thoroughly screened for conflicts of interest to ensure a fair and competitive review process.

Peer reviewers will read, prepare a written evaluation, and score the assigned applications, using the selection criteria provided in this notice. For Scale-up grant applications, the Department intends to conduct a single tier review. If an eligible applicant has chosen to address either of the first two competitive preference priorities (Improving Cost-Effectiveness and Productivity or Enabling Broad Adoption of Effective Practices) in order to earn competitive preference priority points, reviewers will review and score these competitive preference priorities. If competitive preference priority points are awarded, those points will be included in the eligible applicant's overall score. If an eligible applicant chooses to address the last competitive preference priority (Supporting Novice i3 Applicants) to earn competitive preference priority points, the Department will review its list of previous i3 grantees in scoring this competitive preference priority.

We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

Finally, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The overall purpose of the i3 program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement or student growth for high-need students. We have established several performance measures for the i3 Scale-up grants.

Short-term performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of programs, practices, or strategies supported by a Scale-up grant with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes at scale; (3) the percentage of programs, practices, or strategies supported by a Scale-up grant with ongoing evaluations that are providing high-quality implementation data and performance

feedback that allow for periodic assessment of progress toward achieving intended outcomes; and (4) the cost per student actually served by the grant.

Long-term performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of programs, practices, or strategies supported by a Scale-up grant that implement a completed well-designed, well-implemented and independent evaluation that provides evidence of their effectiveness at improving student outcomes at scale; (3) the percentage of programs, practices, or strategies supported by a Scale-up grant with a completed well-designed, well-implemented and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; and (4) the cost per student for programs, practices, or strategies that were proven to be effective at improving educational outcomes for students.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W111, Washington, DC 20202–5930. Telephone: (202) 453–7122. FAX: (202) 205–5631 or by email: *i3@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to either program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Dated: April 18, 2014.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2014–09263 Filed 4–22–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Training Program for Federal TRIO Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information: Training Program for Federal TRIO Programs (Training Program). Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.103A.

Dates:

Applications Available: April 23, 2014.

Deadline for Transmittal of Applications: May 23, 2014.

Deadline for Intergovernmental Review: July 22, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Training Program provides grants to train the staff and leadership personnel employed in, participating in, or preparing for employment in, projects funded under the Federal TRIO Programs to improve the operation of these projects.

Priorities: This notice contains five absolute priorities and two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv) and 34 CFR 75.105(b)(2)(ii), the absolute priorities are from section 402G(b) of the Higher Education Act of 1965, as amended (HEA), and the regulations for this program (34 CFR 642.24). The competitive preference priorities are from the Department's notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Note: Each year, the Training Program projects must offer training covering every topic listed within the applicable priority or priorities. And, each year, one or more Training Program projects must provide training for new project directors. Each applicant must identify in its application how it will meet this requirement as provided in 34 CFR 642.11.

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet these priorities. Each application must address one of these absolute priorities. An applicant must submit a separate application for each absolute priority it proposes to address.

These priorities are:

Absolute Priority 1. Training to improve: reporting student and project performance and the rigorous evaluation of project performance in order to design and operate a model project funded under the Federal TRIO Programs.

Number of expected awards: 1.

Maximum award amount: $250,000.

Absolute Priority 2. Training on: budget management, and the statutory and regulatory requirements for operation of projects funded under the Federal TRIO Programs.

Number of expected awards: 1.

Maximum award amount: $250,000.

Absolute Priority 3. Training on: assessment of student needs; retention and graduation strategies, including both secondary and postsecondary retention and graduation strategies; and the use of appropriate educational technology in the operation of projects funded under the Federal TRIO programs.

Number of expected awards: 1.

Maximum award amount: $325,000.

Absolute Priority 4. Training on: assisting students in receiving adequate financial aid from programs assisted under title IV of the HEA and from other programs; college and university

admissions policies and procedures; and proven strategies to improve the financial literacy and economic literacy of students, including topics such as basic personal finance information, household money management and financial planning skills, and basic economic decision making skills.

Number of expected awards: 1.

Maximum award amount: $250,000.

Absolute Priority 5. Training on: strategies for recruiting and serving hard to reach populations—including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as this term is defined in Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), students who are in foster care or are aging out of the foster care system, or other disconnected students.

Number of expected awards: 1.

Maximum award amount: $325,000.

Competitive Preference Priorities:

For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points to an application that meets Competitive Preference Priority 1 and up to an additional five points to an application that meets Competitive Preference Priority 2, depending on how well the application meets each of these priorities. An applicant submitting an application under Absolute Priorities 1, 2, 3, or 5 may apply using only Competitive Preference Priority 2. An applicant submitting an application under Absolute Priority 4 may apply using one or both of the Competitive Preference Priorities. Therefore, the maximum number of competitive preference points an application under Absolute Priorities 1, 2, 3, or 5 can receive under this competition is 5 while the maximum number of competitive preference points an application under Absolute Priority 4 can receive under this competition is 10.

These priorities are:

Competitive Preference Priority 1—Increasing Postsecondary Success (up to 5 additional points).

Background:

Meeting the President's goal of restoring the United States to first in the world in the percentage of citizens holding college degrees or other postsecondary credentials will require significantly increasing the number of high-need students who graduate from high school prepared to succeed in higher education and careers and who have access to college or rigorous postsecondary career or technical training leading to a degree or certificate. It will also require increasing the rates at which young people and adults enroll in, persist in, and complete college or other postsecondary training. This priority is designed to support efforts to reach the President's goal.

We are using Competitive Preference Priority 1—Increasing Postsecondary Success because the Department believes that the TRIO programs can play an important role in improving the postsecondary outcomes of its participants by placing greater emphasis on providing innovative college selection counseling strategies to match students with more selective institutions. Research indicates that many high-achieving low-income students do not enroll in the most selective colleges for which they are qualified, but that, when they do enroll in such institutions, they tend to have greater success.[1] [2] Understanding that TRIO programs serve students with varying levels of academic achievement, we are interested in projects that will provide training to TRIO program staff on advising students on college selection for a broad range of high-need students, not just those who have the best academic performance.

The Department encourages projects that provide training to TRIO staff on college selection counseling strategies to assist TRIO program participants in applying for, and enrolling in, institutions of higher education that are most closely aligned with the participant's levels of academic preparation. For example, applicants could describe the extent to which their projects combine training on traditional approaches to college advising, such as assistance with test preparation, research and admissions applications, and financial aid applications, with training on strategies to match students to institutions that are appropriate for their qualifications.

Competitive Preference Priority 1:

Projects that are designed to increase the number and proportion of high-need students who persist in and complete college or other postsecondary education and training.

Competitive Preference Priority 2—Improving Productivity (up to 5 additional points).

Background:

We are using Competitive Preference Priority 2—Improving Productivity because we believe that it is more important than ever to support TRIO projects that are designed to significantly increase efficiency in the use of resources while improving student outcomes. A key performance measure for the Training Program is its cost effectiveness, based on the number of TRIO project personnel receiving training each year. Furthermore, cost per participant is considered in all TRIO programs. Applicants proposing projects designed to offer increased opportunities for high-quality training for more individuals—that is, to decrease the training cost per participant while improving participant outcomes—will be more likely to perform well on this efficiency measure.

The Department continues to emphasize productivity in all TRIO programs for 2014. Accordingly, both new and current grantees will need assistance learning about, selecting, and implementing strategies that can help them be more productive while improving student outcomes. In light of this emphasis, we are interested in Training Program projects that propose to work with TRIO projects on strategies that improve productivity.

Competitive Preference Priority 2:

Projects that are designed to significantly increase efficiency in the use of time, staff, money, or other resources while improving student learning or other educational outcomes (i.e., outcome per unit of resource). Such projects may include innovative and sustainable uses of technology, modification of school schedules and teacher compensation systems, use of open educational resources (as defined in this notice), or other strategies.

Note 1: The types of projects identified above are suggestions for ways to improve productivity. We recognize that some of these examples, such as modification of teacher compensation systems, may not be relevant within the context of a particular application. Therefore, applicants addressing this priority may explain how they will provide training opportunities to the same or an increased number of individuals at a lower cost per participant while improving the quality of their training support. Applicants might also want to consider how they will provide training to TRIO staff to serve the same or an increased number of program participants at a lower cost per participant while improving the quality of their services.

[1] Jonathan Smith, Matea Pender, Jessica Howell, ''The Full Extent of Student-College Academic Undermatch, College Board Advocacy and Policy Center, January 2012, *http://www.aefpweb.org/sites/default/files/webform/Extent%20of%20Undermatch.pdf*

[2] William G. Bowen, Matthew M. Chingos & Michael S. McPherson, Crossing the Finish Line: Completing College at America's Public Universities, Princeton University Press, 2011.

Maximum number of applications: In accordance with 34 CFR 642.7, each application must clearly identify the specific absolute priority for which a grant is requested and must address each of the topics listed under that specific absolute priority. An application for a grant under a specific absolute priority must address only that absolute priority. A grantee who wants to apply under more than one absolute priority must submit separate applications for each absolute priority. If an applicant submits more than one application for the same absolute priority, we will accept only the application with the latest ''date/time received'' validation and we will reject all other applications the applicant submits for that priority.

For example, an application for a grant under Absolute Priority 1 must address only training described under that priority.

Definitions:

This definition is from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637), and it applies to the competitive preference priorities in this competition.

Open educational resources means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use or repurposing by others.

Program Authority: 20 U.S.C. 1070a-11 and 1070a–17.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 642. (d) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $1.4 million.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Maximum Award: We will reject any application that proposes a budget exceeding the maximum award amount for the applicable priority, listed as follows, for a single budget period of 12 months:

- Absolute Priority 1: $250,000.
- Absolute Priority 2: $250,000.
- Absolute Priority 3: $325,000.
- Absolute Priority 4: $250,000.
- Absolute Priority 5: $325,000.

The Assistant Secretary for Postsecondary Education may change the maximum award amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education and other public and private nonprofit institutions and organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Suzanne Ulmer, U.S. Department of Education, 1990 K Street, NW., Room 7000, Washington, DC 20006–8510. Telephone: (202) 502–7600 or by email: *TRIO@ed.gov.*

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative (Part III) to no more than 50 pages. However, any application addressing the competitive preference priorities may include up to four additional pages for each priority addressed in a separate section of the application submission to discuss how the application meets the competitive preference priority or priorities. These additional pages cannot be used for or transferred to the project narrative. Partial pages will count as a full page toward the page limit. For the purpose of determining compliance with the page limit, each page on which there are words will be counted as one full page. Applicants must use the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and an identifier may be within the 1″ margin.
- Double space (no more than three lines per vertical inch) all text in the project narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in figures and graphs. Text in charts and tables may be single-spaced. You should also include a table of contents in the project narrative, which will not be counted against the page limit.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I—the Application for Federal Assistance face sheet (SF 424); Part II—the Budget Information Summary form (ED Form 524); Part III–A—the Program Profile form; Part III–B—the one-page Project Abstract form; and Part IV—the Assurances and Certifications. If you include any attachments or appendices, these items will be counted as part of Part III—the Project Narrative for the purpose of the page-limit requirement. You must include your complete response to the selection criteria and priorities in Part III—the Project Narrative.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: April 23, 2014.

Deadline for Transmittal of Applications: May 23, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by

mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 22, 2014. 4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We specify unallowable costs in 34 CFR part 642.31. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at www.SAM.gov. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Training Program, CFDA Number 84.103A, must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Training Program at www.Grants.gov. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.103, not 84.103A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to

Grants.gov under News and Events on the Department's G5 system home page at www.G5.gov.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document Format) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact one of the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Eileen Bland, U.S. Department of Education, 1990 K Street, NW., Room 7000, Washington, DC 20006–8510. FAX: (202) 502–7857.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.103A),
LBJ Basement Level 1,
400 Maryland Avenue SW.,
Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.103A),
550 12th Street SW.,
Room 7041, Potomac Center Plaza,
Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between

8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

Note: Applicants must include in the one-page abstract submitted with the application a statement indicating which competitive preference priorities they have addressed. The priorities addressed in the application must also be listed on the Training Program Profile Sheet.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are in 34 CFR 642.21 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For this competition, a panel of non-Federal reviewers will review each application in accordance with the selection criteria in 34 CFR 642.21. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score received in the review process. Additionally, in accordance with 34 CFR 642.22, the Secretary will award prior experience points to eligible applicants by evaluating the applicant's current performance under its expiring Training Program grant. Pursuant to 34 CFR 642.22(b)(1), prior experience points, if any, will be added to the application's averaged peer review score to determine the total score for each application.

Under Section 402A(c)(3) of the HEA, the Secretary is not required to make awards under the Training Program in the order of the scores received.

In the event a tie score exists, the Secretary will select for funding the applicant that has the greatest capacity to provide training to eligible participants in all regions of the Nation in order to assure accessibility to the greatest number of prospective training participants, consistent with 34 CFR 642.20(e).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110.

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The success of the Training Program is measured by its cost-effectiveness based on the number of TRIO project personnel receiving training each year; the percentage of Training Program participants that, each year, evaluate the training as benefiting them in increasing their qualifications and skills in meeting the needs of disadvantaged students; and the percentage of Training Program participants that, each year, evaluate the training as benefiting them in increasing their knowledge and understanding of the Federal TRIO Programs. All grantees will be required to submit an annual performance report documenting their success in training personnel working on TRIO-funded projects, including the average cost per trainee and the trainees' evaluations of the effectiveness of the training provided. The success of the Training Program also is assessed on the quantitative and qualitative outcomes of the training projects based on project evaluation results.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Suzanne Ulmer or, if unavailable, Eileen S. Bland, U.S. Department of Education, 1990 K Street NW., Room 7000,

Washington, DC 20006–8510. Telephone: (202) 502–7600 or by email: *TRIO@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to one of the program contact persons listed under *For Further Information Contact* in section VII of this notice. *Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

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

Dated: April 17, 2014.

Brenda Dann-Messier,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–09198 Filed 4–22–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Investing in Innovation Fund—Validation Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information

Investing in Innovation Fund—Validation grants

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.411B (Validation grants).

DATES: *Applications Available:* April 25, 2014.

Deadline for Notice of Intent to Apply: May 13, 2014.

Deadline for Transmittal of Applications: June 24, 2014.

Deadline for Intergovernmental Review: August 21, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Investing in Innovation Fund (i3), established under section 14007 of the American Recovery and Reinvestment Act of 2009 (ARRA), provides funding to support (1) local educational agencies (LEAs), and (2) nonprofit organizations in partnership with (a) one or more LEAs or (b) a consortium of schools. The i3 program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of effective solutions to serve substantially larger numbers of students. The central design element of the i3 program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project. Applicants proposing practices supported by limited evidence can receive relatively small grants that support the development and initial evaluation of promising practices and help to identify new solutions to pressing challenges; applicants proposing practices supported by evidence from rigorous evaluations, such as large randomized controlled trials, can receive sizable grants to support expansion across the country. This structure provides incentives for applicants to build evidence of effectiveness of their proposed projects and to address the barriers to serving more students across schools, districts, and States so that applicants can compete for more sizeable grants.

As importantly, all i3 projects are required to generate additional evidence of effectiveness. All i3 grantees must use part of their budgets to conduct independent evaluations (as defined in this notice) of their projects. This ensures that projects funded under the i3 program contribute significantly to improving the information available to practitioners and policymakers about which practices work, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Development'' grants, ''Validation'' grants, and ''Scale-up'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration of funding, the level of scale the funded project should reach, and, consequently, the amount of funding available to support the project.

This notice invites applications for Validation grants only. The notice inviting applications for Scale-up grants is published elsewhere in this issue of the **Federal Register**. The notice inviting applications for Development grants was published in the **Federal Register** on March 14, 2014 (79 FR 14486) and available at *http://www.gpo.gov/fdsys/pkg/FR-2014-03-14/pdf/2014-05706.pdf.*

Validation grants provide funding to support expansion of projects supported by moderate evidence of effectiveness (as defined in this notice) to the national level (as defined in this notice) or regional level (as defined in this notice). Validation grants must further assess the effectiveness of the i3-supported practice through a rigorous evaluation, with particular focus on the populations for, and the contexts in, which the practice is most effective. We expect and consider it appropriate that each applicant proposes to use the Validation funding to build its capacity to deliver the i3-supported practice, particularly early in the funding period, to successfully reach the level of scale proposed in its application. Additionally, we expect each applicant to address any specific barriers to the growth or scaling of the organization or practice (including barriers related to cost-effectiveness) in order to deliver the i3-supported practice at the proposed level of scale and provide strategies to address these barriers as part of its proposed scaling plan.

All Validation grantees must evaluate the effectiveness of the practice that the supported project implements and expands. We expect that these evaluations will be conducted in a variety of contexts and for a variety of students, will identify the core elements of the practice, and will codify the practices to support adoption or replication by the applicant and other entities.

We remind LEAs of the continuing applicability of the provisions of the Individuals with Disabilities Education Act (IDEA) for students who may be served under i3 grants. Any grants in which LEAs participate must be consistent with the rights, protections, and processes established under IDEA for students who are receiving special education and related services or are in the process of being evaluated to determine their eligibility for such services.

As described later in this notice, in connection with making competitive grant awards, an applicant is required, as a condition of receiving assistance under this program, to make civil rights

assurances, including an assurance that its program or activity will comply with Section 504 of the Rehabilitation Act of 1973 and the Department's section 504 implementing regulations, which prohibit discrimination on the basis of disability. Regardless of whether a student with disabilities is specifically targeted as a ''high-need student'' (as defined in this notice) in a particular grant application, recipients are required to comply with all legal nondiscrimination requirements, including, but not limited to the obligation to ensure that students with disabilities are not denied access to the benefits of the recipient's program because of their disability. The Department also enforces Title II of the Americans with Disabilities Act (ADA), as well as the regulations implementing Title II of the ADA, which prohibit discrimination on the basis of disability by public entities.

Furthermore, Title VI and Title IX of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color, and national origin, and sex, respectively. On December 2, 2011, the Departments of Education and Justice jointly issued guidance that explains how educational institutions can promote student diversity or avoid racial isolation within the framework of Title VI (e.g., through consideration of the racial demographics of neighborhoods when drawing assignment zones for schools or through targeted recruiting efforts). The ''Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools'' is available on the Department's Web site at *www.ed.gov/ocr/docs/guidance-ese-201111.pdf.*

Background

Through its competitions, the i3 program strives to improve the academic achievement of high-need students by accelerating the identification of promising solutions to pressing challenges in kindergarten through grade 12 (K–12) education, supporting the evaluation of the efficacy of such solutions, and developing new approaches to scaling effective practices to serve more students. The i3 program aims to build a portfolio of solutions and corresponding evidence regarding different approaches to addressing critical challenges in education. When selecting the priorities for a given competition, the Department considers several factors, including the Department's policy priorities, the need for new solutions in a particular priority area, the extent of the evidence in the field supporting effective practices in a particular priority area, whether other available funding exists for a particular priority area, and the results and lessons learned from prior i3 competitions. The Department also considers the existing evidence of effectiveness when selecting the priorities and subparts for Validation competitions.

We include four absolute priorities in the FY 2014 Validation competition. For some of these priorities, we identify multiple subparts. In these instances, an applicant must select one subpart that the proposed project will address in order to meet the absolute priority.

First, we include an absolute priority on improving the effectiveness of teachers or principals. It is well established that teachers and principals are the most critical in-school factors in improving student achievement,[1] yet there is dramatic variation in teacher and principal effectiveness within and across schools. This priority encourages applicants to focus on improving the effectiveness of teachers or principals, and encourages applicants to identify effective methods for supporting, evaluating, or retaining effective teachers or principals, particularly at schools that serve high-need students.

Specifically, we include a subpart under this priority for projects that develop and implement models of induction and support for improving the knowledge and skills of novice teachers or novice principals. Although the Department funds several i3 projects that focus on teacher recruitment or content-specific professional development for teachers, relatively few of these projects focus on supporting current teachers in their early years of teaching. Given that many of the Nation's teachers are novice teachers, and given the rates at which novice teachers leave the profession, we are interested in expanding the number of projects in the i3 portfolio that improve the effectiveness and retention of novice teachers. Similarly, few of the current i3 projects focus on novice principals; as such, we include this subpart to encourage applicants to propose projects that are designed to provide support and development opportunities that enable novice principals to improve their schools' instructional programs and operations.

The second subpart of this priority aims to support projects that are designed to extend highly effective teachers' reach to serve more students. Applicants are encouraged to propose projects that identify highly effective teachers and that implement innovative ways to extend their reach so that they are serving more students, without necessarily increasing the workload of such teachers. Applicants might consider, for example, using technology-enabled learning opportunities to facilitate student access to highly effective teachers in subject areas that a school may not offer, or offering highly effective teachers relief from some of their administrative responsibilities in order to allow them to teach additional students. As such, projects addressing this subpart could implement changes to how schools and classrooms are designed to increase the reach of the most effective teachers. This subpart provides the opportunity for applicants to change the operating conditions within schools and districts in ways that professionalize teaching and improve outcomes for high-need students. It also supports increased efficiencies at the school and district levels.

Second, we include an absolute priority focused on implementing internationally benchmarked, college- and career-ready elementary and secondary academic standards. As reports, such as the 2012 Brown Center Report on American Education point out, the implementation of such standards is crucial to their effectiveness in improving student achievement.[2] We include this priority to support projects that will help teachers, principals, and others translate these standards into classroom practices that help students, particularly high-need students, excel.

Third, we include an absolute priority focused on improving academic outcomes for students with disabilities. The priority encourages applicants to implement projects that are designed to improve student achievement for students with disabilities in inclusive and general education settings. It is essential that students with disabilities are provided opportunities to participate and progress in inclusive and general education settings and that all students are held to, and meet,

[1] Wright, S.P., Horn, S.P., Sanders, W.L. (1997). Teacher and classroom context effects on student achievement: Implications for teacher evaluation. Journal of Personnel Evaluation in Education 11:57–67.

Rivkin, S.G., Hanushek, E.A., Kain, J.F. (2005). Teachers, schools, and academic achievement. Economerica, 73(2):417–458.

Leithwood, K., Louis, K.S., Anderson, S., and Wahlstrom, K. (2004). Review of research: How leadership influences student learning. University of Minnesota, Center for Applied Research and Educational Improvement. Available at: *www.cehd.umn.edu/carei/Leadership/ReviewofResearch.pdf.*

[2] Loveless, Tom. How Well are American Students Learning (2012). The 2012 Brown Center Report on American Education. Volume III Number 1. Available at: *www.brookings.edu/~/media/newsletters/0216_brown_education_loveless.pdf.*

college- and career-ready standards. Recent research suggests that inclusively structured classrooms and schools may prove the most effective educational contexts for most students with disabilities, when considering academic, social, emotional, or behavioral outcomes.[3]

In addition, while the negative effects (e.g., removing students from instruction) of exclusionary school discipline policies are not confined to students with disabilities, students with disabilities are disproportionately removed from the instructional environment. This priority is particularly focused on the effect of these policies on students with disabilities and the use of behavioral frameworks to reduce the use of exclusionary school discipline with these students.[4]

Finally, we include an absolute priority that focuses on serving rural communities. Students living in rural communities face unique challenges. Applicants applying under this priority must also address one of the other three absolute priorities established for the FY 2014 i3 Validation competition, as described above, while serving students enrolled in rural local educational agencies (as defined in this notice).

We also include three competitive preference priorities in the FY 2014 Validation competition. The Department encourages applicants to design projects that address these competitive preference priorities in their applications.

First, we include a competitive preference priority focusing on improving cost-effectiveness and productivity. Improvements in operational, organizational, and instructional processes and structures will enable organizations to achieve the best possible results in the most efficient manner. Applicants should provide detailed information about how they aim to modify their processes and structures to improve productivity and how they will evaluate whether the proposed projects are cost-effective when implemented. Further, in order to receive competitive preference points, applicants addressing this priority must provide a detailed budget, an examination of different types of costs, and a plan to monitor and evaluate cost savings, all of which are essential to improving productivity.

Second, we include a competitive preference priority for projects that enable the broad adoption of effective practices. This competitive preference priority rewards applicants that will implement systematic methods for identifying and supporting the expansion of these practices. While Validation grantees must codify the core elements of their i3-supported practices, we are interested in projects that have a particular focus in this area. In addition, the education field needs access to strong, reliable data to make informed decisions about effective practices that could replace less effective practices. This competitive preference priority supports strategies that identify key elements of effective practices and that capture lessons learned about the implementation of the practices. In addition, an applicant addressing this priority must commit to implementing the practice in other settings and locations in order to ensure that the practice can be successfully replicated.

Third, in order to expand the reach of the i3 program and encourage entities that have not previously received an i3 grant to apply, the Department includes a competitive preference priority for novice i3 applicants. A novice i3 applicant is an applicant that has never received a grant under the i3 program. An applicant must identify whether it is a novice applicant when completing the applicant information sheet. Instructions on how to complete the applicant information sheet are included in the application package.

Finally, we include one invitational priority. High-quality early learning programs can improve children's vocabulary, improve their social and emotional development so they arrive in school ready to learn, and help them stay on track and engaged in early elementary grades.[5] To support the Department's early learning efforts, we include an invitational priority for projects that, in addition to addressing one of i3's absolute priorities, improve the coordination and alignment between early learning and development systems and elementary education systems to improve transitions for children from birth through third grade. Through this invitational priority, we encourage applicants to propose projects that sustain early learning and development outcomes through the early elementary school years.

In summary, applications must address one of the absolute priorities for this competition and propose projects designed to implement practices that serve students who are in grades K–12 at some point during the funding period. Additionally, applicants must be able to show moderate evidence of effectiveness for the proposed process, product, strategy, or practice included in their applications. Applicants should carefully review all of the requirements in the *Eligibility Information* section of this notice for instructions on how to demonstrate moderate evidence of effectiveness and for information on the other eligibility and program requirements.

The i3 program includes a statutory requirement for a private-sector match for all i3 grantees. For Validation grants, an applicant must obtain matching funds or in-kind donations from the private sector equal to at least 10 percent of its grant award. Each highest-rated application, as identified by the Department following peer review of the applications, must submit evidence of at least 50 percent of the required private-sector match prior to the awarding of an i3 grant. An applicant must provide evidence of the remaining 50 percent of the required private-sector match no later than six months after the project start date (i.e., for the FY 2014 competition, six months after January 1, 2015, or by July 1, 2015). The grant will be terminated if the grantee does not secure its private-sector match by the established deadline.

This notice also includes selection criteria for the FY 2014 Validation competition that are designed to ensure that applications selected for funding have the best potential to generate substantial improvements in student achievement (and other key outcomes), and include well-articulated plans for the implementation and evaluation of the proposed projects. Applicants should review the selection criteria and submission instructions carefully to ensure their applications address this year's criteria.

An entity that submits an application for a Validation grant must include the following information in its application: An estimate of the number of students to be served by the project; evidence of the applicant's ability to implement and appropriately evaluate the proposed project; and information about its capacity (e.g., management capacity, financial resources, and qualified personnel) to implement the project at a State or regional level, working directly or through partners. We

[3] Michael Grosche & Robert J. Volpe (2013). Response-to-intervention (RTI) as a model to facilitate inclusion for students with learning and behavior problems. European Journal of Special Needs Education, 28 (3): 254–269. Available at: *www.tandfonline.com/doi/full/10.1080/08856257.2013.768452#tabModule.*

[4] On January 8, 2014, the Departments of Education and Justice jointly issued the School Discipline Guidance Package, which is available at *http://www.ed.gov/school-discipline.*

[5] Heckman, James J. 2008. Schools, Skills, and Synapses. University of Chicago. Available at: *www.heckmanequation.org/content/resource/schools-skills-synapses.*

recognize that LEAs are not typically responsible for taking their practices, strategies, or programs to scale; however, all applicants can and should partner with others to disseminate their effective practices, strategies and programs and take them to scale.

The Department will screen applications that are submitted for Validation grants in accordance with the requirements in this notice and determine which applications meet the eligibility and other requirements. Peer reviewers will review all applications for Validation grants that are submitted by the established deadline.

Applicants should note, however, that we may screen for eligibility at multiple points during the competition process, including before and after peer review; applicants that are determined to be ineligible will not receive a grant award regardless of peer reviewer scores or comments. If we determine that a Validation grant application is not supported by moderate evidence of effectiveness, or that the applicant does not demonstrate the required prior record of improvement, or does not meet any other i3 requirement, the application will not be considered for funding.

Priorities: This competition includes four absolute priorities, three competitive preference priorities, and one invitational priority. Three of the absolute priorities and the three competitive preference priorities are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18682) (the ''2013 i3 NFP''). The 2013 i3 NFP is available at *www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-07016.pdf.* One absolute priority is from the Department's notice of final supplemental priorities and definitions (Supplemental Priorities), published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one of these priorities.

Under the Validation grant competition, each of the four absolute priorities constitutes its own funding category. The Secretary intends to award grants under each absolute priority for which applications of sufficient quality are submitted.

An applicant for a Validation grant must choose one of the four absolute priorities. Applications will be peer reviewed and scored; scores will be rank ordered by absolute priority, so an applicant must clearly identify the specific absolute priority and subpart that the proposed project addresses. Applicants that choose to submit an application under the absolute priority for Serving Rural Communities must identify an additional absolute priority. The peer-reviewed scores for applications submitted under the Serving Rural Communities priority will be ranked with other applications under the Serving Rural Communities priority and not included in the ranking for the additional priority that the applicant identifies. This design helps to ensure that applicants under the Serving Rural Communities priority receive an ''apples to apples'' comparison with other rural applicants.

These priorities are:

Absolute Priority 1—Improving the Effectiveness of Teachers or Principals

Under this priority, we provide funding to projects that address one of the following priority areas:

(a) Developing and implementing models of induction and support for improving the knowledge and skills of novice teachers or novice principals to accelerate student performance, including but not limited to strategies designed to increase teacher retention or improve teacher or principal effectiveness.

(b) Extending highly effective teachers' reach to serve more students, including strategies such as new course designs, staffing models, technology platforms, or new opportunities for collaboration that allow highly effective teachers to reach more students, or approaches or tools that reduce administrative and other burden while maintaining or improving effectiveness.

Absolute Priority 2—Implementing Internationally Benchmarked, College- and Career-Ready Elementary and Secondary Academic Standards

Under this priority, we provide funding to projects that are designed to support the implementation of internationally benchmarked, college- and career-ready academic standards held in common by multiple States and to improve instruction and learning, including strategies that translate the standards into classroom practice.

Absolute Priority 3—Improving Academic Outcomes for Students With Disabilities

Under this priority, we provide funding to projects that address the following priority area:

Designing and implementing strategies that improve student achievement (as defined in this notice) for students with disabilities in inclusive settings, including strategies that improve learning and developmental outcomes (i.e., academic, social, emotional, or behavioral) and the appropriate transition from restrictive settings to inclusive settings or general education classes or programs, and appropriate strategies to prevent unnecessary suspensions and expulsions.

Absolute Priority 4—Serving Rural Communities

Under this priority, we provide funding to projects addressing one of the absolute priorities established for the 2014 Validation i3 competition and under which the majority of students to be served are enrolled in rural local educational agencies (as defined in this notice).

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award one additional point to applications that meet the first competitive preference priority, two additional points to applications that meet the second competitive preference priority, and one additional point to applications that meet the third competitive preference priority.

Applicants may address more than one of the competitive preference priorities. An applicant must identify in the project narrative section of its application the priority or priorities it wishes the Department to consider for purposes of earning competitive preference priority points.

Note: The Department will not review or award points under any competitive preference priority that the applicant fails to clearly identify as the competitive preference priority or priorities the applicant wishes the Department to consider for purposes of earning competitive preference priority points.

These priorities are:

Competitive Preference Priority 1—Improving Cost-Effectiveness and Productivity (Zero or 1 Point)

Under this priority, we provide funding to projects that address one of the following areas:

(a) Substantially improving student outcomes without commensurately increasing per-student costs.

(b) Maintaining student outcomes while substantially decreasing per-student costs.

(c) Substantially improving student outcomes while substantially decreasing per-student costs.

Other requirements related to Competitive Preference Priority 1:

An application addressing This Priority must provide—

(1) A clear and coherent budget that identifies expected student outcomes before and after the practice, the cost per student for the practice, and a clear calculation of the cost per student served;

(2) A compelling discussion of the expected cost-effectiveness of the practice compared with alternative practices;

(3) A clear delineation of one-time costs versus ongoing costs and a plan for sustaining the project, particularly ongoing costs, after the expiration of i3 funding;

(4) Identification of specific activities designed to increase substantially the cost-effectiveness of the practice, such as re-designing costly components of the practice (while maintaining efficacy) or testing multiple versions of the practice in order to identify the most cost-effective approach; and

(5) A project evaluation that addresses the cost-effectiveness of the proposed practice.

Competitive Preference Priority 2—Enabling Broad Adoption of Effective Practices (Zero or 2 Points)

Under this priority, we provide funding to projects that enable broad adoption of effective practices. An application proposing to address this priority must, as part of its application:

(a) Identify the practice or practices that the application proposes to prepare for broad adoption, including formalizing the practice (i.e., establish and define key elements of the practice), codifying (i.e., develop a guide or tools to support the dissemination of information on key elements of the practice), and explaining why there is a need for formalization and codification.

(b) Evaluate different forms of the practice to identify the critical components of the practice that are crucial to its success and sustainability, including the adaptability of critical components to different teaching and learning environments and to diverse learners.

(c) Provide a coherent and comprehensive plan for developing materials, training, toolkits, or other supports that other entities would need in order to implement the practice effectively and with fidelity.

(d) Commit to assessing the replicability and adaptability of the practice by supporting the implementation of the practice in a variety of locations during the project period using the materials, training, toolkits, or other supports that were developed for the i3-supported practice.

Competitive Preference Priority 3—Supporting Novice i3 Applicants (Zero or 1 Point)

Eligible applicants that have never directly received a grant under this program.

Invitational Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority—Supporting High-Quality Early Learning

The Secretary encourages applicants to propose projects that improve the coordination and alignment between early learning and development systems and elementary education systems in order to improve transitions for children from birth through third grade.

Definitions

These definitions are from the 2013 i3 NFP. We may apply these definitions in any year in which this program is in effect.

Note: This notice invites applications for Validation grants. The following definitions apply to all three types of grants under the i3 program (Development, Validation, and Scale-up). Therefore, some of the definitions included in this section, primarily those related to demonstrations of evidence, may be more applicable to applications for Scale-up or Development grants.

Consortium of schools means two or more public elementary or secondary schools acting collaboratively for the purpose of applying for and implementing an i3 grant jointly with an eligible nonprofit organization.

Evidence of promise means there is empirical evidence to support the theoretical linkage between at least one critical component and at least one relevant outcome presented in the logic model (as defined in this notice) for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the following conditions are met:

(a) There is at least one study that is either a—

(1) Correlational study with statistical controls for selection bias;

(2) Quasi-experimental study (as defined in this notice) that meets the What Works Clearinghouse Evidence Standards with reservations;[6] or

(3) Randomized controlled trial (as defined in this notice) that meets the What Works Clearinghouse Evidence Standards with or without reservations;[7]

(b) Such a study found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger), favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

High-need student means a student at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools (as defined in this notice), who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

High-minority school is defined by a school's LEA in a manner consistent with the corresponding State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the ESEA. The applicant must provide, in its i3 application, the definition(s) used.

High school graduation rate means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1)(v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA.

[6] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[7] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Highly effective principal means a principal whose students, overall and for each subgroup as described in section 1111(b)(3)(C)(xiii) of the ESEA (economically disadvantaged students, students from major racial and ethnic groups, migrant students, students with disabilities, students with limited English proficiency, and students of each gender), achieve high rates (e.g., one and one-half grade levels in an academic year) of student growth. Eligible applicants may include multiple measures, provided that principal effectiveness is evaluated, in significant part, based on student growth. Supplemental measures may include, for example, high school graduation rates; college enrollment rates; evidence of providing supportive teaching and learning conditions, support for ensuring effective instruction across subject areas for a well-rounded education, strong instructional leadership, and positive family and community engagement; or evidence of attracting, developing, and retaining high numbers of effective teachers.

Highly effective teacher means a teacher whose students achieve high rates (e.g., one and one-half grade levels in an academic year) of student growth. Eligible applicants may include multiple measures, provided that teacher effectiveness is evaluated, in significant part, based on student academic growth. Supplemental measures may include, for example, multiple observation-based assessments of teacher performance or evidence of leadership roles (which may include mentoring or leading professional learning communities) that increase the effectiveness of other teachers in the school or LEA.

Independent evaluation means that the evaluation is designed and carried out independent of, but in coordination with, any employees of the entities who develop a process, product, strategy, or practice and are implementing it.

Innovation means a process, product, strategy, or practice that improves (or is expected to improve) significantly upon the outcomes reached with status quo options and that can ultimately reach widespread effective usage.

Large sample means a sample of 350 or more students (or other single analysis units) who were randomly assigned to a treatment or control group, or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units) and that were randomly assigned to a treatment or control group.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (i.e., the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Moderate evidence of effectiveness means one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that: Meets the What Works Clearinghouse Evidence Standards without reservations;[8] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(b) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that: Meets the What Works Clearinghouse Evidence Standards with reservations,[9] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice; and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice) (Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph).

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (e.g., economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit organization means an entity that meets the definition of ''nonprofit'' under 34 CFR 77.1(c), or an institution of higher education as defined by section 101(a) of the Higher Education Act of 1965, as amended.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations[10] (they cannot meet What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.[11]

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (e.g., economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project to be considered a regional level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the

[8] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[9] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[10] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[11] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

State educational agency is the sole educational agency for all schools.

Relevant outcome means the student outcome or outcomes (or the ultimate outcome if not related to students) that the proposed project is designed to improve, consistent with the specific goals of the project and the i3 program.

Rural local educational agency means a local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *http://www2.ed.gov/nclb/freedom/local/reap.html.*

Strong evidence of effectiveness means that one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that: Meets the What Works Clearinghouse Evidence Standards without reservations;[12] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice; and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice). (Note: multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph).

(b) There are at least two studies of the effectiveness of the process, product, strategy, or practice being proposed, each of which: Meets the What Works Clearinghouse Evidence Standards with reservations;[13] found a statistically significant favorable impact on a relevant outcome (as defined in this notice) (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the studies or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse); includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice; and includes a large sample (as defined in this notice) and a multi-site sample (as defined in this notice).

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model (as defined in this notice).

Student achievement means—

(a) For grades and subjects in which assessments are required under ESEA section 1111(b)(3): (1) A student's score on such assessments and may include (2) other measures of student learning, such as those described in paragraph (b), provided they are rigorous and comparable across schools within an LEA.

(b) For grades and subjects in which assessments are not required under ESEA section 1111(b)(3): alternative measures of student learning and performance such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. An applicant may also include other measures that are rigorous and comparable across classrooms.

Program Authority: American Recovery and Reinvestment Act of 2009, Division A, Section 14007, Pub. L. 111–5.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on March 27, 2013 (78 FR 18682). (d) The Supplemental Priorities published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreements or discretionary grants.

Estimated Available Funds: $134,800,000.

These estimated available funds are the total available for all three types of grants under the i3 program (Development, Validation, and Scale-up grants).

Contingent upon the availability of funds and the quality of the applications received, we may make additional awards in FY 2015 or later years from the list of unfunded applicants from this competition.

Estimated Range of Awards:

Development grants: Up to $3,000,000.
Validation grants: Up to $12,000,000.
Scale-up grants: Up to $20,000,000.

Estimated Average Size of Awards:

Development grants: $3,000,000.
Validation grants: $11,500,000.
Scale-up grants: $19,000,000.

Estimated Number of Awards:

Development grants: 10–20 awards.
Validation grants: 4–8 awards.
Scale-up grants: 0–2 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36–60 months.

III. Eligibility Information

1. *Innovations that Improve Achievement for High-Need Students:* All grantees must implement practices that are designed to improve student achievement (as defined in this notice) or student growth (as defined in this notice), close achievement gaps, decrease dropout rates, increase high school graduation rates (as defined in this notice), or increase college enrollment and completion rates for high-need students (as defined in this notice).

2. *Innovations that Serve Kindergarten-through-Grade-12 (K–12) Students:* All grantees must implement practices that serve students who are in grades K–12 at some point during the funding period. To meet this requirement, projects that serve early learners (i.e., infants, toddlers, or preschoolers) must provide services or supports that extend into kindergarten or later years, and projects that serve postsecondary students must provide services or supports during the secondary grades or earlier.

[12] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

[13] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

3. *Eligible Applicants:* Entities eligible to apply for i3 grants include either of the following:

(a) An LEA.

(b) A partnership between a nonprofit organization and—

(1) One or more LEAs; or

(2) A consortium of schools.

Statutory Eligibility Requirements: Except as specifically set forth in the *Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization* that follows, to be eligible for an award, an eligible applicant must—

(a)(1) Have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (economically disadvantaged students, students from major racial and ethnic groups, students with limited English proficiency, students with disabilities); or

(2) Have demonstrated success in significantly increasing student academic achievement for all groups of students described in that section;

(b) Have made significant improvements in other areas, such as high school graduation rates (as defined in this notice) or increased recruitment and placement of high-quality teachers and principals, as demonstrated with meaningful data;

(c) Demonstrate that it has established one or more partnerships with the private sector, which may include philanthropic organizations, and that organizations in the private sector will provide matching funds in order to help bring results to scale; and

(d) In the case of an eligible applicant that includes a nonprofit organization, provide in the application the names of the LEAs with which the nonprofit organization will partner, or the names of the schools in the consortium with which it will partner. If an eligible applicant that includes a nonprofit organization intends to partner with additional LEAs or schools that are not named in the application, it must describe in the application the demographic and other characteristics of these LEAs and schools and the process it will use to select them.

Note: An entity submitting an application should provide, in Appendix C, under ''Other Attachments Form,'' of its application, information addressing the eligibility requirements described in this section. An applicant must provide, in its application, sufficient supporting data or other information to allow the Department to determine whether the applicant has met the eligibility requirements. Note that in order to address the statutory eligibility requirement above, applicants must provide data that demonstrate a change. In other words, applicants must provide data for at least two points in time when addressing this requirement in Appendix C of their applications. If the Department determines that an applicant has provided insufficient information in its application, the applicant will not have an opportunity to provide additional information.

Note about LEA Eligibility: For purposes of this program, an LEA is an LEA located within one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico.

Note about Eligibility for an Eligible Applicant that Includes a Nonprofit Organization: The authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements in paragraphs (a) and (b) of the eligibility requirements for this program if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention. For an eligible applicant that includes a nonprofit organization, the nonprofit organization must demonstrate that it has a record of significantly improving student achievement, attainment, or retention through its record of work with an LEA or schools. Therefore, an eligible applicant that includes a nonprofit organization does not necessarily need to include as a partner for its i3 grant an LEA or a consortium of schools that meets the requirements in paragraphs (a) and (b) of the eligibility requirements in this notice.

In addition, the authorizing statute specifies that an eligible applicant that includes a nonprofit organization meets the requirements of paragraph (c) of the eligibility requirements in this notice if the eligible applicant demonstrates that it will meet the requirement for private-sector matching.

4. *Cost Sharing or Matching:* To be eligible for an award, an applicant must demonstrate that one or more private-sector organizations, which may include philanthropic organizations, will provide matching funds in order to help bring project results to scale. An eligible Validation applicant must obtain matching funds, or in-kind donations, equal to at least 10 percent of its Federal grant award. The highest-rated eligible applicants must submit evidence of 50 percent of the required private-sector matching funds following the peer review of applications. A Federal i3 award will not be made unless the applicant provides adequate evidence that the 50 percent of the required private-sector match has been committed or the Secretary approves the eligible applicant's request to reduce the matching-level requirement. An applicant must provide evidence of the remaining 50 percent of required private-sector match six months after the project start date.

The Secretary may consider decreasing the matching requirement on a case-by-case basis, and only in the most exceptional circumstances. An eligible applicant that anticipates being unable to meet the full amount of the private-sector matching requirement must include in its application a request that the Secretary reduce the matching-level requirement, along with a statement of the basis for the request.

Note: An applicant that does not provide a request for a reduction of the matching-level requirement in its application may not submit that request at a later time.

5. *Other:* The Secretary establishes the following requirements for the i3 program. These requirements are from the 2013 i3 NFP. We may apply these requirements in any year in which this program is in effect.

• *Evidence Standards:* To be eligible for an award, an application for a Validation grant must be supported by moderate evidence of effectiveness (as defined in this notice).

Note: An applicant should identify up to two study citations to be reviewed against What Works Clearinghouse Evidence Standards for the purposes of meeting the i3 evidence standard requirement. An applicant should clearly identify these citations in Appendix D, under the ''Other Attachments Form,'' of its application. The Department will not review a study citation that an applicant fails to clearly identify for review. In addition to the two study citations, applicants should include a description of the intervention(s) the applicant plans to implement and the intended student outcomes that the intervention(s) attempts to impact in Appendix D.

An applicant must either ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available; or, in the application, include copies of evidence in Appendix D. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time.

Note: The evidence standards apply to the prior research that supports the effectiveness of the proposed project. The i3 program does not restrict the source of prior research providing evidence for the proposed project. As such, an applicant could cite prior research in Appendix D for studies that were conducted by another entity (i.e., an entity that is not the applicant) so long as the prior research studies cited in the application are relevant to the effectiveness of the proposed project.

• *Funding Categories:* An applicant will be considered for an award only for the type of i3 grant (i.e., Development, Validation, and Scale-up grants) for which it applies. An applicant may not

submit an application for the same proposed project under more than one type of grant.

• *Limit on Grant Awards:* (a) No grantee may receive more than two new grant awards of any type under the i3 program in a single year; (b) in any two-year period, no grantee may receive more than one new Scale-up or Validation grant; and (c) no grantee may receive in a single year new i3 grant awards that total an amount greater than the sum of the maximum amount of funds for a Scale-up grant and the maximum amount of funds for a Development grant for that year. For example, in a year when the maximum award value for a Scale-up grant is $20 million and the maximum award value for a Development grant is $3 million, no grantee may receive in a single year new grants totaling more than $23 million.

• *Subgrants:* In the case of an eligible applicant that is a partnership between a nonprofit organization and (1) one or more LEAs or (2) a consortium of schools, the partner serving as the applicant and, if funded, as the grantee, may make subgrants to one or more entities in the partnership.

• *Evaluation:* The grantee must conduct an independent evaluation (as defined in this notice) of its project. This evaluation must estimate the impact of the i3-supported practice (as implemented at the proposed level of scale) on a relevant outcome (as defined in this notice). The grantee must make broadly available digitally and free of charge, through formal (e.g., peer-reviewed journals) or informal (e.g., newsletters) mechanisms, the results of any evaluations it conducts of its funded activities. For Scale-up and Validation grants, the grantee must also ensure that the data from its evaluation are made available to third-party researchers consistent with applicable privacy requirements.

In addition, the grantee and its independent evaluator must agree to cooperate with any technical assistance provided by the Department or its contractor and comply with the requirements of any evaluation of the program conducted by the Department. This includes providing to the Department, within 100 days of a grant award, an updated comprehensive evaluation plan in a format and using such tools as the Department may require. Grantees must update this evaluation plan at least annually to reflect any changes to the evaluation. All of these updates must be consistent with the scope and objectives of the approved application.

• *Communities of Practice:* Grantees must participate in, organize, or facilitate, as appropriate, communities of practice for the i3 program. A community of practice is a group of grantees that agrees to interact regularly to solve a persistent problem or improve practice in an area that is important to them.

• *Management Plan:* Within 100 days of a grant award, the grantee must provide an updated comprehensive management plan for the approved project in a format and using such tools as the Department may require. This management plan must include detailed information about implementation of the first year of the grant, including key milestones, staffing details, and other information that the Department may require. It must also include a complete list of performance metrics, including baseline measures and annual targets. The grantee must update this management plan at least annually to reflect implementation of subsequent years of the project.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www2.ed.gov/programs/innovation/index.html*. To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.411B.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Deadline for Notice of Intent to Submit Application: May 13, 2014.

We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the one absolute priority the applicant intends to address. Applicants may access this form online at *http://go.usa.gov/krPV*. Applicants that do not complete this form may still submit an application.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants should limit the application narrative [Part III] for a Validation grant application to no more than 35 pages. Applicants are also strongly encouraged not to include lengthy appendices that contain information that they were unable to include within the page limits for the narrative. Applicants should use the following standards:

• A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit for the application does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support of the application. However, the page limit does apply to all of the application narrative section [Part III] of the application.

b. *Submission of Proprietary Information:*

Given the types of projects that may be proposed in applications for the i3 program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Consistent with the process followed in the prior i3 competitions, we plan on posting the project narrative section of

funded i3 applications on the Department's Web site so you may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:* Deadline for Notice of Intent to Submit Application: May 13, 2014.

Informational Meetings: The i3 program intends to hold webinars designed to provide technical assistance to interested applicants for all three types of grants. Detailed information regarding these meetings will be provided on the i3 Web site at *http://www2.ed.gov/programs/innovation/index.html*. Deadline for Transmittal of Applications: June 24, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 21, 2014.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html*.

7. *Other Submission Requirements:*

Applications for grants for the i3 program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the i3 program, CFDA number 84.411B (Validation grants), must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the i3 program at *www.Grants.gov.* You must search for the downloadable application package for this program this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.411, not 84.411B).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your

application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., room 4W111, Washington, DC 20202–5930. FAX: (202) 205–5631.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.411B), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.411B), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your +application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Validation competition are from the 2013 i3 NFP and are listed below.

The points assigned to each criterion are indicated in the parenthesis next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

Note: An applicant must provide information on how its proposed project addresses the selection criteria in the project narrative section of its application. In responding to the selection criteria, applicants should keep in mind that peer reviewers may consider only the information provided in the written application when scoring and commenting on the application. Therefore, applicants should structure their applications with the goal of helping peer reviewers understand:

- What the applicant is proposing to do, including the absolute priority (or, if the applicant has selected the absolute priority for Serving Rural Communities, the absolute priorities) under which the applicant intends the application to be reviewed;
- How the proposed project will reach a national or regional level of scale that the applicant was previously unable to reach; and
- What the outcomes of the project will be if it is successful, including how those outcomes will be evaluated.

Selection Criteria for the Validation Grant Application

A. Significance (Up to 20 Points)

In determining the significance of the project, the Secretary considers the following factors:

(1) The extent to which the proposed project addresses the national need and priorities the applicant is seeking to meet.

(2) The likelihood that the project will have the estimated impact, including the extent to which the applicant demonstrates that unmet demand for the proposed project or the proposed services will enable the applicant to reach the proposed level of scale.

(3) The feasibility of national expansion if favorable outcomes are achieved.

Note: In responding to this criterion, the Secretary encourages applicants to address the unmet needs within the context of the absolute priority. Additionally, the Secretary encourages applicants to explain how the proposed project will address unmet demands and enable the applicant to reach the proposed level of scale. Applicants are also encouraged to explain how the applicant will ensure future scaling should the proposed project have positive results.

B. Quality of the Project Design (Up to 25 Points)

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The clarity, completeness, and coherence of the project goals and whether the application includes a description of project activities that constitute a complete plan for achieving those goals, including the identification of potential risks to project success and strategies to mitigate those risks.

(2) The extent to which the applicant will use grant funds to address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale proposed in the application.

Note: In responding to this criterion, the Secretary encourages applicants to develop a clear set of goals as well as the applicant's plan for achieving those goals. In designing this plan, applicants should consider the risks that could prevent success and what strategies they will implement to counteract those risks to ensure the proposed project is implemented successfully and will achieve its goals. Further, applicants are encouraged to identify barriers to scaling the proposed project and address how they will overcome the identified barriers.

C. Quality of the Management Plan and Personnel (Up to 25 Points)

In determining the quality of the management plan and personnel for the proposed project, the Secretary considers the following factors:

(1) The extent to which the management plan articulates key responsibilities and well-defined objectives, including the timelines and milestones for completion of major project activities, the metrics that will be used to assess progress on an ongoing basis, and annual performance targets the applicant will use to monitor whether the project is achieving its goals.

(2) The clarity and coherence of the applicant's multi-year financial and operating model and accompanying plan to operate the project at a national or regional level (as defined in this notice) during the project period.

(3) The extent to which the project director has experience managing large, complex projects.

Note: In responding to this criterion, the Secretary encourages applicants to address how the project team will evaluate both the successes and challenges of the project and use the lessons from their ongoing monitoring and evaluation of the project to improve the project. Applicants also are encouraged to explain the organization's plan to operate the project at a national level or regional level during and after the life of the grant. Applicants are also encouraged to think about how the project director's past experience demonstrates an ability to manage large, complex projects, such as an i3 Validation grant.

D. Quality of Project Evaluation (Up to 30 Points)

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The clarity and importance of the key questions to be addressed by the

project evaluation, and the appropriateness of the methods for how each question will be addressed.

(2) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards without reservations.[14]

(3) The extent to which the evaluation will study the project at the proposed level of scale, including, where appropriate, generating information about potential differential effectiveness of the project in diverse settings and for diverse student population groups.

(4) The extent to which the evaluation plan includes a clear and credible analysis plan, including a proposed sample size and minimum detectable effect size that aligns with the expected project impact, and an analytic approach for addressing the research questions.

(5) The extent to which the evaluation plan clearly articulates the key components and outcomes of the project, as well as a measurable threshold for acceptable implementation.

(6) The extent to which the proposed project plan includes sufficient resources to carry out the project evaluation effectively.

Note: In responding to this criterion, the Secretary encourages applicants to describe the key evaluation questions and address how the proposed evaluation methodologies will allow the project to answer those questions. The applicant should address whether the methods for evaluation would meet What Works Clearinghouse Evidence Standards and how the evaluation design will ensure the project will be evaluated at the proposed level of scale. The response to this criterion should include a description of the proposed sample size and the estimated project impacts as well as the key components of the proposed project for implementation. Finally, applicants should also address whether sufficient resources, which may include the qualifications of the independent evaluator, are included in the project budget to carry out the evaluation effectively.

We encourage eligible applicants to review the following technical assistance resources on evaluation:

(1) What Works Clearinghouse Procedures and Standards Handbook: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1;* and

(2) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.*

2. *Review and Selection Process:* As described earlier in this notice, before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

We will use independent peer reviewers with varied backgrounds and professions, such as pre-kindergarten-grade 12 teachers and principals, college and university educators, researchers and evaluators, social entrepreneurs, strategy consultants, grant makers and managers, and others with education expertise for the peer review process. All reviewers will be thoroughly screened for conflicts of interest to ensure a fair and competitive review process.

Peer reviewers will read, prepare a written evaluation, and score the assigned applications, using the selection criteria provided in this notice. For Validation grant applications, the Department intends to conduct a single tier review. If an eligible applicant has chosen to address either of the first two competitive preference priorities (Improving Cost-Effectiveness and Productivity or Enabling Broad Adoption of Effective Practices) in order to earn competitive preference priority points, reviewers will review and score these competitive preference priorities. If competitive preference priority points are awarded, those points will be included in the eligible applicant's overall score. If an eligible applicant chooses to address the last competitive preference priority (Supporting Novice i3 Applicants) to earn competitive preference priority points, the Department will review its list of previous i3 grantees in scoring this competitive preference priority.

We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

Finally, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on

[14] See What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), which can currently be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The overall purpose of the i3 program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement or student growth for high-need students. We have established several performance measures for the i3 Validation grants.

Short-term performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of programs, practices, or strategies supported by a Validation grant with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes; (3) the percentage of programs, practices, or strategies supported by a Validation grant with ongoing evaluations that are providing high-quality implementation data and performance feedback that allow for periodic assessment of progress toward achieving intended outcomes; and (4) the cost per student actually served by the grant.

Long-term performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of programs, practices, or strategies supported by a Validation grant that implement a completed well-designed, well-implemented and independent evaluation that provides evidence of their effectiveness at improving student outcomes; (3) the percentage of programs, practices, or strategies supported by a Validation grant with a completed well-designed, well-implemented and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; and (4) the cost per student for programs, practices, or strategies that were proven to be effective at improving educational outcomes for students.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W111, Washington, DC 20202–5930. Telephone: (202) 453–7122. FAX: (202) 205–5631 or by email: *i3@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to either program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Dated: April 18, 2014.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2014–09262 Filed 4–22–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

[Docket ID: ED–2014–OVAE–0044]

Request for Information on Adoption of Career Pathways Approaches for the Delivery of Education, Training, Employment, and Human Services

AGENCY: Office of Career, Technical, and Adult Education, Department of Education; Administration for Children and Families, Department of Health and Human Services; Employment and Training Administration, Department of Labor.

ACTION: Request for Information.

SUMMARY: Through this Request for Information (RFI), the Departments of Education (ED), Health and Human Services (HHS), and Labor (DOL) (the Departments) seek to further support the development of high-quality career pathways systems by jointly soliciting information and recommendations from a broad array of stakeholders in the public and private sectors, as well as in State, regional, tribal, and local areas.

The Departments will analyze the career pathways information collected from the RFI to: (1) Inform and coordinate policy development, strategic investments, and technical assistance activities; and (2) improve coordination of Federal policy development with investments at the State, tribal and local levels.

DATES: Responses must be received by June 9, 2014.

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

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format.

Please do not submit the PDF in a scanned or read-only format. Using a

print-to-PDF format allows ED to electronically search and copy certain portions of your submissions.

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

U.S. Mail, Commercial Delivery, or Hand Delivery: If you mail or deliver your comments, address them to Alicia Bolton, U.S. Department of Education, 550 12th Street SW., Room 11108, Potomac Center Plaza (PCP), Washington, DC 20202. Please note that mail sent through the U.S. Mail is subject to x-ray or heat treatment, which typically results in delays and may damage paper products.

Privacy Note: ED's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

FOR FURTHER INFORMATION CONTACT: Alicia Bolton, U.S. Department of Education, 550 12th Street SW., Room 11108, PCP, Washington, DC 20202. Telephone: (202) 245–6868 or by email at: *Alicia.Bolton@ed.gov*. Stanley Koutstaal, U.S. Department of Health and Human Services, 370 L'Enfant Promenade, SW., Room 5C0059, Washington, DC 20447. Telephone: (202) 401–5457 or by email at: *Stanley.koutstaal@acf.hhs.gov*. Andrala Walker, U.S. Department of Labor Employment and Training Administration Office of Workforce Investment 200 Constitution Avenue NW., Room S–4203, Washington, DC 20210. Telephone: (202) 693–3948 or by email at: *Walker.andrala@dol.gov*.

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

SUPPLEMENTARY INFORMATION:

Background

Ensuring robust economic growth, a thriving middle class, and broadly shared prosperity will require a significant expansion of the skills and knowledge of American workers over the next few decades. However, even as millions more Americans seek the postsecondary education and training necessary to secure good jobs that pay family-sustaining wages,[1] employers continue to report difficulty finding the skilled workers they need.[2] In a time of intense global economic competition, and increasing income inequality at home, the United States must find innovative and cost-effective ways to help youths and adults gain the educational and industry-recognized credentials they need to participate fully in our economy and our society. Education, workforce, and human service agencies are critical partners in the development, implementation, and funding of systems that build the knowledge and skills our economy needs to thrive. Career pathways systems represent a promising strategy for meeting the skills challenge by offering distinct but complementary workforce, education, and support services that are aligned with the needs of business and industry.

In April 2012, the Departments issued a joint letter on career pathways[3] (joint letter) encouraging State, tribal, and local policymakers to adopt career pathways approaches to promote alignment in the delivery of employment, training, and education services. For purposes of this RFI, and in the joint letter, the term ''career pathways'' generally refers to a series of connected education and training strategies and support services that enable individuals to secure industry-recognized credentials,[4] obtain employment within an occupational area, and advance to higher levels of future education and employment in that area. The joint letter also discusses the Departments' views on the essential components of a career pathways system. While the Departments' understanding will be further strengthened by research and experience, what we have learned to date from our investments in this area, in addition to States' efforts in career pathways, leads us to believe that essential components of a career pathways system should include the following:

- Alignment of systems: secondary, postsecondary and workforce development;
- Rigorous, sequential, connected, and efficient coursework that connects basic education and skills training and integrates education and training;
- Multiple entry and exit points;
- Comprehensive support services, such as career counseling, childcare, and transportation;
- Financial supports or flexibility to accommodate the demands of the labor market in order to allow individuals to meet their ongoing financial needs and obligations;
- Active engagement of business in targeted industry sectors that aligns with the skill needs of industries important to the local, regional, and/or State economies;
- Appropriate curriculum and instructional strategies that make work a central context for learning and work readiness skills;
- Credit for prior learning and the adoption of other strategies that accelerate the educational and career advancement of the participant;
- Organized services to meet the particular needs of adults, including accommodating work schedules with flexible and non-semester-based scheduling, alternative class times and locations, and the innovative use of technology;
- A focus on secondary and postsecondary industry-recognized credentials, sector-specific employment, and advancement over time in education and employment within that sector; and
- A collaborative partnership among workforce, education, human service agencies, business and other community stakeholders to manage the system.

One of the hallmarks of a career pathways system is its potential to provide an effective strategy for integrating educational instruction, workforce development, and human services and linking them to labor market trends and employer needs. The Departments believe that the more career pathways systems are aligned at the State, local, regional, and tribal

[1] In its 2013 publication, *Recovery: Job Growth and Education Requirements through 2020,* The Georgetown Center for Education and the Workforce reports that 65% of the job openings by 2020 will require some form of postsecondary education beyond high school and that individuals possessing only a high school diploma will have fewer employment options. See *cew.georgetown.edu/recovery2020/*.

[2] In a 2012 survey of a representative sample of its members, the Society for Human Resources Management found that 66 percent of respondents who were currently hiring full-time staff indicated that they were having a difficult time recruiting for specific job openings. See *www.shrm.org/Research/SurveyFindings/Articles/Pages/SHRM-Recession-Recruiting-Skill-Gaps-Technology.aspx*.

[3] See the April 2012 Joint Letter on Career Pathways at: *www2.ed.gov/about/offices/list/ovae/ten-attachment.pdf*.

[4] See U.S. Department of Labor Training and Employment Guidance Letter (TEGL) No. 15–10, *Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System*. While the Joint Letter on Career Pathways references ''certification,'' the term ''credential,'' as defined in the TEGL, is an ''umbrella term which encompasses postsecondary degrees, diplomas, licenses, certificates, and certifications''—all of which career pathways seek to prepare individuals to attain.

levels, the easier it is to create a level of integration necessary to develop career pathway programs and ensure an individual's success.

The joint letter was the Departments' first step to formally adopt a common definition and shared vision for career pathways systems, with the expectation that a common language would facilitate the forging of cross-agency partnerships and systems development. The joint letter was also the first time each of the Departments overseeing the major Federal funding streams for employment, training, education, and support services formally recognized their shared support for career pathways approaches. The impetus for the joint letter came from the awareness among Federal leaders of a growing convergence of strategies for promoting skills acquisition and labor market successes that fit loosely under the rubric of career pathways.

While there are differences in emphasis and terminology, the Departments are using discretionary and formula funding [5] to encourage their State, tribal, and local partners to build cross-agency partnerships and to integrate the delivery of employment, education, and support services. The convergence of strategies is evidence of recent Federal investments aimed at building skills and employability. Since the publication of the joint letter, leaders and staff from the Departments have continued to explore opportunities to improve the alignment of their programs at the State, tribal, or local levels through the creation of an Interagency Working Group (IWG). During fiscal year 2012, the IWG jointly delivered technical assistance to a wide variety of stakeholders, including discretionary and formula grantees, Federal staff, and State, tribal, and local policymakers. In addition, each of the Departments invested in the creation and dissemination of key resources and technical assistance tools to help States, regional and local areas, and tribal communities adopt career pathways systems. For example, DOL developed a comprehensive set of technical assistance tools, including the Career Pathways Framework and Toolkit and Competency Model Clearinghouse, which can be found at its Community of Practice at: *learnwork.workforce3one.org.*

ED implemented a variety of national activities, including ''Designing Instruction for Career Pathways'' [6] and ''Advancing Career and Technical Education in State and Local Career Pathways,'' [7] both of which intend to strengthen connections between adult education, career and technical education, the public workforce system, human service agencies, and businesses and other employers.

Each of the Departments has also made investments in research on the effectiveness of career pathways programs, including the HHS ten-year Innovative Strategies for Increasing Self-Sufficiency (ISIS) [8] assignment evaluation of a number of different career pathways programs around the country.

Career pathways systems have demonstrated promise for meeting the distinct but complementary goals of a number of Federal agencies, including the DOL goals for increasing credential attainment rates and helping individuals secure good jobs at family-sustainable wages, ED's goal of increasing college success and career-readiness, and HHS's goal of supporting family self-sufficiency and stability. Thus, this RFI builds on the joint letter and on related efforts across the Federal government to better coordinate investments in human capital and economic development while reducing waste and duplication.

A subcommittee of the IWG, comprised of the Departments' leaders and staff, developed the RFI questions and will jointly analyze the responses. This RFI marks the first time that the Departments are jointly collecting and analyzing information, a process that we believe will yield important insights on: (1) The challenges to aligning diverse funding streams, programs, and stakeholders; and (2) efforts to serve low-income youth and adults, low-skilled youth and adults, out-of-school youth, individuals with disabilities, Temporary Assistance to Needy Families program [9] (TANF) recipients, tribal communities, English learners, immigrants, rural populations, veterans, currently and formerly incarcerated individuals, dislocated workers, and trade-affected workers. We expect the analysis period to deepen our shared vision and understanding of career pathways systems. In addition, the joint analysis will generate essential information that can inform policy development and the next generation of investments and technical assistance by providing us with greater clarity on the facilitators and obstacles to career pathways systems development.

Instructions: Who Should Respond

We invite practitioners, policy makers, funders, business and industry associations, and researchers to provide information, including those who are, or those who work in:

- Employers, Businesses, and/or Associations of Employers, such as local and regional employers and businesses, trade/industry associations, and others.
- Education, such as State and local agencies; adult education, corrections/re-entry, elementary/secondary special education, and career and technical education programs; community and technical colleges; institutions of higher education; tribal, community, and faith-based organizations; youth service providers; and student organizations.
- Workforce Development, such as State, regional, tribal and local agencies; youth service providers; State and local workforce investment boards; training providers; community- and faith-based organizations; workforce intermediaries; sector-based training partnerships; American Job Centers; Registered Apprenticeship programs; student organizations (career-focused); and others in the workforce development field.
- Human Services, such as State, tribal, and local TANF agencies; and community- and faith-based organizations.
- Economic Development, such as State and local agencies, regional skills partnerships, planning and development organizations, area development districts, councils of governments, economic development associations, and economic development corporations.
- Others, such as research organizations, philanthropic funders, advocacy organizations, think tanks, and associations.

[5] The primary funding streams that are leveraged as part of a career pathways systems include, but are not limited to: Title I of the Workforce Investment Act of 1998 (WIA), the Wagner Peyser Act and the Trade Act, administered by DOL; Title II of the WIA (also known as the Adult Education and Family Literacy Act of 1998), the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins), and the Higher Education Act of 1965, as amended, administered by ED; and the Temporary Assistance for Needy Families programs of the Personal Responsibility and Work Opportunity Act administered by HHS. Competitive grants and contracts managed by each Department also play an important role in many career pathways initiatives, as well as programs and funding systems administered by other Federal agencies, including the Departments of Agriculture, Energy, and Transportation.

[6] See *www2.ed.gov/about/offices/list/ovae/pi/AdultEd/factsh/difcp.pdf.*

[7] See *cte.ed.gov/nationalinitiatives/advancing_cte.cfm.*

[8] See *www.acf.hhs.gov/programs/opre/research/project/innovative-strategies-for-increasing-self-sufficiency.*

[9] See *www.ssa.gov/OP_Home/ssact/title04/0400.htm.*

Guidance for Submitting Documents

We strongly recommend that you limit the narrative in your electronic word document, or hard copy submission to the equivalent of no more than 10 pages using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.
- If submitting electronically, please do not upload attachments, but you may include hyperlinks to additional materials you would like reviewed.

On page 1 of your submission, please indicate your name, the name of your organization (if applicable), and your contact information (including phone number, postal address, and email address). While not required, it would assist us in reviewing your information if you also included the type of organization you represent (public, private, not-for-profit, or philanthropic), the field(s) in which you work (education, workforce development, human services, economic development, or other), and the level at which you operate (national, State, regional, local or tribal).

Request for Information

Through this RFI, the Departments are soliciting ideas and information from a broad array of stakeholders on improving outcomes for youth and adults through the use of career pathways approaches, including how to facilitate comprehensive, multi-system approaches and how to use existing resources in more coordinated and comprehensive ways. Responses to this RFI will inform the work of each Department as they design investments, policies, and legislative strategies to improve outcomes for youth and adults. This RFI is for information and planning purposes only and should not be construed as a solicitation or as an obligation on the part of the participating Federal agencies.

We ask respondents to address the following questions, where possible, in the context of the discussion in this document. You do not need to address every question and you should focus on those where you have relevant expertise. You may also provide relevant information that is not directly responsive to a particular topic but may nevertheless be helpful. Please clearly indicate which question(s) you are addressing in your response.

The Questions

1. Using the list of key components of career pathways discussed in the Background section of this RFI as a general guideline, please describe any Federal, State, or local policies, frameworks, or initiatives of which you are aware that have been used to support the development of career pathways systems.[10]

2. What factors, in your opinion, have facilitated the implementation of career pathways systems at the State or local level (e.g., the use of key resources or technical assistance tools)? What factors have made career pathways systems difficult to implement and/or replicate on a large scale?

3. What Federal, State, or local governmental and non-governmental funding streams are you aware of that have been used to support career pathways initiatives? If applicable, to what extent is your State or local area aligning or braiding[11] funding from across different funding streams to support career pathways? Please describe facilitators and/or challenges to aligning and braiding funding. If you are not aligning and/or braiding funding, please describe any specific barriers.

4. For your career pathways system, please describe the roles and responsibilities of each of the following partners with whom you work (please answer only for those that are applicable). What factors facilitate and/or create obstacles to successful partnership efforts?

a. Businesses/employers and industry associations

b. Education providers (e.g. K–12 education, special education, institutions of higher education including but not limited to community and technical colleges, and/or other training providers)

c. Workforce development agencies (e.g. Workforce Investment Boards and American Job Centers)

d. Community-based organizations and human service providers that address barriers to employment (e.g. cash assistance/TANF, child care, transportation, housing, food assistance/SNAP[12], etc.)

e. Philanthropic organizations/intermediaries

f. State, regional, local, and/or tribal government agencies

g. Other (please describe)

5. Is your career pathways system connected to a State, regional, local, or tribal economic development strategy? If so, how?

6. How do you ensure that your career pathways system is staying current with labor market trends, particularly current demand, to respond to the need for particular skills and credentials in emerging industry sectors?

7. How can career pathways systems be made accessible to diverse populations and responsive to their needs beyond education and training (e.g., support services such as childcare, transportation, housing, etc.)? We are particularly, but not exclusively, interested in learning about efforts to serve low-income youth and adults, low-skilled youth and adults, out-of-school youth, individuals with disabilities, TANF recipients, tribal communities, English language learners, immigrants, rural populations, veterans, currently and formerly incarcerated individuals, dislocated workers, and trade-affected workers.

8. Which populations would you like to serve, but are unable to serve or face special challenges in serving? What are the barriers to serving these particular populations and what are the strategies, recommendations, or lessons learned that can be used to achieve positive outcomes in serving these populations?

9. What are the challenges and/or facilitators to building and/or offering stackable and portable, industry-recognized credentials?[13] How can these industry-recognized credentials be

[10] See the Background section of this notice for a discussion of the term ''career pathways.''

[11] Braiding funds refers to using two or more sources of funds for the same or similar purpose in such a way that the funds can be accounted for separately.

[12] Supplemental Nutrition Assistance Program.

[13] Within the context of workforce development generally, the term credential refers to an attestation of qualification or competence issued to an individual by a third party (such as an educational institution or an industry or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential.

Examples of credentials include: (1) Educational Diplomas and Certificates (typically for one academic year or less of study); (2) Educational Degrees, such as an associate's (2-year) or bachelor's (4-year) degree; (3) Registered Apprenticeship Certificate; (4) Occupational Licenses (typically, but not always, awarded by State government agencies); and (5) Industry-recognized or professional association certifications; also known as personnel certifications; and Other certificates of skills completion. For more details, see U.S. Department of Labor Training and Employment Guidance Letter (TEGL) No. 15–10, *Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System,* available at: *wdr.doleta.gov/directives/attach/TEGL15–10.pdf.*

incorporated into and/or aligned in a successful career pathways system?

10. How are participants' outcomes measured, and to what extent are the data used to monitor and improve the strength of your career pathways system? Please indicate if there are any other data points or ongoing evaluation efforts used to improve the strength of your career pathways system.

11. How do performance measures associated with specific Federal funding statutes/streams (i.e., WIA, Perkins, TANF, etc.) facilitate or impede the tracking of participant outcomes?

12. Do you have any suggestions for how Federal, State, regional, tribal, and local governments could support the development of high-quality career pathways systems and/or address gaps in current efforts? If so, please describe the specific changes that would be necessary in each of the following categories (please answer only for those that are applicable):

a. Legislation, statutes and/or regulations; for example,

(i) Administrative flexibility (i.e., waivers on use of funds or program eligibility)

(ii) Expanded eligibility for financial aid and/or other support services

(iii) Changes to performance measurement and program accountability rules

b. Technical assistance activities and/or non-regulatory guidance;

c. Funding strategies;

d. Research and evaluation activities;

e. Other proposed changes.

13. For business and industry respondents only,[14] please indicate what successes and/or challenges you have faced at local, State, regional, and/or national levels when developing a pipeline of workers. What strategies would you suggest to sustain the successes and/or mitigate the challenges?

Rights to Materials Submitted

By submitting material (e.g., descriptions of use or barriers to use of career pathways approaches) in response to this RFI, the respondent is agreeing to grant the Departments a worldwide, royalty-free, perpetual, irrevocable, non-exclusive license to use the material and to make it publicly available. Further, the respondent agrees that it owns, has a valid license, or is otherwise authorized to provide the material to the Department. The Departments will not provide any compensation for material submitted in response to this RFI.

Request for Metadata Tags

To make the best use of the information submitted in response to this RFI and to make it easier for interested parties to search the responses, the Departments will include specific words or phrases—also known as ''keywords'' or metadata ''tags''—with the material submitted. Therefore, you are strongly encouraged to use keywords or tags to identify components of the strategies described in your responses. The keywords or tags should be linked to, and accurately reflect substantial components of, the strategies, practices, programs, or other activities described in your submission. To simplify searches of the responses, Appendix A of this RFI provides a list of standard keywords and tags. You are encouraged to select from among these standard keywords and tags to the greatest extent possible. In the event that none of the words or phrases in Appendix A is sufficiently precise for the strategy that is the subject of your response, you may substitute other keywords or tags. Please do not provide more than eight keywords or tags for each strategy, and please limit each tag to no more than three words per tag and 28 characters per word.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of the Departments published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Authority: 20 U.S.C. 3402(2) and (4) and 20 U.S.C. 2324(c)(1); 42 U.S.C. 1310; and 29 U.S.C. 2811.

Dated: April 18, 2014.

John Uvin,

Deputy Assistant Secretary for Policy and Strategic Initiatives, Delegated Authority to Perform the Duties and Functions of the Assistant Secretary for Career, Technical, and Adult Education.

Eric Seleznow,

Acting Assistant Secretary for Employment and Training, Administration.

Mark Greenberg,

Acting Assistant Secretary for Administration for Children and Families.

Appendix

Standard Keywords and Tags Population Descriptors

- At-Risk Youth
- Disadvantaged Youth
- Dropouts
- Foster Youth
- Homeless Youth
- In-school Youth
- Incarcerated individuals
- Individuals with Disabilities
- Out-of-School Youth
- Runaway Youth
- Vulnerable
- Workforce Investment Act (WIA) Youth
- Youth in Adult Education
- Young Adults
- Adults
- Basic-skills Deficient
- Dislocated Workers
- Immigrants
- Limited English Proficient (LEP)/English Language Learner (ELL)/English as a Second Language (ESL)
- Long-term Unemployed
- Low-skilled Adults
- Low-skilled Youth
- Low-income Adults
- Low-Income Youth
- Workforce Investment Act (WIA) Adult
- Temporary Assistance to Needy Families (TANF) Recipients
- Trade-Adjusted (TA) Workers
- Trade-affected Workers
- Tribal Communities
- Unemployed
- Veterans

Service Descriptors

- Accommodations
- Adult Basic Education (ABE)
- Adult Education (AE)
- Apprenticeship
- Basic Skills
- Career and Technical Education (CTE)
- Career Pathways
- Immigrant Integration
- Reentry
- Special Education
- Workforce Development
- Workforce Investment Act (WIA) Youth Services
- Wrap Around Services
- Youth and Basic Skills
- Youth Development
- Youth Service
- Youth Workforce Development

Strategy and Practice Descriptors

- Alignment
- Articulation

[14] If you are not a business and industry respondent, but you have access to one or more business and industry entities that could respond to this question, please feel free to include their response to this question in your submission.

- Career Ladders
- Career Lattices
- Career Pathways
- Certificates
- Certifications
- Collaboration
- Competency-based Education
- Competency Models
- Credentials
- Dual Enrollment
- Employer Engagement
- Holistic
- Innovation
- Integrated
- Integrated Education and Training
- Outreach
- Partnerships
- Pay For Success Funding
- Performance-Based Funding
- Professional Development
- Sector Strategies Shared

[FR Doc. 2014–09274 Filed 4–22–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, NV

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, May 21, 2014; 5:00 p.m.

ADDRESSES: Bob Ruud Community Center, 150 N. Highway 160, Pahrump, Nevada 89060.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–5300 or Email: *NSSAB@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Radioactive Waste Acceptance Program Assessment Improvement Opportunities—Work Plan Item #7
2. Recommendation Development for Fiscal Year 2015–2016 Membership
3. Recommendation Development for Ways to Increase/Enhance Communication Regarding Waste Transportation and Disposal—Work Plan Item #9

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following Web site: *http://nv.energy.gov/nssab/MeetingMinutes.aspx*

Issued at Washington, DC on April 18, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–09245 Filed 4–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, May 19, 2014; 1:00 p.m.–5:00 p.m. Tuesday, May 20, 2014; 8:30 a.m.–5:00 p.m.

ADDRESSES: Hilton Garden Inn Savannah Midtown, 5711 Abercorn Street, Savannah, GA 31405.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC, 29802; Phone: (803) 952–7886.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, May 19, 2014:

1:00 p.m.—Combined Committees Session.

Order of committees:

- Strategic & Legacy Management
- Administrative & Outreach
- Nuclear Materials
- Waste Management
- Facilities Disposition & Site Remediation

4:45 p.m.—Public Comments Session.

5:00 p.m.—Adjourn.

Tuesday, May 20, 2014:

8:30 a.m.—Opening, Pledge, Approval of Minutes, Chair and Agency Updates.

10:00 a.m.—Recommendation & Work Plan Status.

10:15 a.m.—Public Comments Session.

Break (10:30 a.m.)

Strategic & Legacy Management Report.

Waste Management Report.

12:45 p.m.—Public Comments Session.

1:00 p.m.—Lunch Break.

2:30 p.m.—Facilities Disposition & Site Remediation Report.

Nuclear Materials Report.

Administrative & Outreach Report.

4:45 p.m.—Public Comments Session.

5:00 p.m.—Adjourn.

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Gerri Flemming at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gerri Flemming's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Gerri Flemming at the address or phone number listed above. Minutes will also be available at the following Web site: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC on April 18, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–09238 Filed 4–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–38–000.
Applicants: Duke Energy Miami Fort, LLC.
Description: Corrected Version of Duke Energy Miami Fort, LLC Notice of Self-Certification of EWG Status.
Filed Date: 4/15/14.
Accession Number: 20140415–5083.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: EG14–39–000.
Applicants: Duke Energy Stuart, LLC.
Description: Corrected Version of Duke Energy Stuart, LLC Notice of Self-Certification of EWG Status.
Filed Date: 4/15/14.
Accession Number: 20140415–5086.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: EG14–40–000.
Applicants: Duke Energy Conesville, LLC.
Description: Corrected Version of Duke Energy Conesville, LLC Notice of Self-Certification of EWG Status.
Filed Date: 4/15/14.
Accession Number: 20140415–5087.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: EG14–41–000.
Applicants: Duke Energy Dicks Creek, LLC.
Description: Corrected Version of Duke Energy Dicks Creek, LLC Notice of Self-Certification of EWG Status.
Filed Date: 4/15/14.
Accession Number: 20140415–5088.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: EG14–42–000.
Applicants: Duke Energy Zimmer, LLC.
Description: Corrected Version of Duke Energy Zimmer, LLC Notice of Self-Certification of EWG Status.
Filed Date: 4/15/14.
Accession Number: 20140415–5089.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: EG14–43–000.
Applicants: Duke Energy Killen, LLC.
Description: Corrected Version of Duke Energy Killen, LLC Notice of Self-Certification of EWG Status.
Filed Date: 4/15/14.
Accession Number: 20140415–5090.
Comments Due: 5 p.m. ET 5/6/14.

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

Docket Numbers: ER13–2105–002.
Applicants: Exelon Generation Company, LLC.
Description: ExGen NOSA Compliance Filing to be effective 4/1/2014.
Filed Date: 4/14/14.
Accession Number: 20140414–5209.
Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–781–001.
Applicants: Southwest Power Pool, Inc.
Description: Generation Interconnection Process Improvement Deficiency Response to be effective 3/1/2014.
Filed Date: 4/14/14.
Accession Number: 20140414–5231.
Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–1718–000.
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement No. 3800—Queue Position Y2–113 to be effective 3/13/2014.
Filed Date: 4/14/14.
Accession Number: 20140414–5222.
Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–1719–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Notice of Termination of Generator Interconnection Agreement designated as Project No. H061 of Midcontinent Independent System Operator, Inc.
Filed Date: 4/14/14.
Accession Number: 20140414–5277.
Comments Due: 5 p.m. ET 5/5/14.

Docket Numbers: ER14–1720–000.
Applicants: Public Service Company of Colorado.
Description: 2014–4–15_Remove Att S-Rsrv Shr Agrmt to be effective 3/1/2014.
Filed Date: 4/15/14.
Accession Number: 20140415–5029.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: ER14–1721–000.
Applicants: Inland Empire Energy Center, LLC.
Description: Compliance Filing to Add Omitted Language to be effective 4/16/2014.
Filed Date: 4/15/14.
Accession Number: 20140415–5038.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: ER14–1722–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–04–15_Quarterly Clean-Up Filing to be effective 4/16/2014.
Filed Date: 4/15/14.
Accession Number: 20140415–5106.
Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: ER14–1723–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits a Notice of Termination of the Large Generator Interconnection Agreement designated as Project No. G297.
Filed Date: 4/15/14.
Accession Number: 20140415–5108.
Comments Due: 5 p.m. ET 5/6/14.

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

Docket Numbers: ES14–33–000.
Applicants: Orange & Rockland Utilities, Inc.
Description: Application of Orange & Rockland Utilities, Inc. under New Docket for an order pursuant to Section 204 of the Federal Power Act authorizing the issue and sale of short-term debt.
Filed Date: 4/14/14.
Accession Number: 20140414–5276.
Comments Due: 5 p.m. ET 5/5/14.

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

Docket Numbers: OA08–14–008.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Annual Compliance Report as Required by Order No. 890–A of Midcontinent Independent System Operator, Inc.
Filed Date: 4/15/14.
Accession Number: 20140415–5070.
Comments Due: 5 p.m. ET 5/6/14.

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 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–09165 Filed 4–22–14; 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: ER10–2394–002; *ER10–2395–002; ER10–2422–002; ER10–2389–001.*

Applicants: BIV Generation Company, L.L.C., Colorado Power Partners, Rocky Mountain Power, LLC, San Joaquin Cogen, LLC.

Description: Notice of Non-Material Change in Status of BIV Generation Company, L.L.C., et al.

Filed Date: 4/16/14.

Accession Number: 20140416–5098.

Comments Due: 5 p.m. ET 5/7/14.

Docket Numbers: ER14–1135–003.

Applicants: Renewable Power Direct, LLC.

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

Filed Date: 4/16/14.

Accession Number: 20140416–5119.

Comments Due: 5 p.m. ET 5/7/14.

Docket Numbers: ER14–1711–000.

Applicants: TC Ravenswood, LLC.

Description: Oil Burn Rate Schedule to be effective 5/1/2014.

Filed Date: 4/11/14.

Accession Number: 20140411–5247.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–1711–000.

Applicants: TC Ravenswood, LLC.

Description: Errata to April 11, 2014 TC Ravenswood, LLC tariff filing.

Filed Date: 4/16/14.

Accession Number: 20140416–5107.

Comments Due: 5 p.m. ET 5/2/14.

Docket Numbers: ER14–1724–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–04–15 SA 6507 White Pine SSR Agreement to be effective 4/16/2014.

Filed Date: 4/15/14.

Accession Number: 20140415–5158.

Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: ER14–1725–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–04–15_Schedule 43H—White Pine SSR to be effective 4/16/2014.

Filed Date: 4/15/14.

Accession Number: 20140415–5162.

Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: ER14–1726–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of Original Service Agreement No. 2207 of PJM Interconnection, L.L.C.

Filed Date: 4/15/14.

Accession Number: 20140415–5187.

Comments Due: 5 p.m. ET 5/6/14.

Docket Numbers: ER14–1727–000.

Applicants: ISO New England Inc.

Description: Conform Sections to Approved Language to be effective 4/15/2014.

Filed Date: 4/16/14.

Accession Number: 20140416–5034.

Comments Due: 5 p.m. ET 5/7/14.

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

Docket Numbers: ES14–34–000.

Applicants: Wolverine Power Supply Cooperative, Inc.

Description: Application under Section 204 of Wolverine Power Supply Cooperative, Inc.

Filed Date: 4/16/14.

Accession Number: 20140416–5097.

Comments Due: 5 p.m. ET 5/7/14.

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 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–09268 Filed 4–22–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0123; FRL–9909–29]

Methyl Bromide; Cancellation Order for Certain Pesticide Registrations and Amendment To Terminate a Certain Use; Amendment to Existing Stocks Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA issued a cancellation order in the **Federal Register** of May 20, 2011 to, among other things, terminate use of products containing methyl bromide on golf courses. The effective date of cancellation for that use was December 31, 2013. The order provided that existing stocks of methyl bromide products that include the use on golf courses could be sold and distributed for 120 days after the effective date of cancellation, that is, until April 30, 2014. Two registrants have requested that EPA revise the cancellation order for the pesticide product registrations identified in Table 1 of Unit II to extend the last allowable date for sale and distribution of existing stocks of those products from April 30, 2014 to November 30, 2014 to allow sale and distribution of those existing stocks for golf course resurfacing during the 2014 use season. In this notice, EPA is amending the existing stocks provisions in the May 20, 2011 order to allow the sale or distribution of existing stocks of the identified methyl bromide products only for use on golf courses through November 30, 2014, and to limit the use of existing stocks of those products that are purchased after April 30, 2014 to use only on golf courses.

FOR FURTHER INFORMATION CONTACT: Susan Bartow, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 603–0065; fax number: (703) 308–8005; email address: *bartow.susan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the

Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2005–0123, 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 action is the agency taking?

Methyl bromide is a broad-spectrum fumigant chemical that can be used as an acaricide, fungicide, herbicide, insecticide, nematicide, and vertebrate control agent. It is used most prevalently as a soil fumigant, but is also used as a postharvest treatment of commodities. In the **Federal Register** of May 20, 2011 (76 FR 29238) (FRL–8872–2), EPA published a cancellation order that terminated various uses of methyl bromide products. In letters dated January 20, 2014, two registrants, Soil Chemicals Corporation D/B/A Cardinal Professional Products and Trical, Inc., asked EPA to revise the provisions for existing stocks of certain products subject to that order. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—METHYL BROMIDE PRODUCT CANCELLATIONS SUBJECT TO THIS NOTICE

Registration No.	Product name	Company
8536–19	Methyl Bromide 98%	Soil Chemicals Corporation D/B/A Cardinal Professional Products.
11220–17	Methyl Bromide 89.5%	Trical, Inc.
11220–32 (previously identified as 8853–1)	MBC Concentrate Soil fumigant (previously identified as MBC Soil fumigant).	Trical, Inc. (previously identified as Hendrix and Dail, Incorporated).

Table 2 of this unit includes the names and addresses of record for the registrants of the products listed in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS REQUESTING REVISION OF THE CANCELLATION ORDER

EPA Company No.	Company name and address
8536	Soil Chemicals Corporation D/B/A Cardinal Professional Products, P.O. Box 782, Hollister, CA 95024–0782.
11220	Trical, Inc., P.O. Box 1327, Hollister, CA 95024–1327.

Soil Chemicals Corporation D/B/A Cardinal Professional Products, and Trical, Inc. have asked EPA to extend the last allowable date for the sale and distribution of existing stocks of the products identified above (as defined in the May 20, 2011 order) for use on golf courses from April 30, 2014 to November 30, 2014 to allow sale and distribution during the 2014 golf course use season.

EPA hereby modifies the May 20, 2011 cancellation order to permit the sale and distribution of existing stocks of the methyl bromide registrations identified in Table 1 of Unit II for use on golf courses. This notice:

1. Allows sale and distribution of existing stocks of the affected products until November 30, 2014;
2. Allows use of existing stocks of the products purchased prior to April 30, 2014 according to the directions on the label for the product until those stocks are exhausted; and
3. Allows use of existing stocks that were purchased after April 30, 2014 only on golf courses according to the directions for that use on the label for the product until those stocks are exhausted.

Provisions in the May 20, 2011 cancellation order that do not relate to use on golf courses are not affected by this revision.

III. What is the agency's authority for taking this action?

Section 6(a)(1) of FIFRA provides that the Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is canceled to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of the Act. In the May 20, 2011 cancellation order, EPA established various conditions and expiration dates for sale and use of existing stocks of methyl bromide products based on different use sites. This authority also allows EPA to revise those conditions so long as the continued sale and use of existing stocks of the canceled pesticides will not be inconsistent with the purposes of FIFRA.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 16, 2014.

Michael Goodis,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–09244 Filed 4–22–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0002; FRL–9908–91]

SFIREG POM and EQI Committees; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Environmental Quality Issues (EQI) Committee) and the Pesticide

Operations and Management (POM) Committee will hold 2-day meetings, beginning on May 12, 2014 and ending May 13, 2014. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, May 12, 2014, from 8:30 a.m. to 5:00 p.m. and 8:30 a.m. to 12 noon on Tuesday, May 13, 2014. To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at: EPA, One Potomac Yard (South Bldg.), 4th Floor, South Conference Room, 2777 Crystal Dr., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. (7506P), NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov.* or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford, DE 19963; telephone number (302) 422–8152; fax (302) 422–2435; email address: Grier Stayton at *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to:

Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any Non Government Organization.

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

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket ID number EPA–HQ–OPP–2014–0002 is available at *http://www.regulations.gov,* or at the Office of Pesticide Programs, Regulatory Public 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. Tentative Agenda Topics

1. Sub-Group Pollinator Protection Discussions Related to Incidents, Documentation and Impacts.
2. Formation of a compost joint sub-group, Label Questions, Laboratory Methods, especially Analytical Methods and Guideline Development.
3. Drift-Specific bad label language; National Association of State Departments of Agriculture Support.
4. EPA explanation of Pesticide Registration Improvement Act 3-Conditional Registration vs. Notification.
5. Project Officer Training Update.
6. Worker Protection Standard Use Inspections.
7. Cover Crop Issues.
8. Nutrient Management Issues.
9. Marijuana, illegal pesticide use, Possible 24c's.
10. Endangered Species Act Update.
11. 25b Workgroup Next Steps.
12. National Pesticide Information Center Grant Update.
13. Fumigant Stakeholder Sub-Committee Progress.
14. NIOSH Sensor Data for Pesticides.
15. Air Sensor Development Applicability to Pesticide Monitoring.

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

List of Subjects

Environmental protection.

Dated: April 10, 2014.

Brian Frazer,

Director, Field External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2014–09246 Filed 4–22–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–90–Region–5]

Public Water System Supervision Program Approval for the State of Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has tentatively approved revisions to the State of Ohio's public water system supervision program. Ohio EPA has revised two of its rules to comply with the National Primary Drinking Water Regulations, including the Long-Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) and the Lead and Copper Rule Short-Term Revisions and Clarifications. EPA has determined that these revisions are consistent with and no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these revisions to the State of Ohio's public water system supervision program, thereby giving Ohio EPA primary enforcement responsibility for these regulations. Ohio EPA has been implementing the LT1ESWTR since August 3, 2004, and Ohio EPA has been administering the revised lead and copper requirements since July 24, 2009.

Any interested party may request a public hearing. A request for a public hearing must be submitted by May 23, 2014 to the Regional Administrator at the EPA Region 5 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 23, 2014 EPA Region 5 will hold a public hearing, and a notice of such hearing will be given in the **Federal Register** and a newspaper of general circulation. If EPA Region 5 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 determination shall become final and effective on May 23, 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 at the following offices: Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, 50 West Town Street, Suite 700, Columbus, Ohio 43215, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and the United States Environmental Protection Agency, Region 5, Ground Water and Drinking Water Branch (WG–15J), 77 West Jackson Boulevard, Chicago, Illinois 60604, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Wendy Drake, EPA Region 5, Ground Water and Drinking Water Branch, at the address given above, by telephone at (312) 886–6705, or at *drake.wendy@epa.gov*.

Authority: Section 1413 of the Safe Drinking Water Act, 42 U.S.C. 300g–2, and the federal regulations implementing Section 1413 of the Act set forth at 40 CFR part 142.

Dated: April 3, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–09256 Filed 4–22–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Tuesday, June 10, 2014, in the Commission Meeting Room, from 1 p.m. to 4 p.m. at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

DATES: Tuesday, June 10, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Walter Johnston, Chief, Electromagnetic Compatibility Division, 202–418–0807; *Walter.Johnston@FCC.gov*.

SUPPLEMENTARY INFORMATION: The FCC Technological Advisory Council will discuss progress on its work program for 2014. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *http://www.fcc.gov/live/*. The public may submit written comments before the meeting to: Walter Johnston, the FCC's Designated Federal Officer for Technological Advisory Council by email: *Walter.Johnston@fcc.gov* or U.S. Postal Service Mail (Walter Johnston, Federal Communications Commission, Room 7–A224, 445 12th Street SW., Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary.

[FR Doc. 2014–09276 Filed 4–22–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 14–501]

Consumer Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date, time, and agenda of its Consumer Advisory Committee (Committee). The purpose of the Committee is to make recommendations to the Commission regarding matters within the jurisdiction of the Commission and to facilitate the participation of all consumers in proceedings before the Commission.

DATES: May 19, 2014, 2:00 p.m. to 2:30 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Room TW–C438/468, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Consumer and Governmental Affairs Bureau, (202) 418–2809 (voice or TTY), or email *Scott.Marshall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 14–501 released April 15, 2014, announcing the agenda, date, and time of the Committee's next meeting.

Meeting Agenda

At its May 19, 2014 meeting, the Committee will reaffirm recommendations adopted at its March 28, 2014 meeting regarding the IP transition, E-rate, a workshop to assess requirements for wireless medical test beds, and a commendation to the Commission regarding its recent TV caption quality rule. This reaffirmation is necessary because timely notice of action on these recommendations in the **Federal Register** was not provided as required by the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988). A limited amount of time will be available on the agenda for comments from the public.

Alternatively, Members of the public may send written comments to: Scott Marshall, Designated Federal Officer of the Committee at the address provided above.

The meeting is open to the public and the site is fully accessible to people using wheelchairs or other mobility aids. The meeting is open to the public, and the site is fully accessible to people using wheelchairs or other mobility aids. Reasonable accommodations for people with disabilities, such as sign language interpreters, open captioning, assistive listening devices, and Braille copies of the agenda are available upon request. The request should include a detailed description of the accommodation needed and contact information. Please provide as much advance notice as possible; last minute requests will be accepted, but may not be possible to fill. To request an accommodation, send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). Sign language interpreters, open captioning, assistive listening devices, and Braille copies of the agenda and handouts will be provided on site.

Federal Communications Commission.

Kris Anne Monteith,

Acting Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2014–09284 Filed 4–22–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0015)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). On February 13, 2014, (79 FR 8714), the FDIC requested comment for 60 days on a proposal to renew the following information collection: Interagency Bank Merger Application, OMB Number: 3064–0015, described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before May 23, 2014.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently-approved collection of information:

Title: Interagency Bank Merger Application

OMB Number: 3064–0015.

Form Number: FDIC 6220/01

Frequency of Response: On occasion.

Affected Public: Insured state nonmember banks and state savings associations.

Estimated Reporting Burden:

Number of applications submitted by FDIC-supervised banks: 241

Hours to process an application: × 23.5

Total estimated annual burden hours: 5,664

General Description of Collection: Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) requires an insured depository institution that wishes to merge or consolidate with any other insured depository institution or, either directly or indirectly, acquire the assets of, or assume liability to pay any deposits made in, any other insured depository institution, to apply for the prior written approval of the responsible agency. The FDIC is the responsible agency if the acquiring, assuming, or resulting bank is to be a state nonmember insured bank or state savings association.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the 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; 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. All comments will become a matter of public record.

Dated at Washington, DC, this 18th day of April, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–09234 Filed 4–22–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2014–N–04]

Federal Home Loan Bank Members Selected for Community Support Review 2014–2015 Review Cycle—1st Round

AGENCY: Federal Housing Finance Agency.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Agency (FHFA) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2014–2015 Review Cycle—1st Round under the FHFA's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to FHFA.

DATES: Bank members selected for the review cycle under the FHFA's community support requirements regulation must submit completed Community Support Statements to FHFA on or before June 9, 2014.

ADDRESSES: Bank members selected for the 2014–2015 Review Cycle—1st Round under the FHFA's community support requirements regulation must submit completed Community Support Statements to FHFA either by electronic mail at *hmgcommunitysupportprogram@fhfa.gov* or by hard-copy mail at the Federal Housing Finance Agency, Ninth Floor, Division of Housing Mission and Goals (DHMG), 400 Seventh Street SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Melissa Allen, Senior Program Analyst, 202–658–9266 or *Melissa.Allen@fhfa.gov,* or Rona Richardson, Administrative Office Manager, 202–649–3224 or *Rona.Richardson@fhfa.gov,* Office of Housing and Regulatory Policy, Division of Housing Mission and Goals, Federal Housing Finance Agency, Ninth Floor, 400 Seventh Street SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by FHFA must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.,* and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, FHFA has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria FHFA must apply in

evaluating a member's community support performance. *See* 12 CFR part 1290. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 1290.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 1290.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 1290.3(c).

Under the rule, FHFA selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 1290.2(a). FHFA will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to FHFA by the June 9, 2014 deadline prescribed in this notice. 12 CFR 1290.2(b)(1)(ii) and (c). On or before May 7, 2014, each Bank will notify the members in its district that have been selected for the 2014–2015 Review Cycle—1st Round community support review that they must complete and submit to FHFA by the deadline a Community Support Statement. 12 CFR 1290.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form (OMB No. 2590–0005), which also is available on the FHFA's Web site: *http://www.fhfa.gov/webfiles/2924/FHFAForm060.pdf.* Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

FHFA has selected the following members for the 2014–2015 Review Cycle—1st Round community support review:

Federal Home Loan Bank of Boston—District 1

Litchfield Bancorp	Litchfield	Connecticut.
Milford Bank	Milford	Connecticut.
PrimeBank	Orange	Connecticut.
National Iron Bank	Salisbury	Connecticut.
First National Bank of Suffield	Suffield	Connecticut.
Mechanics Savings Bank	Auburn	Maine.
Franklin-Somerset Federal Credit Union	Farmington	Maine.
Oxford Federal Credit Union	Mexico	Maine.
Beverly Co-Operative	Beverly	Massachusetts.
Chelsea Bank	Chelsea	Massachusetts.
East Boston Savings Bank	East Boston	Massachusetts.
Fall River Five Cent Savings Bank	Fall River	Massachusetts.
First National Bank of Ipswich	Ipswich	Massachusetts.
Century Bank & Trust Company	Medford	Massachusetts.
Needham Bank	Needham	Massachusetts.
MountainOne Bank	North Adams	Massachusetts.
North Brookfield Savings Bank	North Brookfield	Massachusetts.
Bank of Easton	North Easton	Massachusetts.
Cape Cod Five Cents Savings Bank	Harwich Port	Massachusetts.
Rockland Trust Company	Rockland	Massachusetts.
Unibank for Savings	Whitinsville	Massachusetts.
St. Mary's Bank	Manchester	New Hampshire.
Community Guaranty Savings Bank	Plymouth	New Hampshire.
Bank Rhode Island	Providence	Rhode Island.
Union Federal Savings Bank	North Providence	Rhode Island.

Federal Home Loan Bank of New York—District 2

Provident Bank	Jersey City	New Jersey.
Atlantic Stewardship Bank	Midland Park	New Jersey.
City National Bank of New Jersey	Newark	New Jersey.
First Niagara Bank, National Association	Buffalo	New York.
Chemung Canal Trust Company	Elmira	New York.
National Bank of New York City	Flushing	New York.
Rondout Savings Bank	Kingston	New York.
State Bank of Long Island	New Hyde Park	New York.
Eastbank, National Association	New York City	New York.
Rhinebeck Savings Bank	Rhinebeck	New York.
Tioga State Bank	Spencer	New York.
New York Community Bank	Westbury	New York.
Banco Santander Puerto Rico	Hato Rey	Puerto Rico.

Federal Home Loan Bank of Pittsburgh—District 3

County Bank	Rehoboth Beach	Delaware.
Chelten Hills Savings Bank	Abington	Pennsylvania.
The Kishacoquillas Valley National Bank	Belleville	Pennsylvania.
The Farmers National Bank of Emlenton	Emlenton	Pennsylvania.
Harleysville Savings Bank	Harleysville	Pennsylvania.
First National Bank of Pennsylvania	Hermitage	Pennsylvania.
Wayne Bank	Honesdale	Pennsylvania.
AmeriServ Financial Bank	Johnstown	Pennsylvania.
Luzerne Bank	Luzerne	Pennsylvania.
Marion Center Bank	Marion Center	Pennsylvania.

West View Savings Bank	Pittsburgh	Pennsylvania.
The First National Bank of Port Allegany	Port Allegany	Pennsylvania.
Community First Bank	Reynoldsville	Pennsylvania.
Farmers Building and Savings Bank	Rochester	Pennsylvania.
Mountain Valley Bank, NA	Elkins	West Virginia.
The Harrison County Bank	Lost Creek	West Virginia.
Union Bank, Inc	Middlebourne	West Virginia.
Grant County Bank	Petersburg	West Virginia.

Federal Home Loan Bank of Atlanta—District 4

Peoples Bank of Greensboro	Greensboro	Alabama.
Cheaha Bank	Oxford	Alabama.
The Commercial Bank of Ozark	Ozark	Alabama.
Metro Bank	Pell City	Alabama.
The Farmers & Merchants Bank	Waterloo	Alabama.
The Citizens Bank of Winfield	Winfield	Alabama.
Drummond Community Bank	Chiefland	Florida.
First National Bank of Pasco	Dade City	Florida.
BankFirst	Eustis	Florida.
Community Bank of Florida	Homestead	Florida.
Fidelity Bank of Florida, N.A.	Merritt Island	Florida.
Coconut Grove Bank	Miami	Florida.
Peoples National Bank	Niceville	Florida.
Prosperity Bank	St. Augustine	Florida.
First National Bank of Wauchula	Wauchula	Florida.
Alma Exchange Bank and Trust	Alma	Georgia.
First National Bank South	Alma	Georgia.
Citizens Bank of Americus	Americus	Georgia.
Rabun County Bank	Clayton	Georgia.
Bank of Dudley	Dudley	Georgia.
First National Bank of Griffin	Griffin	Georgia.
Queensborough National Bank & Trust Company	Louisville	Georgia.
Bank of Madison	Madison	Georgia.
Exchange Bank	Milledgeville	Georgia.
Ameris Bank	Moultrie	Georgia.
Fidelity Bank	Norcross	Georgia.
Northwest Georgia Bank	Ringgold	Georgia.
West Central Georgia Bank	Thomaston	Georgia.
Frederick County Bank	Frederick	Maryland.
Glen Burnie Mutual Savings Bank	Glen Burnie	Maryland.
Hebron Savings Bank	Hebron	Maryland.
First Financial of Maryland Federal Credit Union	Lutherville	Maryland.
Regal Bank & Trust	Owings Mills	Maryland.
The Queenstown Bank of Maryland	Queenstown	Maryland.
Yadkin Valley Bank and Trust Company	Elkin	North Carolina.
The Fidelity Bank	Fuquay-varina	North Carolina.
Sound Banking Company	Morehead City	North Carolina.
Morganton FS & LA	Morganton	North Carolina.
Peoples Bank	Newton	North Carolina.
First Carolina State Bank	Rocky Mount	North Carolina.
Wake Forest FS & LA	Wake Forest	North Carolina.
Horry County State Bank	Loris	South Carolina.
Crescent Bank	Myrtle Beach	South Carolina.
Virginia National Bank	Charlottesville	Virginia.
Bank of Hampton Roads	Chesapeake	Virginia.
Old Point National Bank of Phoebus	Hampton	Virginia.
Grayson National Bank	Independence	Virginia.
Chesapeake Bank	Kilmarnock	Virginia.
Village Bank	Midlothian	Virginia.
BayPort Credit Union	Newport News	Virginia.
Central Virginia Bank	Powhatan	Virginia.

Federal Home Loan Bank of Cincinnati—District 5

Citizens Deposit Bank of Arlington, Inc	Arlington	Kentucky.
Peoples Bank and Trust Company of Madison Co	Berea	Kentucky.
Deposit Bank of Carlisle	Carlisle	Kentucky.
The Farmers National Bank of Danville	Danville	Kentucky.
Dixon Bank	Dixon	Kentucky.
First Citizens Bank	Elizabethtown	Kentucky.
Fort Knox Federal Credit Union	Fort Knox	Kentucky.
Farmers Bank and Capital Trust	Frankfort	Kentucky.
Franklin Bank and Trust Company	Franklin	Kentucky.
The Bank of Henderson, Inc	Henderson	Kentucky.
Century Bank of Kentucky	Lawrenceburg	Kentucky.

Kentucky Telco Federal Credit Union	Louisville	Kentucky.
King Southern Bank	Louisville	Kentucky.
Jackson County Bank	McKee	Kentucky.
The Farmers Bank of Milton	Milton	Kentucky.
Peoples Bank & Trust	Owenton	Kentucky.
The Springfield State Bank	Springfield	Kentucky.
South Central Bank of Monroe County, Inc	Tompkinsville	Kentucky.
United Southern Bank	Trenton	Kentucky.
Citizens Deposit Bank & Trust	Vanceburg	Kentucky.
The Apple Creek Banking Co	Apple Creek	Ohio.
Sharefax Credit Union, Inc	Batavia	Ohio.
The First National Bank of Bellevue	Bellevue	Ohio.
Monitor Bank	Big Prairie	Ohio.
Cottage Savings Bank	Cincinnati	Ohio.
The Huntington National Bank	Columbus	Ohio.
The Community Bank	Crooksville	Ohio.
Citizens National Bank of Southwestern Ohio	Dayton	Ohio.
Dover-phyla Federal Credit Union	Dover	Ohio.
First National Community Bank	East Liverpool	Ohio.
The Bankers Guarantee Title & Trust Company	Fairlawn	Ohio.
The Peoples Bank Inc	Gambier	Ohio.
The Genoa Banking Company	Genoa	Ohio.
Metamora State Bank	Metamora	Ohio.
Consumers National Bank	Minerva	Ohio.
The Henry County Bank	Napoleon	Ohio.
Home FS & LA of Niles	Niles	Ohio.
Community One Credit Union of Ohio	North Canton	Ohio.
The Osgood State Bank	Osgood	Ohio.
The Ottoville Bank Company	Ottoville	Ohio.
Westfield Bank, FSB	Westfield Center	Ohio.
Bank of Cleveland	Cleveland	Tennessee.
Citizens Tri-County Bank	Dunlap	Tennessee.
Citizens Bank	Elizabethton	Tennessee.
Andrew Johnson Bank	Greeneville	Tennessee.
The Bank of Nashville	Nashville	Tennessee.
Farmers Bank	Parsons	Tennessee.
First National Bank of Pulaski	Pulaski	Tennessee.
First Century Bank	Tazewell	Tennessee.

Federal Home Loan Bank of Indianapolis—District 6

The Bath State Bank	Bath	Indiana.
First Bank of Berne	Berne	Indiana.
The Bippus State Bank	Bippus	Indiana.
The Farmers and Merchants Bank	Boswell	Indiana.
The Farmers State Bank—Brookston	Brookston	Indiana.
The Fountain Trust Company	Covington	Indiana.
DeMotte State Bank	Demotte	Indiana.
The Peoples State Bank—Ellettsville	Ellettsville	Indiana.
Bank of Geneva	Geneva	Indiana.
MainSource Bank	Greensburg	Indiana.
Salin Bank and Trust Company	Indianapolis	Indiana.
The National Bank of Indianapolis	Indianapolis	Indiana.
Kentland Bank	Kentland	Indiana.
Community State Bank	Royal Center	Indiana.
The Morris Plan Company of Terre Haute	Terre Haute	Indiana.
Lake City Bank	Warsaw	Indiana.
Community State Bank	Avila	Indiana.
Alden State Bank	Alden	Michigan.
First National Bank of Michigan	East Lansing	Michigan.
The State Bank—Fenton	Fenton	Michigan.
Dort Federal Credit Union	Flint	Michigan.
First Bank, Upper Michigan	Gladstone	Michigan.
United Bank of Michigan	Grand Rapids	Michigan.
Lansing Automakers Federal Credit Union	Lansing	Michigan.
Farmers State Bank of Munith	Munith	Michigan.
Royal Oak Community Credit Union	Royal Oak	Michigan.

Federal Home Loan Bank of Chicago—District 7

Anchor State Bank	Anchor	Illinois.
Germantown Trust & Savings Bank	Breese	Illinois.
The Bank of Carbondale	Carbondale	Illinois.
Highland Community Bank	Chicago	Illinois.
Home State Bank, N.A.	Crystal Lake	Illinois.
Farmers State Bank of Danforth	Danforth	Illinois.

Durand State Bank	Durand	Illinois.
First Community Bank	Elgin	Illinois.
Standard Bank and Trust Company	Hickory Hills	Illinois.
First Eagle Bank	Chicago	Illinois.
Bank of Calhoun County	Hardin	Illinois.
The First National Bank of Lacon	Lacon	Illinois.
The Farmers Bank of Liberty	Liberty	Illinois.
Banterra Bank	Marion	Illinois.
First Mid-Illinois Bank & Trust, N.A.	Mattoon	Illinois.
First State Bank	Mendota	Illinois.
Citizens State Bank of Milford	Milford	Illinois.
BankORION	Orion	Illinois.
South Side Trust & Savings Bank of Peoria	Peoria	Illinois.
Bank of Pontiac	Pontiac	Illinois.
Princeville State Bank	Princeville	Illinois.
Farmers National Bank	Prophetstown	Illinois.
Marion County Savings Bank	Salem	Illinois.
Bank of Springfield	Springfield	Illinois.
St. Charles Bank and Trust Company	St. Charles	Illinois.
First Community State Bank	Staunton	Illinois.
First National Bank in Taylorville	Taylorville	Illinois.
First National Bank of Waterloo	Waterloo	Illinois.
Williamsville State Bank & Trust	Williamsville	Illinois.
Baraboo National Bank	Baraboo	Wisconsin.
Union Bank of Blair	Blair	Wisconsin.
Great Midwest Bank, S.S.B.	Brookfield	Wisconsin.
Bank North	Crivitz	Wisconsin.
First National Bank of Eagle River	Eagle River	Wisconsin.
Citizens Community Federal	Eau Claire	Wisconsin.
Royal Bank	Elroy	Wisconsin.
Oak Bank	Fitchburg	Wisconsin.
State Bank of Florence	Florence	Wisconsin.
Bank of Galesville	Galesville	Wisconsin.
The First National Bank of Hartford	Hartford	Wisconsin.
Coulee Bank	La Crosse	Wisconsin.
Citizens State Bank of Loyal	Loyal	Wisconsin.
Bank of Luxemburg	Luxemburg	Wisconsin.
First Business Bank	Madison	Wisconsin.
Columbia Savings & Loan Association	Milwaukee	Wisconsin.
Citizens Bank of Mukwonago	Mukwonago	Wisconsin.
First State Bank	New London	Wisconsin.
First Bank Financial Centre	Oconomowoc	Wisconsin.
River Valley Bank	Wausau	Wisconsin.
River Bank	Stoddard	Wisconsin.
Waldo State Bank	Waldo	Wisconsin.
Farmers & Merchants State Bank	Waterloo	Wisconsin.
Waukesha State Bank	Waukesha	Wisconsin.
Marathon Savings Bank	Wausau	Wisconsin.
Chippewa Valley Bank	Winter	Wisconsin.
Woodford State Bank	Woodford	Wisconsin.

Federal Home Loan Bank of Des Moines—District 8

City State Bank	Central City	Iowa.
Iowa State Bank	Des Moines	Iowa.
Peoples Savings Bank	Elma	Iowa.
Lee County Bank & Trust, N.A.	Fort Madison	Iowa.
Grinnell State Bank	Grinnell	Iowa.
Security State Bank	Independence	Iowa.
Community First Bank	Keosauqua	Iowa.
Pleasantville State Bank	Pleasantville	Iowa.
Northeast Security Bank	Sumner	Iowa.
Farmers & Merchants Savings Bank	Waukon	Iowa.
Earlham Savings Bank	West Des Moines	Iowa.
Liberty Bank, FSB	West Des Moines	Iowa.
Midwest Heritage Bank, F.S.B.	West Des Moines	Iowa.
First Trust and Savings Bank	Wheatland	Iowa.
North American State Bank	Belgrade	Minnesota.
The First National Bank Bemidji	Bemidji	Minnesota.
Bremer Bank, National Association	Brainerd	Minnesota.
First Security Bank—Canby	Canby	Minnesota.
Republic Bank, Inc	Duluth	Minnesota.
Bremer Bank, National Association	International Falls	Minnesota.
Security State Bank of Lewiston	Lewiston	Minnesota.
Pine Country Bank	Little Falls	Minnesota.
Minnwest Bank Luverne	Luverne	Minnesota.

Security State Bank of Marine	Marine On St. Croix	Minnesota.
First Minnetonka City Bank	Minnetonka	Minnesota.
Minnwest Bank Central	Montevideo	Minnesota.
Lake Region Bank	New London	Minnesota.
United Community Bank	Perham	Minnesota.
Farmers & Merchants State Bank of Pierz	Pierz	Minnesota.
Pine Island Bank	Pine Island	Minnesota.
First Bank & Trust, National Association	Pipestone	Minnesota.
State Bank of Richmond	Richmond	Minnesota.
Minnesota First Credit and Savings	Rochester	Minnesota.
Liberty Savings Bank, FSB	Saint Cloud	Minnesota.
Capital Bank	Saint Paul	Minnesota.
Beacon Bank	Shorewood	Minnesota.
Bremer Bank, National Association	South St. Paul	Minnesota.
Farmers & Merchants State Bank of Springfield	Springfield	Minnesota.
Central Bank	Stillwater	Minnesota.
Northern State Bank	Thief River Falls	Minnesota.
Community Bank Mankato	Vernon Center	Minnesota.
Paragon Bank	Wells	Minnesota.
State Bank of Wheaton	Wheaton	Minnesota.
Bremer Bank, National Association	Willmar	Minnesota.
Winona National Bank	Winona	Minnesota.
Bank of Advance	Advance	Missouri.
Carroll County Savings & Loan Association	Carrollton	Missouri.
Enterprise Bank and Trust	Clayton	Missouri.
First Midwest Bank of Dexter	Dexter	Missouri.
F & C Bank	Holden	Missouri.
Midwest Independent Bank	Jefferson City	Missouri.
Alliant Bank	Madison	Missouri.
Citizens National Bank of Greater St. Louis	Maplewood	Missouri.
Martinsburg Bank and Trust	Mexico	Missouri.
Central Bank of Lake of the Ozarks	Osage Beach	Missouri.
First Community Bank, Missouri	Poplar Bluff	Missouri.
First Midwest Bank of Poplar Bluff	Poplar Bluff	Missouri.
Preferred Bank	Rothville	Missouri.
Anheuser-Busch Employees' Credit Union	St. Louis	Missouri.
Jefferson Bank & Trust Co	St. Louis	Missouri.
Neighbors Credit Union	St. Louis	Missouri.
First Community National Bank	Steelville	Missouri.
Bank of Sullivan	Sullivan	Missouri.
Bank of Crocker	Waynesville	Missouri.
West Plains Bank and Trust Company	West Plains	Missouri.
Bank of Weston	Weston	Missouri.
Bank of North Dakota	Bismarck	North Dakota.
American Bank Center	Dickinson	North Dakota.
Choice Financial Group	Grafton	North Dakota.
Security First Bank of North Dakota	New Salem	North Dakota.
American State Bank & Trust Company of Williston	Williston	North Dakota.
First National Bank	Fort Pierre	South Dakota.
The First National Bank in Sioux Falls	Sioux Falls	South Dakota

Federal Home Loan Bank of Dallas—District 9

First National Bank of North Arkansas	Berryville	Arkansas.
FNB of Izard County	Calico Rock	Arkansas.
Arkansas County Bank	De Witt	Arkansas.
Bank of England	England	Arkansas.
First National Bank in Green Forest	Green Forest	Arkansas.
Helena National Bank	Helena	Arkansas.
Bank of Little Rock	Little Rock	Arkansas.
First Community Bank of Eastern Arkansas	Marion	Arkansas.
Commercial Bank and Trust	Monticello	Arkansas.
Integrity First Bank, N.A.	Mountain Home	Arkansas.
Bank of Prescott	Prescott	Arkansas.
Riverside Bank	Sparkman	Arkansas.
First National Bank, Bienville Parish	Arcadia	Louisiana.
Citizens National Bank of Bossier City	Bossier City	Louisiana.
Guaranty Bank & Trust Company of Delhi	Delhi	Louisiana.
Catahoula-LaSalle Bank	Jonesville	Louisiana.
Progressive National Bank of Desoto Parish	Mansfield	Louisiana.
Bank of Maringuoin	Maringuoin	Louisiana.
Louisiana Corporate Credit Union	Metairie	Louisiana.
Guaranty Bank & Trust Co	New Roads	Louisiana.
Tensas State Bank	Newellton	Louisiana.
Patterson State Bank	Patterson	Louisiana.
Iberville Bank	Plaquemine	Louisiana.

Rayne State Bank & Trust Co	Rayne	Louisiana.
Teche Bank & Trust Co	St. Martinville	Louisiana.
Bank of Sunset & Trust Co	Sunset	Louisiana.
Washington State Bank	Washington	Louisiana.
Centric Federal Credit Union	West Monroe	Louisiana.
Community Bank Coast	Biloxi	Mississippi.
Citizens Bank	Columbia	Mississippi.
Jefferson Bank	Fayette	Mississippi.
First Commercial Bank	Jackson	Mississippi.
Bank of Kilmichael	Kilmichael	Mississippi.
Peoples Bank	Mendenhall	Mississippi.
Bank of Morton	Morton	Mississippi.
Merchants & Planters Bank	Raymond	Mississippi.
Richton Bank & Trust Company	Richton	Mississippi.
First State Bank	Waynesboro	Mississippi.
Main Bank	Albuquerque	New Mexico.
Sunrise Bank of Albuquerque	Albuquerque	New Mexico.
Farmers & Stockmens Bank of Clayton	Clayton	New Mexico.
Valley National Bank	Espanola	New Mexico.
Lea County State Bank	Hobbs	New Mexico.
Western Heritage Bank	Las Cruces	New Mexico.
Bank of the Southwest	Roswell	New Mexico.
City Bank New Mexico	Ruidoso	New Mexico.
Ballinger National Bank	Ballinger	Texas.
Bloomburg State Bank	Bloomburg	Texas.
First Bank & Trust—Childress	Childress	Texas.
Southwest Bank	Fort Worth	Texas.
HomeTown Bank, NA	Galveston	Texas.
Gruver State Bank	Gruver	Texas.
Hull State Bank	Hull	Texas.
Industry State Bank	Industry	Texas.
Synergy Bank, S.S.B.	McKinney	Texas.
Red River Employees	Texarkana	Texas.
Citizens National Bank of Texas	Waxahachie	Texas.
Vintage Bank	Waxahachie	Texas.
American Bank of Commerce	Wolfforth	Texas.
Citizens State Bank	Woodville	Texas.

Federal Home Loan Bank of Topeka—District 10

First Southwest Bank	Alamosa	Colorado.
Fitzsimons Federal Credit Union	Aurora	Colorado.
Boulder Municipal Employees Federal Credit Union	Boulder	Colorado.
Boulder Valley Credit Union	Boulder	Colorado.
Flatirons Bank	Boulder	Colorado.
5Star Bank	Colorado Springs	Colorado.
Bank of Denver	Denver	Colorado.
First Western Trust Bank	Denver	Colorado.
Westerra Credit Union	Denver	Colorado.
Trust Company of America	Centennial	Colorado.
FMS Bank	Fort Morgan	Colorado.
Grand Valley Bank	Heber	Utah.
Bellco First Federal Credit Union	Greenwood Village	Colorado.
First State Bank of Colorado	Hotchkiss	Colorado.
The Colorado B&T of La Junta	La Junta	Colorado.
FirstBank—Lakewood, CO	Lakewood	Colorado.
Citizens Bank of Pagosa Springs—Pagosa Springs	Pagosa Spring	Colorado.
North Valley Bank	Thornton	Colorado.
First National Bank in Trinidad	Trinidad	Colorado.
Mountain Valley Bank	Walden	Colorado.
First Pioneer National Bank	Wray	Colorado.
Wray State Bank	Wray	Colorado.
Labette Bank	Altamont	Kansas.
Equity Bank	Andover	Kansas.
The Union State Bank—Arkansas City, KS	Arkansas City	Kansas.
The Baxter State Bank—Baxter Springs, KS	Baxter Spring	Kansas.
The First National Bank of Beloit	Beloit	Kansas.
First National Bank of Kansas	Burlington	Kansas.
Farmers & Merchants State Bank—Cawker City	Cawker City	Kansas.
First Heritage Bank	Centralia	Kansas.
Union State Bank of Clay Center	Clay Center	Kansas.
Swedish-American State Bank	Courtland	Kansas.
The State Bank of Delphos—Delphos, KS	Delphos	Kansas.
Verus Bank	Derby	Kansas.
The Lyons County State Bank	Emporia	Kansas.
First National Bank in Frankfort	Frankfort	Kansas.

Golden Plains Credit Union	Garden City	Kansas.
The Citizens State Bank—Gridley, KS	Gridley	Kansas.
First National Bank of Harveyville	Harveyville	Kansas.
Citizens State Bank and Trust Co.—Hiawatha	Hiawatha	Kansas.
First Kansas Bank	Hoisington	Kansas.
The First National Bank of Hope	Hope	Kansas.
Citizens State Bank	Hugoton	Kansas.
First National Bank of Hutchinson	Hutchinson	Kansas.
The First National Bank & Trust Company	Junction City	Kansas.
Brotherhood Bank & Trust Co.—Kansas City	Kansas City	Kansas.
Peoples Bank	Lawrence	Kansas.
The Community Bank	Liberal	Kansas.
The First National Bank of Louisburg	Louisburg	Kansas.
The Lyndon State Bank	Lyndon	Kansas.
Community First National Bank	Manhattan	Kansas.
Landmark National Bank	Manhattan	Kansas.
Peoples State Bank	McDonald	Kansas.
Farmers Alliance Mutual Insurance Company	McPherson	Kansas.
Peoples Bank & Trust Co.—McPherson, KS	McPherson	Kansas.
First Neodesha Bank—Neodesha, KS	Neodesha	Kansas.
The Kansas State Bank	Ottawa	Kansas.
Cornerstone Bank	Overland Park	Kansas.
Commercial Bank	Parsons	Kansas.
First National Bank And Trust	Phillipsburg	Kansas.
Midwest Community Bank	Plainville	Kansas.
The Exchange State Bank	St. Paul	Kansas.
Towanda State Bank—Towanda, KS	Towanda	Kansas.
Grant County Bank—Ulysses, KS	Ulysses	Kansas.
The Union State Bank—Uniontown, KS	Uniontown	Kansas.
Trego-Wakeeney State Bank	Wakeeney	Kansas.
Security State Bank—Wellington, KS	Wellington	Kansas.
Wilson State Bank	Wilson	Kansas.
CornerBank, National Association	Winfield	Kansas.
Battle Creek State Bank—Battle Creek, NE	Battle Creek	Nebraska.
Columbus Bank and Trust Company—Columbus, NE	Columbus	Nebraska.
The Fremont National Bank & Trust	Fremont	Nebraska.
Fullerton National Bank	Fullerton	Nebraska.
Thayer County Bank—Hebron, NE	Hebron	Nebraska.
Union Bank and Trust Company—Lincoln, NE	Lincoln	Nebraska.
McCook National Bank	McCook	Nebraska.
Adams Bank & Trust—Ogallala, NE	Ogallala	Nebraska.
First Westroads Bank, Inc	Omaha	Nebraska.
Metro Health Services Federal Credit Union	Omaha	Nebraska.
Mutual First Federal Credit Union	Omaha	Nebraska.
First National Bank in Ord	Ord	Nebraska.
Stanton State Bank	Stanton	Nebraska.
First United Bank & Trust Company—Durant, OK	Durant	Oklahoma.
Central National Bank & Trust Company of Enid	Enid	Oklahoma.
Farmers & Merchants National Bank of Fairview	Fairview	Oklahoma.
Security First National Bank	Hugo	Oklahoma.
First Fidelity Bank, N.A.	Oklahoma City	Oklahoma.
The Pauls Valley National Bank	Pauls Valley	Oklahoma.
First State Bank in Temple—Temple, OK	Temple	Oklahoma.
The First Farmers National Bank of Waurika	Waurika	Oklahoma.

Federal Home Loan Bank of San Francisco—District 11

Arizona Central Credit Union	Phoenix	Arizona.
Altier Credit Union	Tempe	Arizona.
First Mountain Bank	Big Bear Lake	California.
San Diego Private Bank	Coronado	California.
Premier Valley Bank	Fresno	California.
Eagle Community Credit Union	Lake Forest	California.
City National Bank	Los Angeles	California.
Golden Pacific Bank, N.A.	Marysville	California.
First Technology Federal Credit Union	Palo Alto	California.
OneWest Bank, National Association	Pasadena	California.
Cornerstone Community Bank	Red Bluff	California.
Mechanics Bank	Richmond	California.
AltaOne Federal Credit Union	Ridgecrest	California.
Altura Credit Union	Riverside	California.
The Bank of Hemet	Riverside	California.
Bank of Sacramento	Sacramento	California.
America California Bank	San Francisco	California.
Trans Pacific National Bank	San Francisco	California.
Montecito Bank & Trust	Santa Barbara	California.

Santa Clara Valley Bank, N.A.	Santa Paula	California.
Community Bank of San Joaquin	Stockton	California.
Bank of The West	Walnut Creek	California.
Nevada State Bank	Las Vegas	Nevada.
Federal Home Loan Bank of Seattle—District 12		
Bank of Hawaii	Honolulu	Hawaii.
D. L. Evans Bank	Burley	Idaho.
bankcda	Coeur D'alene	Idaho.
Citizens Bank & Trust Company	Big Timber	Montana.
First Interstate Bank	Billings	Montana.
Bank of Bridger, N.A.	Bridger	Montana.
Teton Banks	Choteau	Montana.
First Security Bank of Deer Lodge	Deer Lodge	Montana.
First Citizens Bank of Polson	Polson	Montana.
Lake County Bank	St. Ignatius	Montana.
Ruby Valley National Bank	Twin Bridges	Montana.
Bank of the Rockies, N.A.	White Sulphur	Montana.
Whitefish Credit Union	Whitefish	Montana.
O.S.U. Federal Credit Union	Corvallis	Oregon.
MBank	Gresham	Oregon.
Community Bank	Joseph	Oregon.
Cache Valley Bank	Logan	Utah.
iQ Credit Union	Camas	Washington.
Seattle Bank	Seattle	Washington.
Inland Northwest Bank	Spokane	Washington.
Sound Credit Union	Tacoma	Washington.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before May 7, 2014, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2014–2015 Review Cycle—1st Round. 12 CFR 1290.2(b)(2)(ii). In reviewing a member for community support compliance, FHFA will consider any public comments it has received concerning the member. 12 CFR 1290.2(d). To ensure consideration by FHFA, comments concerning the community support performance of members selected for the 2014–2015 Review Cycle—1st Round must be delivered to FHFA, either by hard-copy mail at the Federal Housing Finance Agency, Ninth Floor, Housing Mission and Goals (DHMG), 400 Seventh Street SW., Washington, DC 20024, or by electronic mail to *hmgcommunitysupportprogram@fhfa.gov* on or before the June 9, 2014 deadline for submission of Community Support Statements.

Dated: April 17, 2014.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2014–09232 Filed 4–22–14; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (www.fmc.gov) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012076–001.

Title: ELJSA/CKYH Vessel Sharing Agreement—Trans-Atlantic Express Service.

Parties: Evergreen Line Joint Service Agreement; COSCO Container Lines Company Limited; Kawasaki Kisen Kaisha, Ltd.; Yang Ming (UK) Ltd.; and Hanjin Shipping Co., Ltd.

Filing Party: Paul M. Keane, Esq.; Cichanowicz, Callan, Keane, Vengrow & Textor LLP; 61 Broadway, Suite 3000; New York, NY 10006–2802.

Synopsis: The amendment updates the addresses of two of the parties and revises the capacity and the number of vessels provided by the parties.

Agreement No.: 012116–003.

Title: NYK/Yang Ming Americas North South Service Vessel Sharing Agreement.

Parties: Nippon Yusen Kaisha and Yang Ming Marine Transport Corp.

Filing Party: Robert Shababb; NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The amendment deletes Hanjin Shipping Co. and Evergreen Line Joint Service Agreement as parties to the agreement and updates the amount of space chartered under the agreement.

Agreement No.: 012263.

Title: COSCON/Zim Equipment Repositioning Agreement.

Parties: ZIM Integrated Shipping Services, Ltd. and COSCO Container Lines Co. Ltd.

Filing Party: Mark E. Newcomb; ZIM American Integrated Shipping Services, Co., LLC; 5801 Lake Wright Dr.; Norfolk, VA 23508.

Synopsis: The agreement would authorize the parties to share space on each other's vessels for the purpose of repositioning empty equipment in the trade between the U.S. on the one hand, and ports in Europe, the Mediterranean, Canada, and Asia, on the other hand.

Agreement No.: 012264

Title: CMA CGM/Galborg U.S. Gulf/East Coast-South Africa Space Charter Agreement.

Parties: CMA CGM S.A. and Galborg Pte. Ltd.

Filing Party: Draughn Arbona, Esq.; Senior Counsel; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: The agreement authorizes CMA to charter space from Galborg in the trade between the U.S. East and Gulf Coasts, on the one hand, and ports in the Republic of South Africa, Namibia, and Mozambique, on the other hand.

Agreement No.: 012265.

Title: CMA CGM/OOCL Houston-Altamira Space Charter Agreement.

Parties: CMA CGM S.A. and Orient Overseas Container Line Limited.

Filing Party: Draughn Arbona, Esq.; Senior Counsel; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: The agreement authorizes CMA to charter space to OOCL for the movement of empty containers in the trade between Houston, TX and Altamira, Mexico.

By Order of the Federal Maritime Commission.

Dated: April 18, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–09269 Filed 4–22–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 8, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Clinton D. Dunn,* Dallas, Texas; to control voting shares of G–6 Corporation, and thereby indirectly control voting shares of First State Bank, both in Mesquite, Texas.

Board of Governors of the Federal Reserve System, April 18, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–09227 Filed 4–22–14; 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 8, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Central Texas Financial Corp., Cameron, Texas, to acquire 100 percent of the voting shares of Citcamco Incorporated, and indirectly acquire Peoples Finance Company, both in Cameron, Texas, and thereby engage in extending credit and servicing loans, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, April 18, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–09225 Filed 4–22–14; 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 19, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Benefit Financial Group, Inc.,* Fort Smith, Arkansas; to become a bank holding company through the conversion of its wholly owned subsidiary bank, Benefit Bank, Fort Smith, Arkansas from a federal savings bank to a state chartered non-member bank.

2. *First Clover Leaf Financial Corporation,* Edwardsville, Illinois; to become a bank holding company through the conversion of its wholly owned subsidiary, First Clover Leaf Bank, FSB, Edwardsville, Illinois, from a federal savings bank to a national bank.

Board of Governors of the Federal Reserve System, April 18, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–09226 Filed 4–22–14; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-GSA–OFPP–2014–01; Docket No. 2014–0002; Sequence 15]

Open Dialogue on Improving Federal Procurement

AGENCY: Office of Federal Procurement Policy (OFPP), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: The Chief Acquisition Officers Council (CAOC), in coordination with the Federal Acquisition Regulatory Council (FAR Council), the Chief Information Officers Council (CIOC), the General Services Administration (GSA) and the Office of Management and Budget's (OMB) Office

of Federal Procurement Policy (OFPP), is conducting an open dialogue to discuss improvements to the federal acquisition process. This dialogue is part an ongoing effort to improve the effectiveness and efficiency of the federal acquisition system by identifying impactful steps that can be taken by agencies to improve the way they do business with the best companies and enter into contracts that allow these companies to provide their best solutions for the taxpayer.

DATES: *Effective:* April 23, 2014.

ADDRESSES: Interested parties may participate in the dialogue through an online platform by reviewing the information and participation dates posted at *www.cao.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jim Wade, OFPP, 202–395–2181 or *jwade@omb.eop.gov;* or Mr. Mathew Blum, OFPP, 202–395–4953, or *mblum@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The President's Management Agenda lays the foundation for creating a 21st century government that delivers better results to the American people. This foundation includes an efficient and effective acquisition system that maximizes the value of every taxpayer dollar.

The federal acquisition system is governed by a myriad of rules, both administrative and statutory, that are designed to help agencies maximize results from their contracts, make sure that contractors are qualified to do business with the federal government, and ensure consistency with key economic and social policies. Efforts to streamline, modernize, and improve requirements may allow contractors and agencies to execute in a more efficient and effective manner, while still supporting the execution of these policies.

The CAOC, in collaboration with the FAR Council, the CIOC, GSA and OFPP, seeks to conduct an open conversation to identify specific rules and requirements, tools, procedures, and practices that impact the efficiency and effectiveness of federal procurement and ways to improve them. The CAOC is interested in hearing about proposed improvements that can be accomplished through executive (regulatory, administrative, or management) action, as well as potential legislative proposals where requirements are based in statute. Dialogue will be encouraged in each of the following areas:

- *Reporting and compliance requirements—e.g.,* opportunities where collection processes and systems can be reengineered or automated, duplicative reporting can be eliminated, the frequency of reporting can be reduced, and outdated compliance thresholds can be changed.
- *Procurement practices—e.g.,* opportunities where acquisition strategies can be modernized (to support more efficient and effective acquisition of IT, in particular), where best commercial practices can be utilized, as well as efforts to promote greater consideration of innovative solutions and contracting practices.
- *Participation by small and minority businesses, new entrants, and non-traditional government contractors—e.g.,* opportunities for improving existing technical or strategic assistance programs, making buying platforms for finding business opportunities and bidding more user friendly, and lowering the cost of doing business.

To facilitate feedback, an online platform is being launched so that interested parties may submit ideas, respond to questions posed by moderators, and comment on other ideas—including those that they think are most promising and impactful. Information on the platform and the dates for participating in the dialogue are posted at *www.cao.gov.*

Dated: April 17, 2014.

William Clark,

Acting Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–09129 Filed 4–22–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: *''Phase II of a Longitudinal Program Evaluation of Health and Human Services (HHS) Healthcare Associated Infections (HAI) National Action Plan (NAP).''* In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by June 23, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Phase II of a Longitudinal Program Evaluation of Heath Human Services (HHS) Healthcare Associated Infections (HAI) National Action Plan (NAP)

This evaluation of HHS' Healthcare Associated Infections National Action Plan will assess the efficacy, efficiency and coordination of federal efforts to mitigate and prevent Healthcare Associated Infections (HAIs). As such, the evaluation represents a critical component of AHRQ's mission to promote health care quality improvement.

HAIs are infections that patients acquire while receiving treatment for other conditions while in a healthcare setting. They affect care in hospitals-hereafter referred to as ''acute care'', ambulatory care settings, and long-term care facilities, and represent a significant cause of illness and death in the United States. Over one million HAIs occur across health care settings every year.

In 2008, amidst growing demands on the healthcare system, rising healthcare costs, and increasing concerns about antimicrobial-resistant pathogens, HHS established a senior-level Steering Committee for the Prevention of HAIs. Charged with improving coordination and maximizing the efficiency of prevention efforts across HHS, the Steering Committee released the first ''National Action Plan to Prevent Health Care-Associated Infections'' (HAI NAP) in 2009. This plan outlined a systematic and phased approach to reducing HAIs and associated morbidity, mortality, and costs. Phase One of HAI NAP, which concluded in 2012, focused on HAI prevention in acute care hospitals, where data on prevention and the capacity to measure improvement were most complete.

Additionally, the plan set specific targets for reducing rates of six high priority HAIs or specific causative organisms: Surgical site infection (SSI),

central-line associated bloodstream infection (CLABSI), ventilator-associated pneumonia (VAP), catheter-associated urinary tract infection (CAUTI), *Clostridium difficile* infection, and methicillin-resistant *Staphylococcus aureus* infection (MRSA).

Phase II of the Action Plan, entitled *National Action Plan to Prevent Healthcare-Associated Infections: Roadmap to Elimination* was released in April 2012. Phase II expanded the Action Plan to include prevention of HAIs in ambulatory surgical centers (ASCs) and end-stage renal disease (ESRD) facilities, and increasing influenza vaccination coverage of healthcare personnel. Phase III of the HAI NAP, released for public comment in April 2013, further expanded the Action Plan to include prevention of HAIs in long-term care facilities.

Evaluation of HAI NAP. In 2009, AHRQ funded an independent, outside evaluation of HHS' HAI prevention efforts, as guided by the Action Plan. The goals of this evaluation were to: (1) Record the content and scope of the Action Plan, its current design, its progress, and impact on the future; (2) establish baseline data and provide additional information on the HAI landscape prior to and following the initiation of the Action Plan effort; and (3) provide strategic insights from ongoing processes for reducing HAIs and outcomes of these processes.

The current evaluation will expand upon this initial effort, encompassing the additional health care settings outlined in Phases II and III of the HAI NAP.

The goals of this Phase II evaluation are to:

1. Identify commonalities, gaps, themes, and opportunities for collaboration across six Federal quality improvement and patient safety efforts to eliminate HAIs; and

2. highlight actionable opportunities across HHS to collaborate and efficiently utilize resources in these quality improvement and patient safety efforts; and

3. assess the unique and aggregate contributions of each quality improvement and patient safety effort to the mitigation and prevention of HAIs.

This study is being conducted by AHRQ through its contractor, Insight Policy Research, Inc. and its subcontractors, IMPAQ International and RAND Corporation, pursuant to AHRQ's statutory authority to conduct and support research and evaluations on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of the HAI NAP evaluation, the following data collections will be implemented:

Semi-structured interviews. Key informant interviews with stakeholders of the HAI National Action Plan or the Quality Improvement (QI) initiatives that the Action Plan seeks to coordinate and align. These stakeholders will have knowledge of the QI initiatives as implemented in acute care, ambulatory care, long term care or ESRD facilities. AHRQ plans to conduct 33 interviews each year, over the course of two years. The semi-structured interviews will inform the process evaluation.

AHRQ will use the interview data to assess the processes and methods used, results achieved, and lessons learned from patient quality and safety programs that are directed at reducing the incidence of HAIs. This information will enable AHRQ to identify redundancies in program efforts and provide effective approaches for coordinating and aligning Federal efforts to prevent the incidence of HAIs. Finally, collecting data from these stakeholders will allow AHRQ to detect gaps in the HAI science base and opportunities for funding additional projects focused on generating and implementing knowledge on preventing HAIs.

The information gathered through the key informant interviews will be presented to members of a Federal Action Working Group (FAWG), comprising representatives from the various federal agencies and operating divisions of HHS who are actively involved in the HAI NAP. Presentations to the FAWG will provide continual and rapid-cycle feedback on evaluation findings. This feedback will accomplish several goals—namely, it will apprise the FAWG members of the study's formative findings, provide a medium to obtain feedback from the FAWG regarding the unique and aggregate impact of the national programs, and engage the FAWG in a discussion about gaps and future requirements.

Ultimately, the information gathered through this data collection effort will appear in annual reports, along with results of secondary data analyses. These reports will provide AHRQ and HHS with comprehensive, evaluative findings across and within individual patient safety programs as well as findings specific to the HAI NAP, and the extent to which the goals outlined in the plan have been achieved.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this evaluation. The total burden hours are estimated to be 66, which covers two years of interviews. The exhibits below indicate annualized burden hours in one year.

In-Depth Interviews with Stakeholders: AHRQ plans to conduct 33 semi-structured interviews each year for two years, totaling 66 semi-structured interviews during the course of the evaluation. These interviews will be conducted with key HAI NAP stakeholders with expertise in one or more of the four targeted healthcare settings. These healthcare settings include: Acute care hospital settings, ambulatory surgical centers, ESRD facilities, and long term care settings. Respondents will be interviewed by telephone. Participant recruitment should take no longer than five minutes. Scheduling will take place through email and will include an attached letter of support from AHRQ. Interviews will last up to one hour.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection activity	Number of respondents per year	Number of responses per respondent	Hours per response	Total burden hours
In-depth Interviews with HAI NAP Stakeholders with expertise pertaining to:				
• Acute Care Hospital Settings	9	1	1	9
• Ambulatory Surgical Centers	8	1	1	8
• ESRD facilities	8	1	1	8
• Long Term Care Settings	8	1	1	8

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Data collection activity	Number of respondents per year	Number of responses per respondent	Hours per response	Total burden hours
Total	33	1	1	33

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection activity	Number of respondents	Total burden hours	Average hourly wage rate	Total cost burden
In-depth Interviews with external stakeholders:				
• Acute Care Hospital Settings	9	9	$34.33*	$309.00
• Ambulatory Surgical Centers	8	8	34.33*	275.00
• ESRD facilities	8	8	34.33*	275.00
• Long Term Care Settings	8	8	34.33*	275.00
Total	33	na	na	1,134.00

* Based upon May 2012 National Occupational Employment and Wage Estimates for Epidemiologists, retrieved from *http://www.bls.gov/oes/current/oes_nat.htm#19-0000* on February 20, 2014.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: April 9, 2014.

Richard Kronick,

Director.

[FR Doc. 2014–09172 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Special Emphasis Panel (SEP) meeting on *''AHRQ RFA–HS14–007, Patient-Centered Outcomes Research (PCOR) for Deliberative Approaches: Patient and Consumer Input for Implementing Evidence-Based Health Care (R21)''.* Each SEP meeting will commence in open session before closing to the public for the duration of the meeting.

DATES: May 15–16, 2014 (*Open on May 15 from 8:00 a.m. to 8:30 a.m. and closed for the remainder of the meeting*).

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878.

FOR FURTHER INFORMATION CONTACT: Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact:

Mrs. Bonnie Campbell,
Committee Management Officer,
Office of Extramural Research,
Education and Priority Populations, AHRQ,
540 Gaither Road, Room 2038,
Rockville, Maryland 20850,
Telephone: (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

Each SEP meeting will commence in open session before closing to the public for the duration of the meeting. The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for the ''AHRQ RFA–HS14–007, Patient-Centered Outcomes Research (PCOR) for Deliberative Approaches: Patient and Consumer Input for Implementing Evidence-Based Health Care (R21)'' are to be reviewed and discussed at this meeting. 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.

Dated: April 9, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–09175 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Conducting Public Health Research in South Africa by the National Health Laboratory Service (NHLS), Funding Opportunity Announcement (FOA) GH12–004; and Strengthening National Capacity in Malaria and Other Infectious Disease Operations Research, FOA GH14–003, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–12:00 p.m., May 13, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Conducting Public Health Research in South Africa by the National Health Laboratory Service (NHLS), FOA GH12–004; and Strengthening National Capacity in Malaria and Other Infectious Disease Operations Research, FOA GH14–003, initial review.''

Contact Person For More Information: Hylan Shoob, Scientific Review Officer, Center for Global Health (CGH) Science Office, CGH, CDC, 1600 Clifton Road, NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone: (404) 639–4796.The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–09149 Filed 4–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns ''Provider Input on Critical Immunization Issues'', Funding Opportunity Announcement (FOA) IP14–003, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:00 p.m.–5:00 p.m., May 13, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Provider Input on Critical Immunization Issues'', FOA IP14–003.

Contact Person For More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–09150 Filed 4–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Addressing Emerging Infectious Diseases in Bangladesh, Funding Opportunity Announcement (FOA) GH14–002, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1:00 p.m.–5:00 p.m., May 13, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Addressing Emerging Infectious Diseases in Bangladesh, FOA GH14–002, initial review.''

Contact Person For More Information: Hylan Shoob, Scientific Review Officer, Center for Global Health (CGH) Science Office, CGH, CDC, 1600 Clifton Road, NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone: (404) 639–4796. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–09147 Filed 4–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Interagency Committee on Smoking and Health (ICSH)

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention announces the following meeting of the aforementioned committee.

Time and Date: 9:00 a.m.–4:30 p.m., EST, May 13, 2014.

Place: Ronald Reagan International Trade Center, Polaris Suite, 1300 Pennsylvania Avenue NW., Washington, DC 20004, Telephone: (202) 312–1300.

Status: Open to the public, limited only by the space and telephone lines available. Participants that would like to attend in person are encouraged to register with the contact person listed below. If you will require a sign language interpreter, or have other special needs, please notify the contact person by 4:30 p.m. EST on May 9, 2014.

Limited teleconference access is also available. Login information is as follows:

For Public

Toll Free Telephone: (800) 779–1088
Participant passcode: 4863751
Participant URL: https://www.mymeetings.com/nc/join/

Purpose: The committee advises the Secretary, Department of Health and Human Services, and the Assistant Secretary for Health in the (a) coordination of all research and education programs and other activities within the Department and with other federal, state, local and private agencies, and (b) establishment and maintenance of liaison with appropriate private entities, federal agencies, and state and local public health agencies with respect to smoking and health activities.

Matters For Discussion: The topic of the meeting is ''50 Years of U.S. Tobacco Control'' and will provide a review of the recently released Surgeon General's Report on the Health Consequences of Smoking—50 Years of Progress—leading to a discussion of what it will take to end the tobacco epidemic.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Substantive program information as well as summaries of the meeting and roster of committee members may be obtained from the internet at *www.cdc.gov/tobacco* in mid-August or from Ms. Monica L. Swann, Management and Program Analyst, National Center for Chronic Disease Prevention and Health Promotion, CDC, 395 E. Street SW., Washington, DC 20024, telephone: (202) 245–0552.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–09146 Filed 4–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Conducting Public Health Research in Thailand by the Ministry of Public Health (MOPH), Funding Opportunity Announcement (FOA) GH11–002; Conducting Public Health Research in China, FOA GH12–005, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:00 p.m.–5:00 p.m., May 14, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Conducting Public Health Research in Thailand by the Ministry of Public Health (MOPH), FOA GH11–002; and Conducting Public Health Research in China, FOA GH12–005, initial review.''

Contact Person For More Information: Hylan Shoob, Scientific Review Officer, Center for Global Health (CGH) Science Office, CGH, CDC, 1600 Clifton Road, NE., Mailstop D–69, Atlanta, Georgia 30033, Telephone: (404) 639–4796. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary J. Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–09148 Filed 4–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0079]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Animal Generic Drug User Fee Act Cover Sheet

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 23, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0632. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Form FDA 3728, Animal Generic Drug User Fee Act Cover Sheet—21 U.S.C. 379j–21 (OMB Control Number 0910–0632)—Revision

Section 741 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 379j–21) establishes three different kinds of user fees: (1) Fees for certain types of abbreviated applications for generic new animal drugs, (2) annual fees for certain generic new animal drug products, and (3) annual fees for certain sponsors of abbreviated applications for generic new animal drugs and/or investigational submissions for generic new animal drugs (21 U.S.C. 379j–21(a)). Because concurrent submission of user fees with applications is required, the review of an application cannot begin until the fee is submitted. Form FDA 3728 is the Animal Generic Drug User Fee Act (AGDUFA) Cover Sheet, which is designed to provide the minimum necessary information to determine whether a fee is required for review of an application, to determine the amount of the fee required, and to account for and track user fees.

The Animal Generic Drug User Fee Amendments of 2013, signed by the President on June 13, 2013 (AGDUFA II) (Title II of Pub. L. 113–14), amended the FD&C Act authorizing FDA to collect user fees for certain abbreviated applications for generic new animal drugs, for certain generic new animal drug products, and for certain sponsors of such abbreviated applications for generic new animal drugs and/or investigational submissions for generic new animal drugs. To implement changes under the reauthorization by their effective date of October 1, 2013, FDA sought and received OMB approval to update its Form FDA 3728 as described as follows:

On page 1 of the electronic questions under ''Select an Application Type'' users must select ''Original'' and then choose either, ''Abbreviated New Animal Drug Application (ANADA)—under provisions of 512(b)(2) of FFDCA [the FD&C Act]'' (21 U.S.C. 360b(b)(2)); or ''Abbreviated New Animal Drug Application (ANADA)—for certain combination pioneer products approved under provisions of 512(d)(4) of FD&C Act.'' If they select the first ANADA type, they will be charge 100 percent of the application fee. If they select the second ANADA type, they will be charged at a rate of 50 percent of the original application fee. To facilitate the application process in this regard, on Form FDA 3728 we have added a line in section 3 that allows applicants to select the option, ''3.2 Original Abbreviated New Animal Drug Application (ANADA)—for certain combination pioneer products approved under provisions of section 512(d)(4) of the FD&C Act.''

In the **Federal Register** of February 18, 2014 (79 FR 9224), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
3728	20	2	40	.08 (4.8 minutes)	3.2

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Respondents to this collection of information are generic animal drug applicants. Based on data for the past 3 years, FDA estimates there are approximately 20 submissions annually and a total of 3.2 burden hours.

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09201 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0252]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 23, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0216. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Color Additive Certification Requests and Recordkeeping—21 CFR Part 80 (OMB Control Number 0910–0216)—Extension

We have regulatory oversight for color additives used in foods, drugs, cosmetics, and medical devices. Section 721(a) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless it meets the requirements of a listing regulation, including any requirement for batch certification, and is used in accordance with the regulation. We list color additives that have been shown to be safe for their intended uses in Title 21 of the Code of Federal Regulations (CFR). We require batch certification for all color additives listed in 21 CFR part 74 and for all color additives provisionally listed in 21 CFR part 82. Color additives listed in 21 CFR part 73 are exempted from certification.

The requirements for color additive certification are described in 21 CFR part 80. In the certification procedure, a representative sample of a new batch of color additive, accompanied by a ''request for certification'' that provides information about the batch, must be submitted to FDA's Office of Cosmetics and Colors. FDA personnel perform chemical and other analyses of the representative sample and, providing the sample satisfies all certification requirements, issue a certification lot number for the batch. We charge a fee for certification based on the batch weight and require manufacturers to keep records of the batch pending and after certification.

Under § 80.21, a request for certification must include: Name of color additive, manufacturer's batch number and weight in pounds, name and address of manufacturer, storage conditions, statement of use(s), certification fee, and signature of person requesting certification. Under § 80.22, a request for certification must include a sample of the batch of color additive that is the subject of the request. The sample must be labeled to show: Name of color additive, manufacturer's batch number and quantity, and name and address of person requesting certification. Under § 80.39, the person to whom a certificate is issued must keep complete records showing the disposal of all of the color additive covered by the certificate. Such records are to be made available upon request to any accredited representative of FDA until at least 2 years after disposal of all of the color additive.

The purpose for collecting this information is to help us assure that only safe color additives will be used in foods, drugs, cosmetics, and medical devices sold in the United States. The required information is unique to the batch of color additive that is the subject of a request for certification. The

manufacturer's batch number is used for temporarily identifying a batch of color additive until FDA issues a certification lot number and for identifying a certified batch during inspections. The manufacturer's batch number also aids in tracing the disposal of a certified batch or a batch that has been denied certification for noncompliance with the color additive regulations. The manufacturer's batch weight is used for assessing the certification fee. The batch weight also is used to account for the disposal of a batch of certified or certification-denied color additive. The batch weight can be used in a recall to determine whether all unused color additive in the batch has been recalled. The manufacturer's name and address and the name and address of the person requesting certification are used to contact the person responsible should a question arise concerning compliance with the color additive regulations. Information on storage conditions pending certification is used to evaluate whether a batch of certified color additive is inadvertently or intentionally altered in a manner that would make the sample submitted for certification analysis unrepresentative of the batch. We check storage information during inspections. Information on intended uses for a batch of color additive is used to assure that a batch of certified color additive will be used in accordance with the requirements of its listing regulation. The statement of the fee on a certification request is used for accounting purposes so that a person requesting certification can be notified promptly of any discrepancies.

In the **Federal Register** of February 6, 2014 (79 FR 7199), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
80.21; Request for Certification	35	199	6,965	0.17	1,184
80.22; Sample to accompany request	35	199	6,965	0.05	348
Total				0.22	1,532

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED RECORDKEEPING BURDEN [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeping	Total annual records	Average burden per recordkeeping	Total hours
80.39; Record of Distribution	35	199	6,965	0.25	1,741

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate on our review of the certification requests received over the past 3 fiscal years (FY). The annual burden estimate for this information collection is 3,273 hours. The estimated reporting burden for this information collection is 1,532 hours and the estimated recordkeeping burden for this information collection is 1,741 hours. From FY 2011 to FY 2013, we processed an average of 6,954 responses (requests for certification of batches of color additives) per year. There were 35 different respondents, corresponding to an average of approximately 199 responses from each respondent per year. Using information from industry personnel, we estimate that an average of 0.22 hour per response is required for reporting (preparing certification requests and accompanying samples) and an average of 0.25 hour per response is required for recordkeeping.

Our web-based Color Certification information system allows submitters to request color certification online, follow their submissions through the process, and obtain information on account status. The system sends back the certification results electronically, allowing submitters to sell their certified color before receiving hard copy certificates. Any delays in the system result only from shipment of color additive samples to FDA's Office of Cosmetics and Colors for analysis.

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09200 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0078]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Animal Drug User Fee Act Cover Sheet

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 23, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0539. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Animal Drug User Fee Cover Sheet; Form FDA 3546 (OMB Control Number 0910–0539)—Extension

Under Section 740 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 379j–12), as amended by Animal Drug User Fee Act (ADUFA) (Pub. L. 108–130), FDA has the authority to assess and collect for certain animal drug user fees. Because concurrent submission of user fees with applications and supplements is required, review of an application cannot begin until the fee is submitted. The types of fees that require a cover sheet are certain animal drug application fees and certain supplemental animal drug application fees. The ADUFA cover sheet (Form FDA 3546) is designed to provide the minimum necessary information to determine whether a fee is required for the review of an application or supplement, to determine the amount of the fee required, and to assure that each animal drug user fee payment and each animal drug application for which payment is made is appropriately linked to the payment that is made. The form, when completed electronically, will result in the generation of a unique payment identification number used in tracking the payment. FDA will use the information collected to initiate administrative screening of new animal drug applications and supplements to determine if payment has been received.

In the **Federal Register** of February 3, 2014 (79 FR 6199), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FD&C Act section amended by ADUFA	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
740(a)(1)	3546 (Cover Sheet)	17	1 time for each application.	17	1	17

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Respondents to this collection of information are new animal drug applicants or manufacturers. Based on FDA's database system, there are an estimated 173 manufacturers of products or sponsors of new animal drugs potentially subject to ADUFA. However, not all manufacturers or sponsors will have any submissions in a given year and some may have multiple submissions. The total number of annual responses is based on the average number of submissions received by FDA in fiscal years 2011–2013. The estimated hours per response are based on past FDA experience with the various submissions. The hours per response are based on the average of these estimates.

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09202 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0090]

Balancing Premarket and Postmarket Data Collection for Devices Subject to Premarket Approval; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability of the draft guidance entitled ''Balancing Premarket and Postmarket Data Collection for Devices Subject to Premarket Approval.'' This draft guidance clarifies FDA's current policy on balancing premarket and postmarket data collection during the Agency's review of premarket approval applications (PMA). Specifically, this guidance outlines how FDA considers the role of postmarket information in determining the appropriate type and amount of data that should be collected in the premarket setting to support premarket approval, while still meeting the statutory standard of safety and effectiveness. FDA believes this guidance will improve patient access to safe and effective medical devices that are important to public health by improving the predictability, consistency, transparency, and efficiency of the premarket process. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 22, 2014.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Balancing Premarket and Postmarket Data Collection for Devices Subject to Premarket Approval'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5431, Silver Spring, MD 20993–0002 or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Office of the Center Director, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5431, Silver Spring, MD 20993–0002, 301–796–5900 or Stephen Ripley, Center for

Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has long applied postmarket controls as a way to reduce premarket data collection, where appropriate, while assuring that the statutory standard for approval of reasonable assurance of safety and effectiveness is still met. The right balance of premarket and postmarket data collection facilitates timely patient access to important new technology without undermining patient safety.

In this draft guidance, FDA describes existing statutory requirements under the Federal Food, Drug, and Cosmetic Act, its implementing regulations, and FDA policies that support the policy on balancing premarket and postmarket data collection during review of PMA applications. In addition, FDA clarifies how the Agency considers postmarket data as part of the benefit-risk framework described in FDA's guidance ''Factors to Consider When Making Benefit-Risk Determinations in Medical Device Premarket Approval and De Novo Classifications,'' issued on March 28, 2012. This guidance provides a resource for industry and FDA staff on how FDA determines when it is appropriate for a sponsor of a PMA to collect some data (clinical or non-clinical) in the postmarket setting, rather than premarket.

Elsewhere in this issue of the **Federal Register,** FDA is announcing another draft guidance entitled ''Expedited Access for Premarket Approval Medical Devices Intended for Unmet Medical Need for Life Threatening or Irreversibly Debilitating Diseases or Conditions,'' which also addresses the role of postmarket data and the benefit-risk framework as key elements of FDA's proposed ''Expedited Access Program.''

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on balancing premarket and postmarket data collection for devices subject to premarket approval. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov* or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceCompliance RegulatoryInformation/default.htm.* Persons unable to download an electronic copy of ''Balancing Premarket and Postmarket Data Collection for Devices Subject to Premarket Approval,'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1833 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 822 have been approved under OMB control number 0910–0449.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09190 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0363]

Expedited Access for Premarket Approval Medical Devices Intended for Unmet Medical Need for Life Threatening or Irreversibly Debilitating Disease or Conditions; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability of the draft guidance entitled ''Expedited Access for Premarket Approval Medical Devices Intended for Unmet Medical Need for Life Threatening or Irreversibly Debilitating Disease or Conditions.'' This draft guidance outlines FDA's proposal for a new, voluntary program for certain medical devices that demonstrate the potential to address unmet medical needs for life threatening or irreversibly debilitating diseases or conditions and are subject to premarket approval applications (PMA). FDA believes that the Expedited Access PMA (EAP) program will help patients have more timely access to these medical devices by expediting their development, assessment, and review, while preserving the statutory standard of reasonable assurance of safety and effectiveness for premarket approval, consistent with the Agency's mission to protect and promote public health. The document also discusses how the EAP program approaches the balance of premarket and postmarket data collection and incorporates a benefit-risk framework. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 22, 2014.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Expedited Access for Premarket Approval Medical Devices Intended for Unmet Medical Need for

Life Threatening or Irreversibly Debilitating Disease or Conditions'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5431, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Office of the Center Director, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5431, Silver Spring, MD 20993–0002, 301–796–5900; or Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA's proposed EAP program contains features from CDRH's Innovation Pathway, piloted in 2011 to facilitate the development and expedite the review of breakthrough technologies. In addition, the proposed EAP program is based in part on FDA's experience with the Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research programs that are intended to facilitate and expedite development and review of new drugs to address unmet medical needs in the treatment of serious or life-threatening conditions (''FDA drug expedited programs''). However, while the EAP program incorporates some features of the FDA drug expedited programs, it is a separate and distinct program tailored to devices and intended to further speed the availability of certain safe and effective devices that address unmet public health needs.

As part of the EAP program, FDA intends to provide more interactive communications during device development and more interactive review of Investigational Device Exemption applications and PMA applications. This includes working with the sponsor to create a data development plan specific to the device, which would outline all data the sponsor intends to collect in support of device approval, and identifying what data would be collected premarket and postmarket. In addition, FDA intends to work interactively with the sponsor within the benefit-risk framework discussed in the FDA guidance, ''Factors to Consider When Making Benefit-Risk Determinations in Medical Device Premarket Approvals and De Novo Classifications,'' issued on March 28, 2012, and in accordance with statutory and regulatory requirements, to determine whether certain data may be collected postmarket rather than premarket. This guidance details the EAP process which will only be utilized at the request of the sponsor and with FDA's agreement.

Elsewhere in this issue of the **Federal Register**, FDA is announcing another draft guidance entitled ''Balancing Premarket and Postmarket Data Collection for Devices Subject to Premarket Approval,'' which also addresses the role of postmarket data and the benefit-risk framework to support premarket approval, while still meeting the statutory standard of reasonable assurance of safety and effectiveness.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on expedited access for premarket approval medical devices intended for unmet medical need for life threatening or irreversibly debilitating diseases or conditions. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov* or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm.* Persons unable to download an electronic copy of ''Expedited Access for Premarket Approval Medical Devices Intended for Unmet Medical Need for Life Threatening or Irreversibly Debilitating Disease or Conditions,'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1400007 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078, the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231, the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073, and the collections of information in 21 CFR part 822 have been approved under OMB control number 0910–0449.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09189 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1999–D–0178]

Guidance for Industry on Interpreting Sameness of Monoclonal Antibody Products Under the Orphan Drug Regulations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Interpreting Sameness of Monoclonal Antibody Products Under the Orphan Drug Regulations.'' The purpose of this guidance is to provide sponsors and manufacturers FDA's current thinking on the criteria by which two monoclonal antibody products would be considered the same under the Orphan Drug Act and implementing regulations.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Marjorie Shapiro, Center for Drug Evaluation and Research (HFD–123), Food and Drug Administration, 9000 Rockville Pike, Bethesda, MD 20892, 301–827–0710, or Henry Startzman, Office of Orphan Products Development, Office of Special Medical Programs, Food and Drug Administration, 10903 New Hampshire Ave, Silver Spring, MD 20993, 301–796–8660.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Interpreting Sameness of Monoclonal Antibody Products Under the Orphan Drug Regulations.''

On July 26, 1999 (64 FR 40381), FDA announced the availability of the draft version of this guidance. The public comment period closed on October 25, 1999. A number of comments were received from the public, all of which the Agency considered carefully as it finalized the guidance and made appropriate changes. Any changes to the guidance were minor and made to clarify statements in the draft guidance.

In the **Federal Register** of December 29, 1992 (57 FR 62076), FDA published the orphan drug regulations final rule, and on June 12, 2013 (78 FR 35117) the Agency finalized certain amendments to the final rule in order to clarify regulatory provisions and make minor improvements to address issues that have arisen since 1992. The final rule established in part 316 (21 CFR part 316) regulations that prescribe certain incentives for the development of ''orphan drugs'', drugs which are intended for use in rare diseases or conditions. One of the incentives for orphan drug development is to obtain exclusive approval for the pioneer product for a period of 7 years during which no approval will be given to a subsequent sponsor of the same drug product for the same indication unless it proves to be clinically superior, as defined in § 316.3(b)(3). In determining whether or not two products would be considered the same, FDA recognized that different criteria were necessary for macromolecules versus small molecules (§ 316.3(b)(13)).

Macromolecules include a variety of structures including proteins, nucleic acids, carbohydrates and closely related, complex, partly definable drugs such as live viral vaccines. The current definition of sameness for protein drugs (§ 316.3(b)(13)(ii)(A)), however, does not consider the unique nature of antibodies. This final document is intended to describe FDA's thinking on the criteria by which two monoclonal antibody products would be considered the same under the Orphan Drug Act and its implementing regulations.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on Interpreting Sameness of Monoclonal Antibody Products Under the Orphan Drug Regulations. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**) or electronic comments to *http://www.regulations.gov.* It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and have been approved under OMB control numbers 0910–0167 (21 CFR part 316), 0910–0001 (21 CFR part 314), and 0910–0014 (21 CFR part 312).

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09220 Filed 4–22–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0247]

Food and Drug Administration Transparency Initiative: Increasing Public Access to the Food and Drug Administration's Compliance and Enforcement Data; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: As part of the Transparency Initiative, the Food and Drug Administration (FDA) is announcing the availability of a report entitled ''Food and Drug Administration Transparency Initiative: Increasing Public Access to FDA's Compliance and Enforcement

Data.'' This report summarizes findings and recommendations from eight FDA working groups established to enhance the transparency and public accessibility of the Agency's compliance and enforcement data.

FOR FURTHER INFORMATION CONTACT: Daniel W. Sigelman, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 4254, Silver Spring, MD 20993, 301–796–4706, FAX: 301–847–8616, email: *daniel.sigelman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a report entitled ''FDA Transparency Initiative: Increasing Public Access to FDA's Compliance and Enforcement Data.'' FDA is responsible for a broad range of compliance and enforcement activities. Increasing the transparency of these activities enhances the public's understanding of the Agency's decisions and promotes accountability of the Agency and the regulated industry.

On October 3, 2011, FDA issued a report entitled, ''Food and Drug Administration Transparency Initiative: Draft Proposals for Public Comment to Increase Transparency by Promoting Greater Access to the Agency's Compliance and Enforcement Data.'' The report advanced eight draft proposals for making FDA's publicly available compliance and enforcement data more accessible and user-friendly (available at: *http://www.fda.gov/downloads/AboutFDA/Transparency/TransparencyInitiative/UCM273145.pdf*). Following extensive public comment on the report and internal FDA deliberation, the FDA Commissioner adopted all eight draft proposals, committing FDA to exploring numerous avenues for increasing the transparency and public accessibility of its compliance and enforcement data (see 77 FR 5027, February 1, 2012, and *http://www.fda.gov/AboutFDA/Transparency/TransparencyInitiative/ucm289638.htm*).

To develop plans for addressing the eight initiatives, FDA established eight working groups with representatives from all of FDA's centers and several of its offices. Each group was asked to draft a report on its initiative and to include recommendations for moving forward. These efforts culminated in the preparation of this report, which summarizes the eight initiatives and the recommendations from the relevant working groups for enhancing the transparency and public accessibility of FDA's compliance and enforcement data.

Dated: April 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09188 Filed 4–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Biomedical Imaging and Bioengineering, including consideration of personal qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering.

Date: June 1, 2014.

Time: 7:30 p.m. to 9:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Date: June 2, 2014.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, 10 Center Drive, Bethesda, MD 20892.

Date: June 3, 2014.

Time: 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard D. Leapman, Intramural Scientific Director, National Institute of Biomedical Imaging, and Bioengineering, Bethesda, MD 20892, 301–496–2599, *leapmanr@mail.nih.gov*.

Dated: April 17, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09224 Filed 4–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Special Topic: R21 Re-review.

Date: April 24, 2014.

Time: 3:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David B Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: AIDS and AIDS Related Research.

Date: April 28, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 18, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09221 Filed 4–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Dental & Craniofacial Research, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

Date: May 28–30, 2014.

Time: May 28, 2014, 7:00 p.m. to 9:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, 117, 30 Center Drive, Bethesda, MD 20892.

Time: May 29, 2014, 8:00 a.m. to 6:15 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, 117, 30 Center Drive, Bethesda, MD 20892.

Time: May 30, 2014, 8:00 a.m. to Adjourment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, 117, 30 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about/Council Committees.asp*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 17, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09222 Filed 4–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: May 20, 2014.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

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://www.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 17, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–09223 Filed 4–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5800–N–25]

Notice of HUD's Funding Availability for Fiscal Years 2014 and 2015 Housing Counseling Training Grant Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Funding Availability (NOFA) for the Department's Fiscal Year (FY) 2014–FY 2015 Housing Counseling Training Grant Program.

SUMMARY: This notice announces that HUD has posted on *http://www.Grants.gov* and *http://www.HUD.gov* its FY 2014 Housing Counseling Training Grant Program NOFA. The Housing Counseling Training NOFA is comprised of both the General Section to the Department's FY 2014 NOFAs for Discretionary Programs (General Section) published February 19, 2014 and this NOFA. In addition to the application requirements set forth in the NOFA, applicants must also comply with the requirements established in the General Section, and all Housing Counseling Training Program

requirements. With this single FY 2014–FY 2015 NOFA and corresponding FY 2014 HUD General Section, HUD may conduct a competition for housing counseling training grant funding for both FY 2014 and FY 2015. HUD would use the applications received under this FY 2014 and FY 2015 NOFA, and the corresponding scores and funding methodology relevant to this NOFA, to make awards for FY2014, utilizing FY 2014 appropriations. HUD would use the same list and methodology to award FY 2015 funds, subject to the availability of appropriations and any other authority that may govern the award of FY 2015 funds. Grantees that receive FY 2014 housing counseling training funding will be contacted by HUD to determine their interest in FY 2015 funding. HUD would then rerun the FY 2014 funding formula, utilizing FY 2014 application data/scores, should FY 2015 funding becomes available, for those FY 2014 grantees that express interest and remain eligible. Doing this will enable HUD to make awards quickly after FY 2015 appropriations become available, and significantly reduce the application burden for counseling agencies. The General Section for FY 2014 will govern both the FY 2014 and FY 2015 comprehensive housing counseling grant funds.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to *housing.counseling@hud.gov.* Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Today's **Federal Register** notice announces that HUD has posted its FY 2014 Housing Counseling Training Grant Program NOFA on *http://www.Grants.gov* and *http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.*

Approximately $2 million is expected to be available for eligible applicants under this NOFA for FY 2014 through the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014. Alternatively, HUD reserves the right to issue a supplemental or independent NOFA in FY 2015, perhaps limited to new Applicants, or for a specific housing counseling training related activity, for example to support HUD's efforts to embed housing counseling in FHA programs. The application deadline date is May 5, 2014. Applications must be received by *Grants.gov* no later than 11:59:59 p.m. Eastern Time on the application deadline date. See Section IV of the General Section, regarding application procedures, timely filing requirements, and grace period policy. HUD may issue a technical correction to this NOFA if necessary. Any such technical correction will provide detailed instructions for Applicants regarding the resubmission of applications to address the revised NOFA requirements.

Dated: April 17, 2014.

Anne M. Morillon,

Director, Grants Management and Oversight Division, Office of Strategic Planning and Management.

[FR Doc. 2014–09283 Filed 4–22–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2014–N072; FXMB12310900WH0–134–91200–FF09M26000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Migratory Bird Harvest Information Program and Migratory Bird Surveys

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on April 30, 2014. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before May 23, 2014.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 2042–PDM, 4401 North Fairfax Drive, Arlington, VA 22203 (mail), or *hope_grey@fws.gov* (email). Please include ''1018–0023'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone). You may review the ICR online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

Information Collection Request

OMB Control Number: 1018–0023.

Title: Migratory Bird Harvest Information Program and Migratory Bird Surveys, 50 CFR 20.20.

Service Form Number: 3–165, 3–165A through E, 3–2056J through N.

Type of Request: Extension of a currently approved collection.

Description of Respondents: States and migratory game bird hunters.

Respondent's Obligation: Mandatory for Harvest Information Program registration information; voluntary for participation in the surveys.

Frequency of Collection: Annually or on occasion.

Activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours
Migratory Bird Harvest Information Program	49	686	185 hours	126,910
Migratory Bird Hunter Survey				
Form 3—2056J	37,100	37,100	5 minutes	3,092
Form 3—2056K	23,100	23,100	4 minutes	1,540
Form 3—2056L	11,700	11,700	4 minutes	780
Form 3—2056M	12,300	12,300	3 minutes	615
Parts Collection Survey				
Form 3—165	6,500	117,000	5 minutes	9,750
Form 3—165A	6,000	6,000	1 minute	100

Activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours
Form 3—165B	3,000	4,500	5 minutes	375
Form 3—165C	400	400	1 minute	7
Form 3—165D	2,600	2,600	1 minute	43
Form 3—165E	2,600	3,900	5 minutes	325
Sandhill Crane Harvest Survey Form 3—2056N	8,300	8,300	3.5 minutes	484
Total	113,649	227,586		144,021

Abstract: The Migratory Bird Treaty Act (16 U.S.C. 703–711) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742d) designate the Department of the Interior as the key agency responsible for (1) the wise management of migratory bird populations frequenting the United States, and (2) setting hunting regulations that allow appropriate harvests that are within the guidelines that will allow for those populations' well-being. These responsibilities dictate that we gather accurate data on various characteristics of migratory bird harvest. Based on information from harvest surveys, we can adjust hunting regulations as needed to optimize harvests at levels that provide a maximum of hunting recreation while keeping populations at desired levels.

Under 50 CFR 20.20, migratory bird hunters must register for the Migratory Bird Harvest Information Program (HIP) in each State in which they hunt each year. State natural resource agencies must send names and addresses of all migratory bird hunters to us annually.

The Migratory Bird Hunter Survey is based on the Migratory Bird Harvest Information Program. We randomly select migratory bird hunters and ask them to report their harvest. The resulting estimates of harvest per hunter are combined with the complete list of migratory bird hunters to provide estimates of the total harvest for the species surveyed.

The Parts Collection Survey estimates the species, sex, and age composition of the harvest, and the geographic and temporal distribution of the harvest. Randomly selected successful hunters who responded to the Migratory Bird Hunter Survey the previous year are asked to complete and return a form if they are willing to participate in the Parts Collection Survey. We provide postage-paid envelopes to respondents before the hunting season and ask them to send in a wing or the tail feathers from each duck or goose that they harvest, or a wing from each mourning dove, woodcock, band-tailed pigeon, snipe, rail, or gallinule that they harvest. We use the wings and tail feathers to identify the species, sex, and age of the harvested sample. We also ask respondents to report on the envelope the date and location of harvest for each bird. We combine the results of this survey with the harvest estimates obtained from the Migratory Bird Hunter Survey to provide species-specific national harvest estimates.

The combined results of these surveys enable us to evaluate the effects of season length, season dates, and bag limits on the harvest of each species, and thus help us determine appropriate hunting regulations.

The Sandhill Crane Harvest Survey is an annual questionnaire survey of people who obtained a sandhill crane hunting permit. At the end of the hunting season, we randomly select a sample of permit holders and ask them to report the date, location, and number of birds harvested for each of their sandhill crane hunts. Their responses provide estimates of the temporal and geographic distribution of the harvest as well as the average harvest per hunter, which, combined with the total number of permits issued, enables us to estimate the total harvest of sandhill cranes. Based on information from this survey, we adjust hunting regulations as needed.

Comment Received and Our Response

Comments: On November 8, 2013, we published in the **Federal Register** (78 FR 67183) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on January 7, 2014. We received one comment. The commenter objected to the surveys, but did not address the information collection requirements. We did not make any changes to our requirements.

Request for Public Comments

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: April 18, 2014.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2014–09259 Filed 4–22–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2013–N175; FXRS12650400000S3–123–FF04R02000]

Florida Panther National Wildlife Refuge, Collier County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a comprehensive conservation plan revision and environmental assessment; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), intend to prepare a comprehensive conservation plan (CCP) revision and associated National Environmental Policy Act (NEPA) documents for Florida Panther National Wildlife Refuge (NWR), located in Collier County in southwest Florida. We provide this notice in compliance with

our CCP policy to advise other Federal and State agencies, Native American Tribes, and the public of our intentions and to obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: To ensure consideration of your comments in the development of the refuge's CCP revision, we must receive your written comments by May 23, 2014. One or more public scoping meetings will be scheduled to help engage the public in this planning process; please contact Florida Panther NWR for the date(s): *FloridaPantherCCP@fws.gov* or 239–353–8442. Information will also be posted on the refuge's Web site: *http://www.fws.gov/floridapanther/.*

ADDRESSES: An online public engagement platform will be used for the engagement of the public and the submission of public comments; to access this forum, please visit: *http://www.fws.gov/floridapanther/ccp.*

FOR FURTHER INFORMATION CONTACT: You may also send comments, questions, and requests for information to Cheri Ehrhardt, AICP, Natural Resource Planner, P.O. Box 2683, Titusville, FL 32781–2683; *FloridaPantherCCP@fws.gov;* 321.861.1276 (fax); or 321–861–2368.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we initiate our process for developing a CCP revision for Florida Panther NWR in Collier County, Florida. This notice complies with our CCP policy to: (1) Advise other Federal and State agencies, Native-American tribes, and the public of our intention to conduct detailed planning on this refuge and (2) obtain suggestions and information on the scope of issues to consider in the environmental document and during development of the CCP.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The original CCP for Florida Panther NWR was completed in 2000. Since much has changed in the intervening time, the Service has determined that the CCP for Florida Panther NWR needs to be revised. The purpose for revising the CCP is to provide refuge managers with an updated 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the National Wildlife Refuge System was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the National Wildlife Refuge System mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives for the best possible conservation approach to this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the refuge's establishing purposes and the mission of the National Wildlife Refuge System.

Our CCP process provides participation opportunities for Tribal, State, and local governments; agencies; organizations; and the public. We encourage input in the form of issues, concerns, ideas, and suggestions for the future management of Florida Panther NWR.

We will conduct the environmental review of this project in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR 1500–1508); other appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

Purposes of Florida Panther NWR

Established in 1989 and encompassing 26,605 acres, Florida Panther NWR's purposes are to conserve fish, wildlife, and plants that are listed as threatened or endangered species (Endangered Species Act of 1973) and for the development, advancement, management, conservation, and protection of fish and wildlife resources (Fish and Wildlife Act of 1956). Two key Service documents played a strong role in defining the purposes of Florida Panther NWR; they prioritize the protection and recovery of the Florida panther: (1) The 1985 Fakahatchee Strand Environmental Assessment, which clearly states that the refuge area should be acquired for the benefit and recovery of the endangered Florida panther; and (2) the 1995 and subsequent 2008 revisions of the Florida Panther Recovery Plan, which states that the refuge is essential to the survival of the Florida panther and that the refuge should enhance habitat conditions for the panther and its prey species.

Public Availability and 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.

Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*).

Dated: March 11, 2014.

Jacquelyn B. Parrish,

Acting Regional Director.

[FR Doc. 2014–09241 Filed 4–22–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–FHC–2014–N064; FXFR1334088TWG0W4–123–FF08EACT00]

Trinity Adaptive Management Working Group; Public Meeting and Teleconference

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a joint meeting between the Trinity Adaptive Management Working Group (TAMWG) and Trinity Management Council (TMC). The TAMWG is a Federal advisory committee that affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the Trinity Management Council (TMC). The TMC interprets and recommends policy, coordinates and reviews

management actions, and provides organizational budget oversight.

DATES: *Public meeting and Teleconference:* TAMWG and TMC will meet Thursday, May 15, 2014, from 9 a.m. to 3 p.m. Pacific time. *Deadlines:* For deadlines and directions on registering or to listen to the meeting by phone, and submitting written material, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The in-person meeting will be held at the Weaverville Victorian Inn, 2015 Main Street, Weaverville, CA 96093. You may participate in person or by teleconference.

FOR FURTHER INFORMATION CONTACT: Elizabeth W. Hadley, Redding Electric Utility, 777 Cypress Avenue, Redding, CA 96001; telephone: 530–339–7327; email: *ehadley@reupower.com.*

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., this notice announces a joint meeting of the TAMWG and TMC.

Background

The TAMWG affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the TMC. The TMC interprets and recommends policy, coordinates and reviews management actions, and provides organizational budget oversight.

Meeting Agenda

• Discussion on common items of interest to the Trinity River Restoration Program

The final agenda will be posted on the Internet at *http://www.fws.gov/arcata.*

Public Input

If you wish to	You must contact Elizabeth Hadley (**FOR FURTHER INFORMATION CONTACT**) no later than
Listen to the teleconference via telephone.	May 9, 2014.
Submit written information or questions for the TAMWG to consider during the teleconference.	May 9, 2014.

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the TAMWG to consider during the meeting. Written statements must be received by the date listed in ''Public Input,'' so that the information may be available to the TAMWG for their consideration prior to this teleconference. Written statements must be supplied to Elizabeth Hadley in one of the following formats: One hard copy with original signature, or one electronic copy with a digital signature via email (acceptable file formats are Adobe Acrobat PDF, MS Word, PowerPoint, or rich text file).

Registered speakers who wish to expand on their oral statements, or those who wished to speak but could not be accommodated on the agenda, may submit written statements to Elizabeth Hadley up to 7 days after the meeting.

Meeting Minutes

Summary minutes of the meeting will be maintained by Elizabeth Hadley (see **FOR FURTHER INFORMATION CONTACT**). The draft minutes will be available for public inspection within 15 days after the meeting, and will be posted on the TAMWG Web site at *http://www.fws.gov/arcata.*

Dated: April 17, 2014.

Vina N. Frye,

Fish Biologist, Arcata Fish and Wildlife Office, Arcata, California.

[FR Doc. 2014–09240 Filed 4–22–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO600000.L18200000.XH0000]

Second Call for Nominations for Advisory Committees

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to reopen the request for public nominations for certain Bureau of Land Management (BLM) Advisory Committees that have member terms expiring this year. These Advisory Committees provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their respective geographic areas. The Advisory Committees covered by this request for nominations are identified below. The BLM will accept public nominations for 30 days after the publication of this notice.

DATES: All nominations must be received no later than May 23, 2014.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for the address of respective BLM Offices accepting nominations.

FOR FURTHER INFORMATION CONTACT: Lauren Luckey, U.S. Department of the Interior, Bureau of Land Management, Correspondence, International, and Advisory Committee Office, 1849 C Street NW., MS–MIB 5070, Washington, DC 20240; 202–208–3806.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, Resource Advisory Council (RAC) membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists from being appointed or re-

appointed to FACA and non-FACA boards, committees, or councils.

This request for public nominations also applies to the Steens Mountain Advisory Council (SMAC) in Oregon established pursuant to Section 131 of the Steens Mountain Cooperative Management and Protection Act of 2000. The SMAC advises the Secretary of the Interior in managing the Steens Mountain Cooperative Management and Protection Area.

The following must accompany all nominations for the RACs and SMAC:

—Letters of reference from represented interests or organizations;
—A completed Resource Advisory Council application; and
—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM state offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State and the Steens Mountain Advisory Council in Oregon. If you have already submitted your RAC nomination materials for 2014 you will not need to resubmit. Nominations for the following RACs should be sent to the appropriate BLM offices as noted below:

Alaska

Alaska RAC

Thom Jennings, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, AK 99513, 907–271–3335.

Colorado

Front Range RAC

Kyle Sullivan, Royal Gorge Field Office, BLM, 3028 East Main Street, Cañon City, CO 81212, 719–269–8553.

Idaho

Coeur d'Alene District RAC

Suzanne Endsley, Coeur d'Alene District Office, BLM, 3815 Schreiber Way, Coeur d'Alene, ID 83815, 208–769–5004.

New Mexico

Farmington District RAC

Christine Horton, Farmington District Office, BLM, 6251 College Boulevard, Farmington, NM 87402, 505–564–7633.

Montana and Dakotas

Central Montana RAC

Jonathan Moor, Lewistown Field Office, BLM, 920 Northeast Main Street, Lewistown, MT 59457, 406–538–1943.

Western Montana RAC

David Abrams, Butte Field Office, BLM, 106 North Parkmont, Butte, MT 59701, 406–533–7617.

Oregon/Washington

Eastern Washington RAC; Southeast Oregon RAC; Steens Mountain Advisory Council

Stephen Baker, Oregon State Office, BLM, 1220 SW. 3rd Avenue, Portland, OR 97204, 503–808–6306.

Authority: 43 CFR 1784.4–1.

Steve Ellis,

Deputy Director, Operations.

[FR Doc. 2014–09258 Filed 4–22–14; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comment for 1029–0055

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing our intention to request renewed approval for the collection of information for states or indian tribes, pursuant to an approved reclamation program, to use police powers, if necessary, to effect entry upon private lands to conduct reclamation activities or exploratory studies if the landowner's consent is refused or the landowner is not available. The collection described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burdens and costs.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, your comments should be submitted to OMB by May 23, 2014, in order to be assured of consideration.

ADDRESSES: Your comments should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Department of the Interior Desk Officer, via email to *OIRA_Submission@omb.eop.gov*, or by facsimile to (202) 395–5806. Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov*. Please reference 1029–0055 in your submission.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically to *jtrelease@osmre.gov*. You may also review this collection by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. We have submitted a request to OMB to approve the collection of information for 30 CFR 877—Rights of Entry. We are requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OMB control number for this collection of information is displayed in 30 CFR 877.10 (1029–0055).

As required under 5 CFR 1320.8(d), we published a **Federal Register** notice seeking public comments on this collection of information on January 31, 2014 (79 FR 5457). No comments were received. This notice gives you an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR 877—Rights of Entry

OMB Control Number: 1029–0055.

Summary: This regulation establishes procedures for non-consensual entry upon private lands for the purpose of abandoned mine land reclamation activities or exploratory studies when the landowner refuses consent or is not available.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State and tribal abandoned mine land reclamation agencies.

Total Annual Responses: 416.

Estimated Time per Response: 1.5 hours to prepare each of the estimated 5 notices to landowners per project.

Total Annual Burden Hours: 3,120 hours.

Total Annual Non-wage Costs: $10,400 for publication costs.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the addresses listed under **ADDRESSES**. Please refer to the appropriate OMB control number in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 17, 2014.

Stephen M. Sheffield,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2014–09249 Filed 4–22–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0114

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

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for its Technical Evaluation customer surveys has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost. The OMB control number for this collection of information is 1029–0114 and is on the forms along with the expiration date.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by May 23, 2014, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov*. Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov*. Please refer to OMB control number 1029–0114 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov*. You may also review this collection by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted a request to OMB to renew its approval of the collection of information contained in a series of technical evaluation customer surveys. OSM is requesting a 3-year term of approval for the information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0114.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection of information was published on December 13, 2013 (78 FR 75942). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Technical Evaluation Surveys.

OMB Control Number: 1029–0114.

Summary: The series of surveys are needed to ensure that technical assistance activities, technology transfer activities and technical forums are useful for those who participate or receive the assistance. Specifically, representatives from State and Tribal regulatory and reclamation authorities are the primary respondents, although representatives of industry, environmental or citizen groups, or the public, may be recipients of the assistance or may participate in these forums. These surveys will be the primary means through which OSM evaluates its performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Individuals who request information or assistance, although generally States and Tribal employees.

Total Annual Responses: 375.

Total Annual Burden Hours: 31.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the addresses listed under **ADDRESSES**. Please refer to the appropriate OMB control number in all correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: April 17, 2014.

Stephen M. Sheffield,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2014–09247 Filed 4–22–14; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–860]

Certain Optoelectronic Devices for Fiber Optic Communications, Components Thereof, and Products Containing the Same; Commission Final Determination of Violation of Section 337; Issuance of Remedial Orders; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) by respondents IPtronics A/S of Roskilde, Denmark; IPtronics Inc. of Menlo Park, California; FCI USA, LLC, of Etters, Pennsylvania; FCI Deutschland GmbH of Berlin, Germany; FCI SA of Guyancourt, France; Mellanox Technologies, Inc. of Sunnyvale, California; and Mellanox Technologies Ltd. of Yokneam, Israel (collectively, ''Respondents'') in the above-captioned investigation. The Commission has issued remedial orders directed to the Respondents' infringing products and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on October 30, 2012, based upon a complaint filed by Avago Technologies Fiber IP (Singapore) Pte. Ltd. of Singapore; Avago Technologies General IP (Singapore) Pte. Ltd. of Singapore; and Avago Technologies U.S. Inc. of San Jose, California (collectively, ''Complainants''), alleging a violation of section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337) in the importation, sale for importation, or sale within the United States after importation of certain optoelectronic devices for fiber optic communications, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 6,947,456 (''the '456 patent'') and 5,596,595 (''the '595 patent''). 77 FR 65713 (Oct. 30, 2012). In addition to the private parties named as respondents, the Commission named the Office of Unfair Import Investigations as a party in this investigation.

The final Initial Determination (''ID'') on violation was issued on December 13, 2013. The ALJ issued his recommended determination on remedy, the public interest and bonding on the same day. The ALJ found that a violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain optoelectronic devices for fiber optic communications, components thereof, and products containing the same by reason of infringement of certain claims of the '595 patent. All the parties to this investigation filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions. The ALJ recommended that the Commission issue a limited exclusion order directed to Respondents' accused products that infringe the '595 patent. The ALJ also recommended that the Commission issue cease and desist orders against the Mellanox and FCI respondents.

On January 15, 2014, Complainants filed a post-RD statement on the public interest pursuant to Commission Rule 201.50(a)(4). On the same day, respondents Mellanox Technologies, Inc. and Mellanox Technologies, Ltd. also filed a submission pursuant to the rule. No responses from the public were received in response to the post-RD Commission Notice issued on December 16, 2013. *See* Notice of Request for Statements on the Public Interest (Dec. 16, 2013).

On February 12, 2014, the Commission issued notice of its determination to review the final ID in part (''the Commission Notice''). 79 FR 9764–65 (Feb. 20, 2014). In the Notice, the Commission also set a schedule for the filing of written submissions on the issues under review, including certain questions posed by the Commission, and on remedy, the public interest, and bonding. The Commission also invited briefing from the parties, interested government agencies, and other interested parties with respect to the issues of remedy, the public interest, and bonding. The parties have briefed, with initial and reply submissions, the issues under review and the issues of remedy, the public interest, and bonding. No other submissions were received regarding remedy, the public interest, or bonding.

Having examined the record in this investigation, including the parties' submissions filed in response to the Commission's Notice, the Commission has determined as follows:

(I) With respect to the '595 patent:

(a) To affirm the ALJ's claim construction of the limitation ''current-spreading layer'' and infringement and domestic industry (technical prong) determinations relating to that limitation with certain modifications; and

(b) to affirm the ALJ's finding that the Complainants met the economic prong under 19.

U.S.C. 1337(a)(3)(C), and thus not reach the issue of whether the economic prong was met under 19 U.S.C. 1337(a)(3)(A) and (B).

(II) With respect to the '456 patent:

(a) To affirm the ALJ's infringement and domestic industry (technical prong) determinations with certain modifications in his rationale; and

(b) to affirm the ALJ's finding that the Complainants met the economic prong under 19.

U.S.C. 1337(a)(3)(C), and thus not reach the issue of whether the economic prong was met under 19 U.S.C. 1337(a)(3)(A) and (B).

The Commission has determined that the appropriate relief in this investigation includes:

(1) A limited exclusion order prohibiting the unlicensed entry of certain optoelectronic devices for fiber optic communications, components thereof, and products containing the same covered by one or more of claims 14 and 19 of U.S. Patent No. 5,596,595 and that are manufactured abroad by or on behalf of, or imported by or on behalf of, respondents IPtronics A/S; IPtronics Inc.; FCI SA; FCI Deutschland GmbH; FCI USA, LLC; Mellanox Technologies, Ltd.; and Mellanox Technologies, Inc.; and (2) cease and desist orders prohibiting importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, optoelectronic devices for fiber optic communications, components thereof, and products containing the same covered by one or more of claims 14 and

19 of U.S. Patent No. 5,596,595 and that are manufactured abroad by or on behalf of, or imported by or on behalf of, respondents FCI USA, LLC and Mellanox Technologies, Inc.

The Commission has further determined that the public interest factors enumerated in section 337(d)(l) and (f)(1) (19 U.S.C. 1337(d)(l), (f)(1)) do not preclude issuance of the limited exclusion order. Finally, the Commission determined that Respondents are required to post a bond in the amount of 3 percent of the entered value of the products covered by the exclusion order and cease and desist orders during the period of Presidential review. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

The Commission has therefore terminated this investigation. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: April 17, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014–09242 Filed 4–22–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Final Finding of No Significant Impact Tongue Point Job Corps Center Medical/Dental Building Located at 37573 Old Highway 30 in Astoria, Oregon

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Final Finding of No Significant Impact Tongue Point Job Corps Center Medical/Dental Building located at 37573 Old Highway 30 in Astoria, Oregon.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, ETA, in accordance with 29 CFR 11.11(d), gives final notice of the proposed construction of the Medical/Dental Building at the Tongue Point Job Corps Center, and that this project will not have a significant adverse impact on the environment. Public scoping was initiated with a notice in the Daily Astorian in Astoria, Oregon on July 25, 2013. The scoping period extended for 30 days, ending on August 25, 2013. No public responses were received. No changes to the text of the environmental assessment (EA) have been made.

Implementation of the selected alternative will not have significant impacts on the human environment. The determination is sustained by the analysis in the EA, agency consultation, the inclusion and consideration of public review, and the capability of mitigations to reduce or avoid impacts. Any adverse environmental impacts that could occur are no more than minor in intensity, duration and context and less-than-significant. As described in the EA, there are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects or elements of precedence. There are no previous, planned, or implemented actions, which in combination with the selected alternative would have significant effects on the human environment. Requirements of NEPA have been satisfied and preparation of an Environmental Impact Statement is not required.

DATES: *Effective Date:* These findings are effective as of November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William A. Dakshaw, Department of Labor, 200 Constitution Avenue NW., Room N–4460, Washington, DC 20210 (202) 693–2867 (this is not a toll free number).

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–09197 Filed 4–22–14; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Final Finding of No Significant Impact Shreveport Job Corps Center Redevelopment Located at 2815 Lillian Street, Shreveport, Louisiana

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Final finding of no significant impact Shreveport Job Corps Center redevelopment located at 2815 Lillian Street, Shreveport, Louisiana.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, ETA, in accordance with 29 CFR 11.11(d), gives final notice of the proposed redevelopment at the Shreveport Job Corps Center, and that this project will not have a significant adverse impact on the environment. Public scoping was initiated with a notice in the Times in Shreveport, Louisiana on August 17, 2013. The scoping period extended for 30 days, ending on September 16, 2013. No public responses were received. No changes to the text of the environmental assessment (EA) have been made.

Implementation of the selected alternative will not have significant impacts on the human environment. The determination is sustained by the analysis in the EA, agency consultation, the inclusion and consideration of public review, and the capability of mitigations to reduce or avoid impacts. Any adverse environmental impacts that could occur are no more than minor in intensity, duration and context and less-than-significant. As described in the EA, there are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects or elements of precedence. There are no previous, planned, or implemented actions, which in combination with the selected alternative would have significant effects on the human environment. Requirements of NEPA have been satisfied and preparation of an Environmental Impact Statement is not required.

DATES: *Effective Date:* These findings are effective as of November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William A Dakshaw, Department of Labor, 200 Constitution Avenue NW., Room N–4460, Washington, DC 20210 (202) 693–2867 (this is not a toll-free number).

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–09196 Filed 4–22–14; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Final Finding of No Significant Impact Detroit Job Corps Center Phase II Located at 11801 Woodrow Wilson Street, Detroit, Michigan

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Final finding of no significant impact Detroit Job Corps Center Phase II located at 11801 Woodrow Wilson Street, Detroit, Michigan.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, ETA, in accordance with 29 CFR 11.11(d), gives final notice of the proposed construction of the Phase II project at the Detroit Job Corps Center, and that this project will not have a significant adverse impact on the environment. Public scoping was initiated with a notice in the Southfield Sun in Detroit, Michigan on August 21, 2013. The scoping period extended for 30 days, ending on September 20, 2013. No public responses were received. No changes to the text of the environmental assessment (EA) have been made.

Implementation of the selected alternative will not have significant impacts on the human environment. The determination is sustained by the analysis in the EA, agency consultation, the inclusion and consideration of public review, and the capability of mitigations to reduce or avoid impacts. Any adverse environmental impacts that could occur are no more than minor in intensity, duration and context and less-than-significant. As described in the EA, there are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects or elements of precedence. There are no previous, planned, or implemented actions, which in combination with the selected alternative would have significant effects on the human environment. Requirements of NEPA have been satisfied and preparation of an Environmental Impact Statement is not required.

DATES: *Effective Date:* These findings are effective as of November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William A Dakshaw, Department of Labor, 200 Constitution Avenue NW., Room N–4460, Washington, DC 20210, (202) 693–2867 (this is not a toll free number).

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–09195 Filed 4–22–14; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Final Finding of No Significant Impact Cassadaga Job Corps Center New Cafeteria Located at 8115 Glasgow Rd, Cassadaga, New York

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Final Finding of No Significant Impact Cassadaga Job Corps Center New Cafeteria located at 8115 Glasgow Rd, Cassadaga, New York.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, ETA, in accordance with 29 CFR 11.11(d), gives final notice of the proposed construction of the Cafeteria at the Cassadaga Job Corps Center, and that this project will not have a significant adverse impact on the environment. Public scoping was initiated with a notice in the Post Journal in Jamestown, New York on July 6, 2013. The scoping period extended for 30 days, ending on August 7, 2013. No public responses were received. No changes to the text of the environmental assessment (EA) have been made.

Implementation of the selected alternative will not have significant impacts on the human environment. The determination is sustained by the analysis in the EA, agency consultation, the inclusion and consideration of public review, and the capability of mitigations to reduce or avoid impacts. Any adverse environmental impacts that could occur are no more than minor in intensity, duration and context and less-than-significant. As described in the EA, there are no highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects or elements of precedence. There are no previous, planned, or implemented actions, which in combination with the selected alternative would have significant effects on the human environment. Requirements of NEPA have been satisfied and preparation of an Environmental Impact Statement is not required.

DATES: *Effective Date:* These findings are effective as of November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William A Dakshaw, Department of Labor, 200 Constitution Avenue NW., Room N–4460, Washington, DC 20210 (202) 693–2867 (this is not a toll free number).

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–09194 Filed 4–22–14; 8:45 am]

BILLING CODE 4510–FT–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0078]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 536, ''Operator Licensing Examination Data.''

2. *Current OMB approval number:* 3150–0131.

3. *How often the collection is required:* Annually.

4. *Who is required or asked to report:* All holders of operating licenses for nuclear power reactors under the provision of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel. All holders of, or applicants for, a limited work authorization, early site permit, or combined license issued under 10 CFR Part 52, ''Licenses, Certifications and Approval for Nuclear Power Plants.''

5. *The number of annual respondents:* 105.

6. *The number of hours needed annually to complete the requirement or request:* 105.

7. *Abstract:* The NRC is requesting renewal of its clearance to annually request all commercial power reactor

licensees and applicants for an operating license to voluntarily send to the NRC: (1) Their projected number of candidates for initial operator licensing examinations; (2) the estimated dates of the examinations; (3) if the examinations will be facility developed or NRC developed, and (4) the estimated number of individuals that will participate in the Generic Fundamentals Examination (GFE) for that calendar year. Except for the GFE, this information is used to plan budgets and resources in regard to operator examination scheduling in order to meet the needs of the nuclear power industry.

Submit, by June 23, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0078. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0078. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 17th day of April, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–09191 Filed 4–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2013–0279]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 30, 2013.

1. *Type of submission, new, revision, or extension:* Extension.
2. *The title of the information collection:* 10 CFR Part 19, ''Notices, Instructions, and Reports to Workers: Inspection and Investigations.''
3. *Current OMB approval number:* 3150–0044.
4. *The form number if applicable:* Not applicable.
5. *How often the collection is required:* As necessary in order that adequate and timely reports of radiation exposure be made to individuals involved in applicable NRC-licensed activities.
6. *Who will be required or asked to report:* Licensees authorized to receive, possess, use, or transfer material licensed by the NRC.
7. *An estimate of the number of annual responses:* 1,426,121.8 responses (1,405,114.8 third-party disclosures + 7 reporting responses + 21,000 recordkeepers).
8. *The estimated number of annual respondents:* 21,000 (3,000 NRC licensees + 18,000 Agreement State licensees).
9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 329,273.7.
10. *Abstract:* Part 19 of Title 10 of the *Code of Federal Regulations* (10 CFR), requires licensees to advise workers on an annual basis of any radiation exposure in excess of 1 mSv (100 mrem) they may have received as a result of NRC-licensed activities or when certain conditions are met. These conditions apply during termination of the worker's employment, at the request of the workers, former workers, or when the worker's employer (the NRC licensee) must report radiation exposure information on the worker to the NRC. Part 19 also establishes requirements for instructions by licensees to individuals participating in licensed activities and options available to these individuals in connection with Commission inspections of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, Title II of the Energy Reorganization Act of 1974, and regulations, orders and licenses there under regarding radiological working conditions. The worker should be informed of the radiation dose he or she receives because: (a) That information is needed by both a new employer and the individual when the employee changes jobs in the nuclear industry; (b) the individual needs to know the radiation dose received as a result of the accident or incident (if this dose is in excess of the 10 CFR Part 20 limits) so that he or she can seek counseling about future work involving radiation, medical attention, or both, as desired; and (c) since long-term exposure to radiation may be an adverse health factor, the individual needs to know whether the accumulated dose is being controlled within the NRC limits. The worker also needs to know about health risks from occupational exposure to radioactive materials or radiation, precautions or procedures to minimize exposure, worker responsibilities and options to report any licensee conditions which may lead to or cause a violation of Commission regulations, and individual radiation exposure reports which are available to him.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at

the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by May 23, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0044), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 17th day of April 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–09192 Filed 4–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–033; NRC–2008–0566]

DTE Electric Company; Fermi 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; availability and corrections.

SUMMARY: On September 18, 2008, the U.S. Nuclear Regulatory Commission (NRC) received an application for a combined license (COL) submitted by Detroit Edison Company. The NRC published a notice of receipt and availability for an application for a COL in the **Federal Register** on October 17, 2008. In a letter dated December 21, 2012, the Detroit Edison Company notified the NRC that, effective January 1, 2013, the name of the company would be changed to ''DTE Electric Company.'' This notice is being published to make available to the public the application for a COL submitted by DTE Electric Company (formerly the Detroit Edison Company). This is the third of four notices related to this action that will be published in the **Federal Register** (FR). The first notice was published on April 9, 2014, and the second notice was published on April 16, 2014. This notice also corrects the date of the December 21, 2013, letter in first and second notices.

ADDRESSES: Please refer to Docket ID NRC–2008–0566 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0566. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application for a combined license submitted by Detroit Edison Company and the letter notifying the NRC of the name change are available in ADAMS under Accession Nos. ML082730763 and ML12361A437.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Adrian Muniz, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4093, email: *Adrian.Muniz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Combined License Application: Availability

On September 18, 2008, Detroit Edison Company (renamed DTE Electric Company as of January 1, 2013) filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application for a COL for an economic simplified boiling-water reactor designated as Fermi 3 in Monroe County, Michigan. The NRC published a notice of receipt and availability for an application for a COL in the **Federal Register** on October 17, 2008 (73 FRN 61916). The application is currently under review by the NRC staff. On December 21, 2012, the Detroit Edison Company sent the NRC a letter indicating that, effective January 1, 2013, the name of the company would be changed to ''DTE Electric Company.''

An applicant may seek a COL in accordance with Subpart C of 10 CFR part 52. The information submitted by the applicant includes certain administrative information, such as financial qualifications submitted pursuant to 10 CFR 52.77, as well as technical information submitted pursuant to 10 CFR 52.79. This notice is being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

A copy of the application is available for public inspection at the NRC's PDR, and online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* The application is also available at *http://www.nrc.gov/reactors/new-reactors/col.html.* Additional information about accessing the application and other publicly available documents related to the application, including revisions filed after the initial submission, are provided in the **ADDRESSES** section of this document.

II. Corrections

This is the third of four notices related to this action that will be published in the FR. The first notice was published on April 9, 2014 (79 FR 19659), and the second notice was published on April 16, 2014 (79 FR 21493). This notice corrects the date of the December 21, 2013, letter from Detroit Edison Company that notified the NRC that, effective January 1, 2013, the name of the company would be changed to ''DTE Electric Company.''

In the FR of April 9, 2014, in Fr. Doc. 2014–07958, on page 19659, in the second column, first paragraph, seventh line, replace the date ''December 21, 2013'' with the date ''December 21, 2012.''

In the FR of April 16, 2014, in Fr. Doc. 2014–08545, on page 21493, in the third column, first paragraph, ninth line, replace the date ''December 21, 2013'' with the date ''December 21, 2012.''

Dated at Rockville, Maryland, this 15th day of April 2014.

For the Nuclear Regulatory Commission.

Ronaldo Jenkins,

Chief, Licensing Branch 3, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2014–09266 Filed 4–22–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 04008964; NRC–2014–0092]

Cameco Resources

AGENCY: Nuclear Regulatory Commission.

ACTION: Temporary exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a temporary exemption from certain NRC financial assurance requirements to Cameco Resources (Cameco) in response to its annual financial assurance update for the Smith Ranch Highland uranium in-situ recovery (ISR) project. Issuance of this temporary exemption will not remove the requirement for Cameco to provide adequate financial assurance through an approved mechanism, but will allow the NRC staff to further evaluate whether the State of Wyoming's separate account provision for financial assurance instruments it holds is consistent with the NRC's requirement for a standby trust agreement.

ADDRESSES: Please refer to Docket ID NRC–2014–0092 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0092. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *''ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Douglas Mandeville, Office of Federal and State Materials and Environmental Management Programs; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0724; email: *mailto: Douglas.Mandeville@nrc.gov.*

I. Background

NRC materials license SUA–1548, License Condition 9.5, requires Cameco to submit to the NRC for review and approval an annual update of the financial surety to cover third-party costs for decommissioning and decontamination, pursuant to 10 CFR Part 40, Appendix A, Criterion 9, for the Smith Ranch Highland ISR project and its related satellite facilities at Gas Hills, North Butte, and Ruth. Smith Ranch Highland is located in Converse County, Wyoming and its related satellite facilities are located in Natrona and Fremont; Campbell; and Johnson Counties, Wyoming, respectively. By letters dated July 30 and August 5, 2013, Cameco submitted to the NRC its Smith Ranch annual surety update for 2013–2014 (ADAMS Accession No. ML13225A115) and its Gas Hills annual surety update (ADAMS Accession No. ML13225A012). The NRC's staff reviewed the annual financial surety updates and found the values reasonable for the required reclamation activities (ADAMS Accession No. ML14016A054). Cameco maintains approved financial assurance instruments in favor of the State of Wyoming; however, it does not have a standby trust agreement (STA) in place, as required by 10 CFR Part 40, Appendix A, Criterion 9.

II. Description of Action

As of December 17, 2012, the NRC's uranium milling licensees, which are regulated under 10 CFR Part 40, Appendix A, Criterion 9, are required to have an STA in place. Criterion 9 provides that if a licensee does not use a trust as its financial assurance mechanism, then the licensee is required to establish a standby trust fund to receive funds in the event the Commission or State regulatory agency exercises its right to collect the funds provided for by surety or letter of credit. The purpose of an STA is to provide a separate account to hold decommissioning funds in the event of a default. Cameco has not established an STA, nor has it requested an exemption from the requirement to do so. However, the NRC has the discretion, under 10 CFR 40.14(a), to grant an exemption from the requirements of a regulation in 10 CFR Part 40 on its own initiative, if the NRC determines the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Wyoming law requires that a separate account be set up to receive forfeited decommissioning funds, but does not specifically require an STA. Section 35–11–424(a) of the Code of Wyoming states that ''[a]ll forfeitures collected under the provisions of this act shall be deposited with the State treasurer in a separate account for reclamation purposes.'' Under Wyoming Department of Environmental Quality (WDEQ) financial assurance requirements, WDEQ holds permit bonds in a fiduciary fund called an agency fund. If a bond is forfeited, the forfeited funds are moved to a special revenue account. Although the special revenue account is not an STA, the special revenue account serves a similar purpose in that forfeited funds are not deposited into the State treasury for general fund use, but instead are set aside in the special revenue account to be used exclusively for reclamation [decommissioning] purposes.

NRC has elected to grant Cameco an exemption to the STA requirements in 10 CFR Part 40, Appendix A, Criterion 9, for the current surety arrangement until the 2015 review cycle to allow the NRC to evaluate whether the financial assurance standby trust requirements in the NRC regulations and the financial assurance requirements in Wyoming regulations are comparable.

III. Discussion

A. The Exemption Is Authorized by Law

The NRC staff concluded that the proposed exemption is authorized by law as 10 CFR 40.14(a) expressly allows for an exemption to the requirements of the regulation in 10 CFR Part 40, Appendix A, Criterion 9, and the proposed exemption would not be contrary to any provision of the Atomic Energy Act of 1954, as amended.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The exemption is related to the financial surety. The requirement that the licensee provide adequate financial assurance through an approved

mechanism (e.g., a surety bond, irrevocable letter of credit) would remain unaffected by the exemption. Rather, the exemption would only pertain to the establishment of a dedicated trust in which funds could be deposited in the event that the financial assurance mechanism would be need to be liquidated. The regulations in 10 CFR Part 40, Appendix A, Criterion 9(d), allow for the financial or surety arrangements to be held by the State. NRC has determined that while the WDEQ does not require an STA, the special revenue account may serve a similar purpose in that forfeited funds are not deposited into the State treasury for general fund use, but instead are set aside in the special revenue account to be used exclusively for reclamation [decommissioning] purposes. Because the licensee remains obligated to establish an adequate financial assurance mechanism for its licensed sites, and the NRC has approved such a mechanism, sufficient funds are available in the event that the site would need to be decommissioned. A temporary delay in establishing an STA does not impact the present availability and adequacy of the actual financial assurance mechanism. Therefore, the limited exemption being issued by the NRC herein presents no undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The proposed exemption would not involve or implicate the common defense or security. Therefore, granting the exemption will have no effect on the common defense and security.

D. The Exemption Is in the Public Interest

The proposed exemption would enable the NRC staff to evaluate the State of Wyoming's separate account provision and the NRC's STA requirement to determine if they are comparable. The evaluation process will allow the NRC to determine whether the licensee's compliance with the state law provision will sufficiently address the NRC requirement as well, and therefore provide clarity on the implementation of the NRC regulation in this instance. Therefore, granting the exemption is in the public interest.

E. Environmental Considerations

The NRC staff has determined that granting of an exemption from the requirements of 10 CFR Part 40, Appendix A, Criterion 9 belongs to a category of regulatory actions which the NRC, by regulation, has determined do not individually or cumulatively have a significant effect on the environment, and as such do not require an environmental assessment. The exemption from the requirement to have an STA in place is eligible for categorical exclusion under 10 CFR 51.22(c)(25)(iv)(H), which provides that exemptions from surety, insurance, or indemnification requirements are categorically excluded if the exemption would not result in any significant hazards consideration; change or increase in the amount of any offsite effluents; increase in individual or cumulative public or occupational radiation exposure; construction impacts; or increase in the potential for or consequence from radiological accidents. The staff finds that the STA exemption involves surety, insurance and/or indemnity requirements and that granting Cameco this temporary exemption from the requirement of establishing a standby trust arrangement would not result in any significant hazards or increases in offsite effluents, radiation exposure, construction impacts, or potential radiological accidents. Therefore, an environmental assessment is not required.

IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 40.14(a), the proposed exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and is in the public interest. NRC hereby grants Cameco Resources an exemption from the requirement in 10 CFR Part 40, Appendix A, Criterion 9 to set up a standby trust to receive funds in the event the NRC or the State regulatory agency exercises is right to collect the surety. This exemption will expire on July 2, 2015, for Smith Ranch-Highland Uranium Project and on August 10, 2015, for the Gas Hills Project. At that time, Cameco Resources will be required to ensure that its financial assurance arrangement includes an STA to receive decommissioning funds.

Dated at Rockville, Maryland, this 15th day of April 2014.

For the Nuclear Regulatory Commission.

Andrew Persinko,

Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2014–09267 Filed 4–22–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–46; Order No. 2057]

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 25, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: 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 16, 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. CP2014–46 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 25, 2014. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

[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 16, 2014 (Notice).

The Commission appoints Pamela A. Thompson to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–46 for consideration of the matters raised by the Postal Service's Notice.
2. Comments are due no later than April 25, 2014.
3. Pursuant to 39 U.S.C. 505, Pamela A. Thompson is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–09252 Filed 4–22–14; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71964; File No. 4–536]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing of Proposed Amended Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc., the Chicago Board Options Exchange, Incorporated, and C2 Options Exchange, Incorporated

April 17, 2014.

Pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 17d–2 thereunder,[2] notice is hereby given that on March 24, 2014, the Financial Industry Regulatory Authority, Inc. (''FINRA''), the Chicago Board Options Exchange, Incorporated (''CBOE''), and C2 Options Exchange, Incorporated (''C2'') (collectively, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a plan for the allocation of regulatory responsibilities, dated March 21, 2014 (''17d–2 Plan'' or the ''Plan''). This Agreement amends and restates the agreement entered into between NASD (n/k/a FINRA) and CBOE on April 4, 2007, entitled ''Agreement between NASD and CBOE Pursuant to Rule 17d–2 under the Securities Exchange Act of 1934,'' and any subsequent amendments thereafter. The Commission is publishing this notice to solicit comments on the 17d–2 Plan from interested persons.

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[4] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[5] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[6] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[7] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[8] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[9] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On May 14, 2007, the Commission declared effective the Plan entered into between NASD (n/k/a FINRA) and CBOE for allocating regulatory responsibility pursuant to Rule 17d–2[10]. The Plan is intended to reduce regulatory duplication for firms that are common members of both CBOE and FINRA. The plan reduces regulatory duplication for firms that are members of CBOE and FINRA by allocating regulatory responsibility with respect to certain applicable laws, rules, and regulations, including responsibility for CBOE rules applicable to the CBOE Stock Exchange, LLC (''CBSX''), an equity exchange facility operated by CBOE. Included in the Plan is an exhibit that lists every CBOE rule for which FINRA bears responsibility under the Plan for overseeing and enforcing with respect to CBOE members that are also members of FINRA and the associated persons therewith.

III. Proposed Amendment to Plan

On March 24, 2014, the parties submitted a proposed amendment to the

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[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[5] 15 U.S.C. 78q(d)(1).

[6] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[7] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[8] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[9] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[10] *See* Securities Exchange Act Release No. 55755 (May 14, 2007), 72 FR 28087 (May 18, 2007).

Plan. The primary purpose of the amendment is to add C2 as a Participant to the Plan. The text of the proposed amended 17d–2 plan is as follows (additions are *italicized;* deletions are [bracketed]):

AGREEMENT [BETWEEN NASD AND] *AMONG FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.,* CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED*, AND C2 OPTIONS EXCHANGE, INCORPORATED* PURSUANT TO RULE 17d–2 UNDER THE SECURITIES EXCHANGE ACT OF 1934

This Agreement, by and [between the National Association of Securities Dealers]*among Financial Industry Regulatory Authority,* Inc. [(''NASD'') and] *(''FINRA''),* the Chicago Board Options Exchange, Incorporated (''CBOE''), *and C2 Options Exchange, Incorporated (''C2'')* is made this *21st* [4th] day of [April, 2007] *March, 2014* (the ''Agreement''), pursuant to Section 17(d) of the Securities Exchange Act of 1934 (the ''Exchange Act'') and Rule 17d–2 thereunder which permits agreements between self-regulatory organizations to allocate regulatory responsibility to eliminate regulatory duplication. [NASD]*FINRA,* [and] CBOE *and C2* may be referred to individually as a ''party'' and together as the ''parties.''

This Agreement amends and restates the agreement entered into between NASD (n/k/a FINRA) and CBOE on April 4, 2007, entitled ''Agreement between NASD and CBOE Pursuant to Rule 17d–2 under the Securities Exchange Act of 1934,'' and any subsequent amendments thereafter.

WHEREAS, [NASD and CBOE] *the parties* desire to reduce duplication in the examination of their [Dual]*Common* Members (as defined herein) and in the filing and processing of certain registration and membership records as it relates to the CBOE *options exchange, C2 options exchange and the CBOE equity exchange facility operated by CBOE* Stock Exchange, LLC[;] *(''CBSX'');* and

WHEREAS, [NASD and CBOE]*the parties* desire to execute an agreement covering such subjects pursuant to the provisions of Rule 17d–2 under the Exchange Act and to file such agreement with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') for its approval.

NOW, THEREFORE, in consideration of the mutual covenants contained hereinafter, [NASD and CBOE]*the parties* hereby agree as follows:

1. Definitions. Unless otherwise defined in this Agreement or the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Exchange Act and the rules and regulations thereunder. As used in this Agreement, the following terms shall have the following meanings:

(a) [''*CBOE Rules''* or ''*NASD Rules''* shall mean the rules of the CBOE or NASD, respectively, as the rules]*''Rule''* of an *''*exchange*''* or *an ''*association*'' shall have the meaning* [are] defined in Exchange Act Section 3(a)(27).

(b) ''*Common Rules''* shall mean the CBOE Rules *and C2 Rules* that are substantially similar to the applicable [NASD] *FINRA* Rules in that examination for compliance with such [rules] *Rules* would not require [NASD] *FINRA* to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a [Dual] *Common* Member's activity, conduct, or output in relation to such rule*; provided, however, Common Rules shall not include the application of SEC, CBOE, C2 or FINRA Rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among the BATS Exchange, Inc., BATS–Y Exchange, Inc., CBOE, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., FINRA, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Stock Exchange, LLC, NYSE Amex LLC, and NYSE Arca Inc., effective December 16, 2011, as may be amended from time to time.*

(c) [''*Dual Members''*]*''Common Members''* shall mean [those CBOE] members [that are also members of NASD and the associated persons therewith]*of FINRA and at least one of CBOE or C2.*

(d) ''*Effective Date''* shall [have the meaning set forth in paragraph 14]*be the date this Agreement is approved by the Commission.*

(e) ''*Enforcement Responsibilities''* shall mean the conduct of appropriate proceedings, in accordance with [the NASD]*FINRA's* Code of Procedure (the Rule 9000 Series) and other applicable [NASD]*FINRA* procedural [rules]*Rules,* to determine whether violations of pertinent laws, rules or regulations have occurred, and if such violations are deemed to have occurred, the imposition of appropriate sanctions as specified under [the NASD's]*FINRA's* Code of Procedure and sanctions guidelines.

(f) ''*Regulatory Responsibilities''* shall mean the examination responsibilities and Enforcement Responsibilities relating to compliance by the [Dual]*Common* Members with the Common Rules and the provisions of the Exchange Act and the rules and regulations thereunder, and other applicable laws, rules and regulations, each as set forth on *Exhibit 1* attached hereto.

2. Regulatory and Enforcement Responsibilities. [NASD]*FINRA* shall assume Regulatory Responsibilities and Enforcement Responsibilities for [Dual]*Common* Members. Attached as *Exhibit 1* to this Agreement and made part hereof, CBOE *and C2* furnished [NASD]*FINRA* with a current list of Common Rules and certified to [NASD]*FINRA* that such [rules]*Rules* are substantially similar to the corresponding [NASD rule]*FINRA Rule* (the ''Certification''). [NASD]*FINRA* hereby agrees that the [rules]*Rules* listed in the Certification are Common Rules as defined in this Agreement. Each year following the Effective Date of this Agreement, or more frequently if required by changes in [either the rules] *the Rules*of *the parties*, CBOE [or NASD, CBOE]*and C2* shall submit an updated list of Common Rules to [NASD]*FINRA* for review which shall add CBOE [rules] *or C2 Rules*not included in the current list of Common Rules that qualify as Common Rules as defined in this Agreement; delete CBOE [rules]*or C2* Rules included in the current list of Common Rules that no longer qualify as Common Rules as defined in this Agreement; and confirm that the remaining [rules]Rules on the current list of Common Rules continue to be CBOE [rules]*or C2 Rules* that qualify as Common Rules as defined in this Agreement. Within 30 days of receipt of such updated list, [NASD]*FINRA* shall confirm in writing whether the [rules]Rules listed in any updated list are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibilities'' does not include, and CBOE *and C2* shall retain full responsibility for (unless otherwise addressed by separate agreement or rule) the following*, (collectively, the ''Retained Responsibilities''):*

(a) Surveillance and enforcement with respect to trading activities or practices involving CBOE's *or C2's* own marketplace, including without limitation CBOE's [rules]*or C2's Rules* relating to the rights and obligations of market makers;

(b) registration pursuant to [its]*their* applicable [rules]*Rules* of associated persons (i.e., registration rules that are not Common Rules);

(c) discharge of [its]*their* duties and obligations as a Designated Examining

Authority pursuant to Rule 17d–1 under the Exchange Act; and

(d) any CBOE Rules *and C2 Rules* that are not Common Rules.

3. [Dual]*Common* Members. Prior to the Effective Date, CBOE *and C2* shall furnish [NASD]*FINRA* with a current list of [Dual]*Common* Members, which shall be updated no less frequently than once [each quarter]*every six months.*

4. No Charge. There shall be no charge to CBOE *and C2* by [NASD]*FINRA* for performing the Regulatory Responsibilities and Enforcement Responsibilities under this Agreement except as hereinafter provided. [NASD]*FINRA* shall provide CBOE *and C2* with ninety (90) days advance written notice in the event [NASD]*FINRA* decides to impose any charges to CBOE *and C2* for performing the Regulatory Responsibilities under this Agreement. If [NASD]*FINRA* determines to impose a charge, CBOE *and C2* shall have the right at the time of the imposition of such charge to terminate this Agreement; provided, however, that [NASD's]*FINRA's* Regulatory Responsibilities under this Agreement shall continue until the Commission approves the termination of this Agreement.

5. Reassignment of Regulatory Responsibilities. Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the Commission, or industry agreement, restructuring the regulatory framework of the securities industry or reassigning Regulatory Responsibilities between self-regulatory organizations. To the extent such action is inconsistent with this Agreement, such action shall supersede the provisions hereof to the extent necessary for them to be properly effectuated and the provisions hereof in that respect shall be null and void.

6. Notification of Violations. In the event that [NASD]*FINRA* becomes aware of apparent violations of any CBOE *or C2* Rules, which are not listed as Common Rules, discovered pursuant to the performance of the Regulatory Responsibilities assumed hereunder, [NASD]*FINRA* shall notify CBOE *and C2* of those apparent violations for such response as CBOE *and C2* deems appropriate. [Apparent violations of all other applicable rules, including]*In the event, CBOE or C2 becomes aware of apparent* violations of [the]*any* Common Rules[, various securities acts, and rules and regulations thereunder,] *discovered pursuant to the Retained Responsibilities, CBOE and C2 shall notify FINRA of those apparent violations and such matters shall be handled by FINRA as provided in this Agreement. Apparent violations of Common Rules* shall be processed by, and enforcement proceedings in respect thereto shall be conducted by [NASD]*FINRA* as provided hereinbefore; provided, however, that in the event a [Dual]*Common* Member is the subject of an investigation relating to a transaction on the CBOE *or C2 options exchanges or the CBSX,* CBOE *and C2* may in [its]*their* discretion assume concurrent jurisdiction and responsibility. Each party agrees to make available promptly all files, records and witnesses necessary to assist the other in its investigation or proceedings.

7. Continued Assistance. [NASD]*FINRA* shall make available to CBOE *and C2* all information obtained by [NASD]*FINRA* in the performance by it of the Regulatory Responsibilities hereunder in respect to the [Dual]*Common* Members subject to this Agreement. In particular, and not in limitation of the foregoing, [NASD]*FINRA* shall furnish CBOE *and C2* any information it obtains about [Dual]*Common* Members which reflects adversely on their financial condition. It is understood that such information is of an extremely sensitive nature and, accordingly, CBOE [acknowledges and agrees]*and C2 acknowledge and agree* to take all reasonable steps to maintain its confidentiality. CBOE *and C2* shall make available to [NASD]*FINRA* any information coming to [its]*their* attention that reflects adversely on the financial condition of [Dual]*Common* Members or indicates possible violations of applicable laws, rules or regulations by such firms.

8. [Dual]*Common* Member Applications.

(a) [Dual]*Common* Members subject to this Agreement shall be required to submit, and [NASD]*FINRA* shall be responsible for processing and acting upon all applications submitted on behalf of allied persons, partners, officers, registered personnel and any other person required to be approved by the [rules of both CBOE and NASD]*Rules of the parties* or associated with [Dual]*Common* Members thereof. Upon request, [NASD]*FINRA* shall advise CBOE *and C2* of any changes of allied members, partners, officers, registered personnel and other persons required to be approved by the [rules of both CBOE and NASD]*Rules of the parties.*

(b) [Dual]*Common* Members shall be required to send to [NASD]*FINRA* all letters, termination notices or other material respecting the individuals listed in paragraph 8(a).

(c) When as a result of processing such submissions [NASD]*FINRA* becomes aware of a statutory disqualification as defined in the Exchange Act with respect to a [Dual]*Common* Member, [NASD]*FINRA* shall determine pursuant to Sections 15A(g) and/or Section 6(c) of the Exchange Act the acceptability or continued applicability of the person to whom such disqualification applies and keep CBOE *and C2* advised of its actions in this regard for such subsequent proceedings as CBOE *and C2* may initiate.

(d) Notwithstanding the foregoing, [NASD]*FINRA* shall not review the membership application, reports, filings, fingerprint cards, notices, or other writings filed to determine if such documentation submitted by a broker or dealer, or a person associated therewith or other persons required to register or qualify by examination meets the CBOE *or C2* requirements for general membership or for specified categories of membership or participation in the CBOE *or C2.* [NASD]*FINRA* shall not review applications or other documentation filed to request a change in the rights or status described in this paragraph 8(d), including termination or limitation on activities, of a member or a participant of the CBOE *or C2,* or a person associated with, or requesting association with, a member or participant of the CBOE *or C2.*

9. Branch Office Information. [NASD]*FINRA* shall also be responsible for processing and, if required, acting upon all requests for the opening, address changes, and terminations of branch offices by [Dual]*Common* Members and any other applications required of [Dual]*Common* Members with respect to the Common Rules as they may be amended from time to time. Upon request, [NASD]*FINRA* shall advise CBOE *and C2* of the opening, address change and termination of branch and main offices of [Dual]*Common* Members and the names of such branch office managers.

10. Customer Complaints. CBOE *and C2* shall forward to [NASD]*FINRA* copies of all customer complaints involving [Dual]*Common* Members received by CBOE *and C2* relating to [NASD's]*FINRA's* Regulatory Responsibilities under this Agreement. It shall be [NASD's]*FINRA's* responsibility to review and take appropriate action in respect to such complaints.

11. Advertising. [NASD]*FINRA* shall assume responsibility to review the advertising of [Dual]*Common* Members subject to the Agreement, provided that such material is filed with [NASD]*FINRA* in accordance with [NASD's]*FINRA's* filing procedures and

is accompanied with any applicable filing fees set forth in [NASD]*FINRA* Rules. Such review shall be made in accordance with then applicable [NASD rules]*FINRA Rules* and interpretations. The advertising of [Dual]*Common* Members shall be subject only to compliance with appropriate [NASD rules]*FINRA Rules* and interpretations.

12. No Restrictions on Regulatory Action. Nothing contained in this Agreement shall restrict or in any way encumber the right of [either]*any* party to conduct its own independent or concurrent investigation, examination or enforcement proceeding of or against [Dual]*Common* Members, as [either]*any* party, in its sole discretion, shall deem appropriate or necessary.

13. Termination. This Agreement may be terminated by [CBOE or NASD]*any party* at any time upon the approval of the Commission after one (1) year's written notice *(or such shorter time as may be agreed by the parties)* to the other [party]*parties,* except as provided in paragraph 4.

14. Effective Date. This Agreement shall be effective upon approval of the Commission.

15. Arbitration. In the event of a dispute [between]*among* the parties as to the operation of this Agreement, [CBOE and NASD]*the parties* hereby agree that any such dispute shall be settled by arbitration in Washington, DC in accordance with the rules of the American Arbitration Association then in effect, or such other procedures as the parties may mutually agree upon. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction.

16. Separate Agreement. This Agreement is wholly separate from the *following agreement: (1) The* multiparty Agreement made pursuant to Rule 17d–2 of the Exchange Act [between the American Stock Exchange LLC, the Boston Stock]*among BATS* Exchange, Inc., [the Chicago Board]*BOX* Options Exchange, [Incorporated]*LLC, CBOE, C2,* the International Securities Exchange LLC, [the National Association of Securities Dealers, Inc.,]*FINRA,* the New York Stock Exchange, LLC, *NYSE Amex LLC,* the NYSE Arca, Inc., [and the Philadelphia Stock Exchange, Inc.]*and The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., and NASDAQ OMX PHLX LLC* involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct by broker-dealers of accounts for listed options or index warrants entered into on [December 1, 2006] *April 25, 2012, and as may be amended from time to time; and (2) the multiparty Agreement made pursuant to Rule 17d–2 of the Exchange Act among NYSE Amex LLC, BATS Exchange, Inc., C2, CBOE, International Securities Exchange LLC, FINRA, NYSE Arca, Inc., The NASDAQ Stock Market LLC, the BOX Options Exchange, LLC, NASDAQ OMX BX, Inc. and NASDAQ OMX PHLX LLC involving the allocation of regulatory responsibilities with respect to SRO market surveillance of common members activities with regard to certain common rules relating to listed options entered into on April 25, 2012,* and as may be amended from time to time.

17. Notification of Members. [CBOE and NASD]*The parties* shall notify [Dual]*Common* Members of this Agreement after the Effective Date by means of a uniform joint notice.

18. Amendment. This Agreement may be amended in writing duly approved by each party. All such amendments must be filed with and approved by the Commission before they become effective.

19. Limitation of Liability. [Neither NASD nor CBOE]*None of the parties* nor any of their respective directors, governors, officers or employees shall be liable to [the]*any* other party to this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibilities as provided hereby or for the failure to provide any such responsibility, except with respect to such liability, loss or damages as shall have been suffered by [one or the other of NASD or CBOE]*any party* and caused by the willful misconduct [of the other]*another* party or their respective directors, governors, officers or employees. No warranties, express or implied, are made by [NASD or CBOE]*any party hereto* with respect to any of the responsibilities to be performed by [each of] them hereunder.

20. Relief from Responsibility. Pursuant to Sections 17(d)(1)(A) and 19(g) of the Exchange Act and Rule 17d–2 thereunder, [NASD]*FINRA, C2* and CBOE join in requesting the Commission, upon its approval of this Agreement [or any part thereof], to relieve CBOE *and C2* of any and all responsibilities with respect to matters allocated to [NASD]*FINRA* pursuant to this Agreement; provided, however, that this Agreement shall not be effective until the Effective Date.

21. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, each party has executed or caused this Agreement to be executed on its behalf by a duly authorized officer as of the date first written above.

[NATIONAL ASSOCIATION OF SECURITIES DEALERS]*FINANCIAL INDUSTRY REGULATORY AUTHORITY,* INC.

By _____
Name:
Title:

CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED

By _____
Name:
Title:

C2 OPTIONS EXCHANGE, INCORPORATED

By _____
Name:
Title:

Exhibit 1 *

CBOE **AND C2** CERTIFICATION OF COMMON RULES

CBOE *and C2* hereby [certifies] *certify* that the requirements contained in the [CBOE] Rules listed below are identical to, or substantially similar to, the NASD/*FINRA* or SEC Rules identified.[1]

C2 Rule(s)	CBOE Rule(s)	*CBSX* [1]	NASD/*FINRA* or SEC Rule(s) [2]
Chapter 4 Business Conduct CBOE Rule 4.18 is incorporated by reference.	4.18 Prevention of the Misuse of Material, Nonpublic Information.	*Appendix A—CBOE Rule 4.18 is incorporated by reference.*	Section 15(f) of the Securities Exchange Act of 1934 (Exchange Act) [3]
Chapter 4 Business Conduct CBOE Rule 4.20 is incorporated by reference.	4.20 Anti-Money Laundering Compliance Program.	*Appendix A—CBOE Rule 4.20 is incorporated by reference.*	*FINRA Rule 3310* [3011] Anti-Money Laundering Compliance Program [3]

C2 Rule(s)	CBOE Rule(s)	*CBSX*[1]	NASD/*FINRA* or SEC Rule(s)[2]
Chapter 9 Doing Business with the Public—CBOE Rule 9.3 incorporated by reference **.	9.3 Registration and Termination of Representatives **.	*53.6(i) Applicability of Chapter IX—CBOE Rule 9.3 is incorporated by reference.*	*NASD Rule* 1031(a), (b) Registration Requirements, [1140(a), (d)] *FINRA Rule 1010(a) and (e)* Electronic Filing [Rules] *Requirements for Uniform Forms,* and [NASD] *FINRA* By-Laws, Art. V, Sections 2 and 3 Registered Representatives and Associated Persons
Chapter 9 Doing Business with the Public—CBOE Rule 9.3A is incorporated by reference.	9.3A Continuing Education For Registered Persons.	*53.6(i) Applicability of Chapter IX—CBOE Rule 9.3A is incorporated by reference.*	*FINRA Rule 1250* [1120] Continuing Education Requirements[4]
Chapter 9 Doing Business with the Public—CBOE Rule 9.4(a) is incorporated by reference.	9.4(a) Other Affiliations of Registered Associated Persons.	*53.6(i) Applicability of Chapter IX—CBOE Rule 9.4(a) is incorporated by reference.*	*FINRA Rule 3270* [3030] Outside Business Activities of [an Associated] *Registered* Persons[5]
Chapter 9 Doing Business with the Public—CBOE Rule 9.12 incorporated by reference **.	9.12 Statements of Accounts to Customers[4] **.	*53.6(i) Applicability of Chapter IX—CBOE Rule 9.12 is incorporated by reference*[6].	*NASD* Rule 2340 Customer Account Statements
Chapter 9 Doing Business with the Public—CBOE Rule 9.13 is incorporated by reference.	9.13 Statement of Financial Condition to Customers.	*53.6(i) Applicability of Chapter IX—CBOE Rule 9.13 is incorporated by reference.*	Exchange Act Rule 17a–5[7]
Chapter 9 Doing Business with the Public—CBOE Rule 9.16 is incorporated by reference.	9.16 Restrictions on Pledge and Lending of Customers' Securities.	*53.6(i) Applicability of Chapter IX—CBOE Rule 9.16 is incorporated by reference.*	*FINRA Rule 2150(a) Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts, and* NASD Rule 2330[(a)]*(b)*–(d) Customers' Securities or Funds
Chapter 9 Doing Business with the Public—CBOE Rule 9.18 incorporated by reference **.	9.18 Guarantees and Profit Sharing **.	*53.6(i) Applicability of Chapter 9—CBOE Rule 9.18 is incorporated by reference.*	*FINRA Rule 2150(b) and (c) Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts*[8] [2330(e) & (f) Customers' Securities or Funds[5]]
Chapter 9 Doing Business with the Public—CBOE Rule 9.20 is incorporated by reference.	9.20 Transfer of Accounts	*53.6(i) Applicability of Chapter 9—CBOE Rule 9.20 is incorporated by reference.*	*FINRA Rule* 11870 Customer Account Transfer Contracts
Chapter 9 Doing Business with the Public—CBOE Rule 9.23 incorporated by reference **.	9.23 Customer Complaints[6] **	*53.7 Record of Written Complaints*[9].	*FINRA Rule 4513 Records of Written Customer Complaints* [3110(d) Books and Records]
Chapter 9 Doing Business with the Public—CBOE Rule 9.24 is incorporated by reference.	9.24 Telephone Solicitation	*Appendix A—CBOE Rule 9.24 is incorporated by reference.*	*FINRA Rule 3230 Telemarketing* [2212 Telemarketing and 3110(g) Books and Records]
Chapter 9 Doing Business with the Public—CBOE Rule 9.25 is incorporated by reference.	9.25 Borrowing From or Lending to Customers.	.....	*FINRA Rule 3240* [2370] Borrowing From or Lending to Customers
Chapter 9 Doing Business with the Public—CBOE Rule 9.7 incorporated by reference **.	*9.7 Opening of Accounts* ** [53.6(c) Duty to Know and Approve Customers].	*53.6(c) Duty to Know and Approve Customers.*	*FINRA Rule 2090 Know Your Customer*[10] *and FINRA Rule 4512 Customer Account Information* [2310 Recommendations to Customers (Suitability) and 3110(c) Books and Records]
Chapter 9 Doing Business with the Public—CBOE Rule 9.6 incorporated by reference **.	*9.6 Branch Offices of TPH Organizations* ** [53.6(d) Branch Offices of Member Organizations].	*53.6(d) Branch Offices of TPH Organizations.*	*NASD Rule* 1021(a) Registration Requirements and *NASD* IM–1000–4 Branch Offices and Offices of Supervisory Jurisdiction
Chapter 9 Doing Business with the Public—CBOE Rule 9.10 incorporated by reference **.	*9.10 Discretionary Accounts* ** [53.6(e) Discretionary Accounts].	*53.6(e) Discretionary Accounts*	*NASD Rule* 2510 Discretionary Accounts, *Exchange Act Rule 17a–3(a)(6)(i)*[11]
Chapter 9 Doing Business with the Public—CBOE Rule 9.11 incorporated by reference **.	*9.11 Confirmation to Customers* ** [53.6(f) Confirmation to Customers].	*53.6(f) Confirmation to Customers*	*FINRA Rule 2232 Customer* [2230] Confirmations and Exchange Act Rule 10b–10[7][12]
	[53.6(g) Communications to Customers.	.....	*[2210(b) and (d) Communications with the Public and IM–2210–1(6) Guidelines to Ensure that Communications With The Public Are Not Misleading]*

C2 Rule(s)	CBOE Rule(s)	*CBSX* [1]	NASD/*FINRA* or SEC Rule(s) [2]
Chapter 9 Doing Business with the Public—CBOE Rule 9.8 incorporated by reference **.	*9.8 Supervision of Accounts* ** [53.6(h) Supervision of Accounts].	*53.6(h) Supervision of Accounts* ..	*NASD Rule* 3010(a), (b) Supervision [and 3110(c) Books and Records]*

* The Commission notes that although CBSX was covered by the original Plan, the Parties have determined to explicitly list CBSX rules in the exhibit as part of the proposed amended 17d–2 Plan, to provide additional clarity. *See* Email from Kathryn Moore, Associate General Counsel, FINRA, to Sonia Trocchio, Special Counsel, Division of Trading and Markets, Commission (April 10, 2014).

[1] [To the extent that any CBOE Rule listed herein makes reference to options, such rule] *The rules applicable to CBSX are Chapters 50 through 54 and Appendix A of the CBOE rules. Any reference to options* shall be read to equity securities [as provided in] *(See e.g.,* CBOE Rule 53.6*)*.

[2] CBOE *and C2, as applicable,* will be responsible for any significant differences between its rules and the comparable NASD/*FINRA* rule identified.

[[3] NASD shall not have any Regulatory Responsibilities regarding the CBOE requirement to have Form X–17A–5 filed with CBOE; responsibility for such requirement remains with CBOE.]

[3] *FINRA shall not have any Regulatory Responsibilities regarding the requirement to conduct independent testing during the first calendar year of a broker-dealer becoming a Trading Permit Holder or TPH organization; responsibility for such requirement remains with CBOE and C2, as applicable.*

[4] *FINRA shall only have Regulatory Responsibilities to the extent that the allowance for additional time is consistently granted.*

[5] *FINRA shall not have any Regulatory Responsibilities regarding the requirement that the Trading Permit Holder provide prior written consent to the TPH organization; responsibility for such requirement remains with CBOE and C2, as applicable.*

[[4]] [6] *FINRA* [NASD] shall not have any Regulatory Responsibilities regarding the CBOE requirement that the statement have a legend requesting the customer to advise the member of any material change in the customer's investment objectives or financial situation; responsibility for such requirement remains with CBOE.

[7] *FINRA shall not have any Regulatory Responsibilities regarding the CBOE and C2 requirement to have Form X–17A–5 filed with CBOE and C2, as applicable; responsibility for such requirement remains with CBOE and C2, as applicable.*

[8] [[5] The NASD Rule] *FINRA Rule 2150* requires, among other things, prior written approval of the member employing the associated person in order for such associated person to share in accounts of a customer, whereas the CBOE rule requires consent of the member *carrying* the account. To the extent that the employing member and carrying member are different firms, the [NASD's and CBOE's rule] *FINRA and CBOE rules* differ, and [NASD's] *FINRA's* Regulatory [Responsibility] *Responsibilities* will not cover *the* CBOE['s] rule; responsibility for such requirement remains with CBOE.

[9] *FINRA shall only have Regulatory Responsibilities to the extent records must be kept for four years.* [[6] NASD shall not have any Regulatory Responsibilities regarding the CBOE requirement of what must be contained in the complaint file or the timing during which the compliant must be send to the central file by the branch office; responsibility for such requirement remains with CBOE.]

[10] *FINRA shall only have regulatory Responsibilities with regard to the first sentence of CBSX Rule 53.6(c); responsibility for the remainder of the rule remains with CBOE.*

[11] *NASD Rule 2510 requires review of transactions in discretionary accounts by "the member or person duly designated." However, CBSX Rule 53.6(e)(3) requires approval of discretionary accounts by "a person other than a person using the discretionary authority." To the extent this requirement of approval by a person other than a person using the discretionary authority applies, FINRA's Regulatory Responsibilities will not cover CBSX's rule; responsibility for such requirement remains with CBOE.*

[[7] NASD] [12] *FINRA* shall not have any Regulatory Responsibilities regarding the [CBOE] *CBSX* requirements to disclose on a confirmation; *1) the settlement date of a transaction to the extent it is not required by FINRA Rule 2232(b)(1); or 2)* whether a transaction was executed on the [CBOE]*CBSX*; reasonability for such requirements remains with CBOE.

**FINRA shall not have any Regulatory Responsibilities for these Rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among the BATS Exchange, Inc., BATS–Y Exchange, Inc., CBOE, Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., FINRA, NASDAQ OMX BX, Inc., NADAQ OMX PHLX LLC, The NASDAQ Stock Market LLC, National Stock Exchange, Inc., New York Exchange, LLC, NYSE Amex LLC, and NYSE Arca Inc., effective December 16, 2011, as may be amended from time to time.*

***FINRA shall not have an Regulatory Responsibilities for these Rules as they pertain to violations of sales practice activities, which is covered by a separate 17d–2 Agreement by and among NYSE MKT LLC, BATS Exchange, Inc., BOX Options Exchange LLC, C2 Options Exchange, Incorporated, the Chicago Board Options Exchange, Incorporated, the International Securities Exchange LLC, FINRA, NYSE Arca Inc., The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., the NASDAQ OMX PHLX, Inc., Miami International Securities Exchange, LLC, and Topaz Exchange, LLC, effective July 26, 2013, as may be mended from time to time.*

The following provisions are covered:

- *Rule 200 of Regulation SHO—Definition of Short Sales and Marking Requirements*
- *Rule 203 of Regulation SHO—Borrowing and Delivery Requirements*
- *Rule 204 of Regulation SHO—Close-Out Requirement*
- *Rule 105 of Regulation M—Short Selling in Connection with a Public Offering*
- *Section 14(e) of the Exchange Act*
- *Rule 14e–4 of the Exchange Act—Prohibited Transactions in Connection with Partial Tender Offers*
- *Regulation ATS*
- *Regulation S–P*

IV. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to Section 17(d)(1) of the Act [11] and Rule 17d–2 thereunder,[12] after May 8, 2014, the Commission may, by written notice, declare the plan submitted by CBOE, C2, and FINRA, File No. 4–536, to be effective if the Commission finds that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in Section 17(d) of the Act.

[11] 15 U.S.C. 78q(d)(1).

[12] 17 CFR 240.17d–2.

V. Solicitation of Comments

In order to assist the Commission in determining whether to approve the proposed 17d–2 Plan and to relieve CBOE and C2 of the responsibilities which would be assigned to FINRA, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number 4–536 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 4–536. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan 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, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of CBOE, C2, and FINRA. 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 4–536 and should be submitted on or before May 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09208 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31020; 812–14058]

Matthews A Share Selections Fund, LLC, *et al.;* Notice of Application

April 17, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (''Act'') granting exemptions from section 8(b)(1)(E) and section 22(e) of the Act, and rule 22c–1 under the Act, and pursuant to section 12(d)(1)(J) of the Act granting exemptions from sections 12(d)(1)(A) and (B) of the Act, and pursuant to sections 6(c) and 17(b) of the Act, granting an exemption from section 17(a) of the Act. *Applicants:* Matthews A Share Selections Fund, LLC (the ''Fund''), on behalf of its series (the ''Series''), Matthews International Funds (d/b/a Matthews Asia Funds), on behalf of its series (the ''Matthews Funds''), Matthews Asia Funds SICAV, on behalf of its series (the ''UCITS Funds''), Matthews Asian Selections Funds Plc (the ''Irish Fund''), and Matthews International Capital Management, LLC (the ''Adviser'').

SUMMARY: *Summary of Application:* Applicants request an order to permit the Fund to operate as an extended payment fund established to invest in China A shares, to exempt the Fund from the requirement that funds must disclose a concentration policy regarding investments in any industry or group of industries, and to permit the Fund and its Series to sell their limited liability company interests (''Interests'') to, and redeem their Interests from, certain pooled investment vehicles that are managed or subadvised by the Adviser, including the UCITS Funds, the Irish Fund and other entities that may be organized outside the United States (the UCITS Funds, the Irish Fund and such other entities are, collectively, the ''Other Funds'').

DATES: *Filing Dates:* The Application was filed on July 17, 2012, and amended on December 28, 2012, and August 28, 2013.

Hearing or Notification of Hearing: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 12, 2014, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: the Fund, the Matthews Funds, and the Adviser, Four Embarcadero Center, Suite 550, San Francisco, CA 94111; the UCITS Funds, 6, route de Treves, L–2633 Senningerberg, Grand Duchy of Luxembourg; and the Irish Fund, Brooklawn House, Crampton Avenue/Shelbourne Road, Ballsbridge, Dublin 4, Ireland.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826, or Janet M. Grossnickle, Assistant Director, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application may be obtained via the Commission's Web site by searching for the file number, or an Applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Fund, a Delaware limited liability company registered as an open-end management investment company under Act, is organized as a series investment company, and will be operated as an extended payment fund, as discussed below. The Fund is designed to be a viable and economical means to permit the Matthews Funds, Other Funds and separate accounts managed by the Adviser to invest in China A Shares. Each investing Matthews Fund, Other Fund, or separate account will own all of the Interests offered by a particular Series, and investors in the Fund's Series will be exclusively entities advised or managed by the Adviser. Interests will not be registered under the Securities Act of 1933 (the ''Securities Act''); they will be offered only in private placement transactions to ''accredited investors,'' as defined in Regulation D under the Securities Act, that are also ''qualified purchasers,'' as defined in section 2(a)(51) of the Act and the rules thereunder (''Qualified Purchasers'').[1] The Fund, through its Series, will be the entity that invests in and holds China A Shares.[2]

[1] The Fund will adopt a policy to permit the transfer of Interests only to other Qualified Purchasers.

[2] Each entity that currently intends to rely on the requested order has been named as an Applicant. Applicants request that the relief from section 8(b)(1)(E), section 22(e), and rule 22c–1 of the Act apply also to any existing or future Series of the Fund, and that the relief from sections 12(d)(1)(A) and (B) of the Act, and from section 17(a) of the Act, apply to any existing or future Series of the Fund, and any investment company, or series thereof, advised by the Adviser or any entity controlling, controlled by or under common control with the Adviser that wishes to invest in the Fund or a Series

Continued

2. The Matthews Funds are organized as series of a Delaware statutory trust, which is registered under the Act as an open-end management investment company. The UCITS Funds are organized as the separate series of Matthews Asia Funds SICAV under the laws of Luxembourg. The Irish Fund is organized as a private limited company, and regulated as an open-ended umbrella investment company with variable capital that may be offered and sold only to qualifying investors under the laws of the Republic of Ireland. Both the UCITS Funds and the Irish Fund are not sold to United States residents, are not registered under the Act, and the offering of their interests have not been registered under the Securities Act.

3. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser will serve as investment adviser to the Fund and its Series, and serves as investment adviser to the Matthews Funds, Other Funds and separate accounts. Matthews Global Investors (U.S.), LLC (''MGI''), a Delaware LLC and an affiliate of the Adviser, acts as managing member of the Fund.[3]

4. Applicants state that a significant majority of publicly traded Chinese companies list their shares on one or more of three stock exchanges—the Shanghai, Shenzhen and Hong Kong Stock Exchanges. The Shanghai and Shenzhen exchanges are located in mainland China and there are two categories of stock that are listed on these exchanges: China ''A Shares'' which trade in the currency of China, the renminbi, and ''B Shares'' which trade in foreign currencies. ''H Shares'' and ''red chip'' shares are listed and traded on the Hong Kong Stock Exchange.[4] Applicants state that far fewer Chinese companies have listed their shares as H Shares or red chips.

5. The Matthews Funds and Other Funds currently invest in China through ''H Shares'' or ''red chip'' stocks. Applicants state that for a variety of reasons, China A Shares are a more attractive means to invest in Chinese companies than H Shares, red chip stocks, or China B Shares. Applicants state that, while it is not practical or feasible for a Matthews Fund, Other Fund, or separate account to individually invest in China A Shares, a pooled investment vehicle, the Fund, would allow them to obtain exposure to China A Shares.[5] The Fund will be named as the investing vehicle in the Adviser's application to obtain a license to invest in China.

6. The Fund has a board of directors (''Board''), a majority of which will be comprised of persons who are not ''interested persons'' (as defined by section 2(a)(19) of the Act). Each Series will have a portfolio manager or team of portfolio managers. The portfolio manager(s) for a Series are expected to be the same individual(s) as the portfolio manager(s) of the Matthews Fund, Other Fund or separate account investing in that Series. Accordingly, the portfolio manager(s) will be able to select China A Shares most suited for the investor's investment style and strategy, consistent with the remainder of the investor's portfolio. As portfolio manager(s) of a Series, the portfolio manager(s) will have responsibilities to the Series and be overseen by the Board. The portfolio manager(s) also will have responsibilities, in their capacity as Matthews Fund, Other Fund or separate account portfolio manager(s), to the applicable investor for investing the non-Series portion of the portfolio.

7. The Adviser may charge advisory fees to the Series; however, if advisory fees are charged to a Series used by a Matthews Fund, any assets of a Matthews Fund invested in that Series will not be counted for purposes of calculating the Matthews Fund's advisory fee payable to the Adviser so that the Adviser will not receive separate fees for managing the same assets, except that any such assets will be applied and counted as a Matthews Fund's assets for purposes of applying breakpoints. Fees paid by an Other Fund or separate account would be negotiated with the Other Fund or separate account and structured in an appropriate manner such that, unless additional services are provided, the Adviser would not receive separate fees for managing the same assets. Fee arrangements for the Series will be subject to review and approval by the Fund's Board, including its independent members, in accordance with section 15(c) of the Act, and their impact on overall fees for the Adviser's client will be fully disclosed to the Applicant client, including the Matthews Funds.

8. Expenses of each Series, which would include basic fees and expenses of service providers, such as the Adviser, administrator, accountant, local custodian and legal counsel, will be charged to the Series receiving the services generating the expense and accrued on a daily basis. Applicants state that because the Fund's limited liability company agreement does not provide to the contrary, the Delaware Limited Liability Company Act provides that each Series (holding distinct China A Shares) will have its own debts, liabilities, obligations and expenses, and such items will not be enforceable against any other Series. The Fund's books and those of the Series will be accounted for under standard accounting principles and in accordance with U.S. Generally Accepted Accounting Principles (GAAP), and they will be audited annually by a nationally recognized and PCAOB-registered audit firm in accordance with U.S. Generally Accepted Auditing Standards.

9. The Fund's custodial arrangements will be overseen by the Fund's Board in accordance with rule 17f–5 under the Act. The Series used by Matthews Funds will not lever themselves through borrowing, but Series used by Other Funds or separate accounts may, or in the future may be permitted to, use leverage. Applicants state that the Fund will value its holdings daily in accordance with section 2(a)(41) of the Act, and the value will take into account all relevant facts and circumstances, including (if relevant) the length of time before proceeds can be repatriated (as discussed below), and will be applied under the oversight of the Fund's valuation committee in accordance with delegated authority and procedures approved by the Fund's Board. The Fund also has a chief compliance officer and will implement and maintain a compliance program in accordance with rule 38a–1 under the Act.

10. Applicants state that access by the Adviser's clients to the quota (*i.e.,* to China A Shares) will be a limited opportunity and will be allocated in accordance with the Adviser's Access to Research and Allocation of Portfolio

thereof. Any Series or investment company that relies on the order in the future will do so only in accordance with the terms and conditions contained in the Application.

[3] The Adviser is the sole member of MGI. In the future, the Adviser or a different affiliate controlling, controlled by or under common control with the Adviser may act as managing member of the Fund or a Series thereof.

[4] H Shares are shares of companies incorporated in mainland China, listed on the Hong Kong Stock Exchange and traded in Hong Kong dollars. ''Red chip'' shares are listed and traded on the Hong Kong Stock Exchange, issued by companies based in mainland China but incorporated outside of mainland China.

[5] Applicants state that until 2002, the Chinese government restricted investment in China A Shares to domestic (i.e., Chinese) investors. Since 2002, the Chinese Government has permitted certain non-Chinese investors to invest in China A Shares, but to do so, a foreign investor must apply for, and receive a license as a Qualified Foreign Institutional Investor or ''QFII'' and be allotted a quota, representing the amount in renminbi of China A Shares that the investor may purchase. The Adviser has received a QFII license and is in the process of applying for a quota so that it can invest in China A Shares on behalf of the Matthews Funds, Other Funds and separate accounts. Applicants are requesting a quota in the amount of USD 350 million, although the amount of quota received will not be known until it is granted.

Opportunities Procedures (''Access Allocation Procedures''), which are designed to ensure that allocations are fair and equitable over time to all of the Adviser's accounts. The Adviser will amend the Access Allocation Procedures to specifically address issues arising from the quota. Similarly, if more than one Matthews Fund, Other Fund or separate account seeks to repatriate proceeds at the same time, and Chinese regulations limit the aggregate amount of proceeds that may be repatriated at any given time to a level below the aggregate amount sought to be repatriated, the requests by the applicable portfolio manager(s) will be aggregated, if received at or about the same time, and proceeds available for repatriation will be allocated *pro rata* among requesting investors.[6] The Adviser will not, however, when making investment decisions for the Fund or its Series, take into consideration whether selling China A Shares and repatriating proceeds could impact the continued availability of the quota. The Adviser will also not take into consideration whether buying China A Shares could affect the continued availability of the quota.[7]

11. Applicants note that the significant majority (at least 85%) of the China A Shares to be held by the Fund would be able to be disposed of in the ordinary course of business since the China A Share market is liquid, and thus holdings would meet the liquidity requirements in the context of a fund's ability to dispose of an asset. However, while the China A Shares could be sold in a timely manner in exchange for renminbi, the investing Matthews Fund, Other Fund or separate account would only be able to repatriate the proceeds weekly,[8] which in some circumstances might not be within seven days of receipt of the redemption request. Each Matthews Fund will deem China A Shares to be illiquid investments and limit its holdings in the Fund to no more than 15% of its net assets, unless Chinese repatriation restrictions permit repatriation, and the relevant Series permits redemption, within seven days such that the Matthews Fund, or the Adviser in accordance with a Matthews Fund's policies, could deem the Interests to be liquid under applicable Commission and staff guidance.

12. Applicants state that the repatriation restrictions may prevent the Fund from being able to redeem its Interests within the time period otherwise required by the Act. As an extended payment fund, the Fund would pay redemption proceeds no less frequently than on one day each month (any such date, a ''Redemption Payment Date''). Redemption payments would be based on the Fund's NAV on the Redemption Payment Date, and redemption payments would only be made for redemptions requested on or before the Redemption Payment Date and time for that particular month (or shorter period). The Fund will adopt a fundamental policy specifying its redemption procedures, and this policy will be disclosed in the Fund's registration statement.

13. The Fund will establish, and the Board will approve, written procedures reasonably designed to ensure that the Fund's portfolio assets are sufficiently liquid so that the Fund can comply with its fundamental policy on redemptions, taking into account current market conditions and regulatory requirements and the Fund's investment objectives. The Board will review the procedures and the overall composition of the portfolio at least annually and on such other occasions as may be necessary in light of changes in the markets for the Fund's portfolio assets and applicable regulatory requirements concerning, among other matters, repatriation restrictions.

Applicants' Legal Analysis

Applicants request an order to exempt the Fund from section 22(e) of the Act and rule 22c–1 thereunder to the extent necessary to permit the Fund to operate as an extended payment fund. Applicants also request that the order exempt the Fund from section 8(b)(1)(E) of the Act and the requirement that the Fund disclose a concentration policy regarding investments in any industry or group of industries. Instead, the order would require that the Fund disclose that it does not have a concentration policy and require that any registered investment company that invests in a Series will aggregate the Series' holdings with its own holdings for purposes of evaluating its concentration policy. Applicants further request that the order grant an exemption from sections 12(d)(1)(A) and (B) of the Act, and an exemption from section 17(a) of the Act, to the extent necessary to permit the Fund and its Series to sell their Interests to, and redeem their Interests from, the Other Funds.

A. Section 22(e) of the Act and Rule 22c–1 Under the Act

1. Rule 22c–1 under the Act generally requires a registered open-end investment company to sell, redeem, or repurchase its securities at the price based on the current NAV of such security next computed after receipt of a tender of such security for redemption. Applicants state that rule 22c–1 was designed primarily to address the practice of ''backward pricing'' of fund shares. That practice involved pricing fund shares for purchase or redemption based on the NAV determined *prior* to the purchase or redemption request. This pricing mechanism enabled a fund's insiders to engage in ''riskless trading'' by buying shares at an NAV that they knew was likely to increase because of market action after the shares were priced. Applicants assert that, in effect, backward pricing created the possibility that some investors could trade fund shares at the expense of non-redeeming shareholders. Rule 22c–1 eliminates this problem by requiring ''forward pricing,'' or pricing fund shares at the close of the market *after* a purchase or redemption request is received. Under rule 22c–1, an open-end equity fund typically computes the value of shares tendered for redemption on any given day at 4:00 p.m. on that day.

2. Applicants propose that the Fund will price Interests tendered for redemption at the close of business on the Redemption Payment Date, which will be no less frequently than one day each month. The Fund will redeem Interests on a given Redemption Payment Date only for redemptions requested on or before the close of business (generally 4:00 p.m. Eastern time) on the redemption pricing date (which will be the Redemption Payment Date). Applicants assert that their proposal does not raise the concern of ''backward pricing'' because shares will be priced only after a tender for redemption is received. Applicants state that the Fund's pricing timeline will be clearly disclosed and is consistent with the Act because it will treat all investors equally and not dilute non-redeeming shareholders' interests. In addition, all investors in the Fund will be Qualified Purchasers, who are capable of

[6] Applicants are not seeking comfort and acknowledge that the Commission is providing no opinion on whether the Access Allocation Procedures meet the standards applicable under the Act or the Advisers Act.

[7] Applicants state that the Chinese authorities may reduce or revoke a QFII's quota if the QFII does not invest the full amount of its quota over a phase-in period, or, in certain cases, if it repatriates its investments below the quota amount.

[8] Under Chinese regulations, repatriation will be available after an initial three-month lock-up period, during which the Fund will not be able to repatriate proceeds, but would be able to buy and sell different China A Shares without restrictions. After the lock-up period, repatriation may occur once a week, with the total amount repatriated by the Fund in any month limited to no more than 20% of the Fund's net asset value (''NAV'') as of the end of the prior year. The regulations do not currently require the repatriation to take place on the same day each week.

understanding the risks presented by the Fund's redemption policy.

3. Section 22(e) of the Act provides that a registered investment company may not suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of the security to the company. Applicants state that the Redemption Payment Date, which will be no less frequent than one day each month, may be more than seven days from the time that a shareholder of a Series tenders Interests to the Series. Thus, Applicants are requesting relief from section 22(e) to permit the Fund and its Series to pay redemption proceeds more than seven days from the tender of such Interests.

4. Applicants state that the primary purpose of section 22(e) is to address the abusive practices of early open-end companies that claimed that their securities were redeemable, only to then institute barriers to redemption. Applicants represent that the Fund's policies will not raise the possibility of such abuses. The Fund's redemption policy will be a fundamental policy changeable only by a majority vote of its shareholders and the approval of the Commission or its staff. Applicants undertake to disclose the Fund's redemption policy on the cover page of its offering memorandum and in any marketing materials, and to refrain from holding itself out as a ''mutual fund.'' Most importantly, the Fund will limit its investors to Qualified Purchasers, who are highly sophisticated investors capable of understanding the Fund's redemption policy and its associated risks.

5. In 1992, the Commission proposed rule 22e–3 under the Act that set forth an ''extended payment fund'' structure similar to that proposed for the Fund. The Commission's proposal was designed to permit a registered investment company that could both offer redeemable securities and invest in assets, including less liquid foreign securities, that did not meet the seven-day liquidity standard for traditional open-end funds. Under proposed rule 22e–3, an open-end fund could make payment upon redemption of its securities up to 31 days after tender of the securities to the fund at NAV determined on the next redemption pricing date following the tender, provided that: (a) The fund did so pursuant to a fundamental policy, setting forth the number of days between a tender and the next redemption pricing and payment dates, changeable only with approval of a majority of the fund's outstanding voting securities; (b) at least 85% of the fund's assets consisted of assets that either (i) may be sold in the ordinary course of business at approximately the price used to compute the fund's NAV, within the period between the tender and the next redemption payment date, or (ii) mature by the next redemption payment date; and (c) the fund does not hold itself out to investors as a mutual fund. Applicants assert that the Fund will comply with requirements that are designed to achieve the same goals, but which account for the repatriation restrictions discussed above.

6. Section 6(c) of the Act permits the Commission to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies of the Act. Applicants believe that the relief is appropriate because the Fund can provide a convenient and cost-effective means of obtaining tailored exposure to China A Shares for investing Matthews Funds, Other Funds and separate accounts. Applicants also believe that the requested relief is consistent with the protection of investors because shares of the Fund will be available only to Qualified Purchasers. Finally, Applicants state that the relief is consistent with the purposes intended by the policies of the Act because, as discussed above, it does not raise the concerns addressed by section 22(e) of the Act and rule 22c–1 under the Act.

B. Section 8(b)(1)(E) of the Act

1. Section 8(b)(1)(E) of the Act provides that every registered investment company shall file with the Commission a recital of its policy in respect of concentrating investments in a particular industry or group of industries. Form N–1A implements the section 8(b) requirement to disclose a fund's concentration policy: Instruction 4 to Item 9 of Form N–1A requires a fund to ''[d]isclose any policy to concentrate in securities of issuers in a particular industry or group of industries (i.e., investing more than 25% of a fund's net assets in a particular industry or group of industries).'' Applicants state that the Commission's staff has taken the position that statements of concentration policy pursuant to which registrants reserve the right to concentrate in particular industries without limitation if deemed advisable and in the best interests of the shareholders do not comply with section 8(b)(1). Applicants assert that the primary purposes of the industry concentration test include preventing a fund's investment adviser from inappropriately concentrating a fund's investments contrary to investor expectations and from reserving freedom of action to concentrate the fund's investments, which may not provide investors with sufficient clarity to form expectations about concentration.

2. Applicants state that the application of section 8(b)(1)(E) at the Series level imposes a barrier to the efficient operation of the Series when conducting otherwise routine portfolio changes, contrary to the expectations of Matthews Fund or Other Fund shareholders. For a Series with a limited number of holdings, routine portfolio changes could frequently result in a Series ''concentrating'' its investments in different industries or groups of industries, using the Commission's 25% threshold for determining concentration, even though such Series' ''concentration'' would have little or no meaningful impact on the industry concentration of the investing Matthews Fund's or Other Fund's'overall portfolio. Applicants state that absent relief and assuming a policy to concentrate in the particular industry has not been disclosed in the Series' registration statement, any routine portfolio change that results in a Series ''concentrating'' its investments (measured solely at the Series' level) would need the approval of a majority of the outstanding voting securities of the Series in accordance with section 13 of the Act. Applicants submit that while a Series could obtain a shareholder vote every time it crossed the 25% ''concentration'' threshold since each Series will be owned by a client of the Adviser, this result would be unnecessary, cumbersome, and serve no policy objective.

3. Applicants propose that, due to the structure, nature and purpose of the Fund, each Series be exempt from section 8(b)(1)(E) and the requirement to disclose a policy of concentrating in a particular industry or group of industries. Applicants have proposed conditions that would require each Series to disclose that it does not have a concentration policy and that any registered investment company that invests in a Series will aggregate the Series' holdings with its own holdings for purposes of evaluating its concentration policy. Applicants state that an investor in a Matthews Fund should have expectations regarding the industry concentration of the portfolio taken as a whole of the Matthews Fund in which s/he has invested, and s/he is protected by the requirement that the

Matthews Fund disclose and adhere to its own concentration policy. Applicants submit that imposing an additional layer of concentration requirements on a Series would not serve an investor protection purpose. Accordingly, Applicants assert that granting the requested relief is warranted under the standards set forth in section 6(c) of the Act.

C. Section 12(d)(1) of the Act

1. Section 12(d)(1)(A) provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company, its principal underwriter or any broker or dealer may sell the company's securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock or cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(G) of the Act provides, in relevant part, that section 12(d)(1) will not apply to the securities of a registered open-end investment company purchased by another registered open-end investment company, if: (a) The acquiring company and the acquired company are part of the same group of investment companies; (b) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities and short-term paper; (c) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Securities Exchange Act of 1934 or by the Commission; and (d) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act. Applicants state that section 12(d)(1)(G) is unavailable largely due to the Other Funds not being ''registered'' under the Act; its unavailability is not due to any difference that relates to the policies supporting section 12(d)(1). Applicants further state that if the Other Funds were registered in the United States as open-end funds, they, like the Matthews Funds, would be entitled to rely on section 12(d)(1)(G) and the rules thereunder to invest in the Series, if they were part of the same ''group of investment companies,'' as defined in Section 12(d)(1)(G)(ii).

3. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of section 12(d)(1), if the exemption is consistent with the public interest and the protection of investors. Applicants seek an exemption under section 12(d)(1)(J) to permit the Other Funds to purchase Interests of Series which, as discussed herein, would result in an Other Fund owning 100% of the Interests of a particular Series.

4. Applicants state that the proposed arrangement will not raise the policy concerns underlying sections 12(d)(1)(A) and (B), including undue influence by a fund of funds over underlying funds, excessive layering of fees and overly complex fund structures. Accordingly, Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

5. Applicants contend that the proposed arrangement will not result in undue influence by an Other Fund over the Fund because, as manager of the Other Funds, the Adviser will act to prevent undue influence.

6. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. Applicants state that, among other protections described above, fee arrangements for the Series will be subject to review and approval by the Fund's Board, including its independent members, in accordance with Section 15(c) of the Act, and their impact on overall fees for the Adviser's client will be fully disclosed to the client. With respect to Other Funds that invest in the Fund, no sales load will be charged by the Fund. Other sales charges and service fees, as defined in NASD Conduct Rule 2830,[9] if any, will only be charged at the Fund level or at the Other Fund level, not both. With respect to other investments in the Fund, any sales charges and/or service fees charged with respect to shares of the Fund will not exceed the limits applicable to a fund of funds set forth in such Rule 2830.

7. Applicants contend that the proposed arrangement will not create an overly complex fund structure. Condition 10 provides that no Series of the Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits of section 12(d)(1)(A), except to the extent that such Series of the Fund acquires, or is deemed to have acquired, the securities pursuant to exemptive relief from the Commission permitting such Series of the Fund to (a) acquire securities of one or more affiliated investment companies or companies relying on section 3(c)(1) or 3(c)(7) for short-term cash management purposes, or (b) engage in interfund borrowing and lending transactions.

D. Section 17(a) of the Act

1. Section 17(a) of the Act generally prohibits purchases and sales of securities, on a principal basis, between a registered investment company and any affiliated person of the company, and affiliated persons of such persons. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include, among other things, any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the other's outstanding voting securities; any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote by the other person; any person directly or indirectly controlling, controlled by or under common control with the other person; and any investment adviser to an investment company. Applicants describe several bases of potential affiliation in the Application, and state that if the Other Funds and the Fund are deemed affiliates of each other, or even second-tier affiliates, the sale of Interests of the Fund to the Other Funds, and the redemption of such Interests by the Other Funds, could be prohibited under section 17(a) of the Act.

2. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, (b) the proposed transaction is consistent with the policies of each registered investment company involved, and (c) the proposed

[9] References to NASD Conduct Rule 2830 include any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

transaction is consistent with the general purposes of the Act.

3. Applicants seek an exemption under sections 6(c) and 17(b) to allow the proposed transactions. Applicants state that the transactions satisfy the standards for relief under sections 6(c) and 17(b). Specifically, Applicants state that the terms of the transactions are fair and reasonable and do not involve overreaching. Applicants note that the consideration paid and received for the sale and redemption of Interests of the Fund will be based on the NAV of the Fund and, no sales load will be charged by the Fund, and other sales charges and service fees, if any, will only be charged at the Fund level or the Other Fund level, but not both. In addition, Applicants represent that the proposed transactions will be consistent with the policies of each registered investment company involved, and the general purposes of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Fund's outstanding securities will be owned exclusively by persons who are Qualified Purchasers, as defined in section 2(a)(51) of the Act and the rules thereunder.

2. The Fund will adopt a fundamental policy, which may be changed only by a majority vote of the outstanding voting securities of the Fund and only upon approval by the Commission or its staff, that will specify the circumstances in which the Fund will redeem its Interests, such that the Fund (a) will pay redemptions no less frequently than on one day each month (each such day, a Redemption Payment Date), (b) will calculate its NAV applicable to a redemption request received in good order in accordance with procedures set forth in the Fund's prospectus as of the close of business on the next redemption pricing date and time following such redemption request, which will be on the same day as the Redemption Payment Date, and (c) will redeem Interests in a given month only for redemptions requested on or before the redemption pricing date and time for that Redemption Payment Date.

3. At least 85% of the assets of the Fund will consist of assets:

(a) That the Fund reasonably believes may be sold or disposed of in local currency in the ordinary course of business, at approximately the price used in computing the Fund's NAV, within seven days, or

(b) that mature by the next Redemption Payment Date.

4. The Board of the Fund, including a majority of the disinterested trustees, will adopt written procedures designed to ensure that the Fund will comply with the terms and conditions of the requested order. The Board will review these procedures at least annually and approve such changes as it deems necessary.

5. The Fund will not hold itself out as a ''mutual fund.'' The Fund will disclose its redemption policy on the cover page of its offering memorandum and in any marketing materials.

6. Each Series will disclose in its registration statement that it does not have a concentration policy regarding investments in any industry or group of industries.

7. Any registered investment company that invests in a Series will aggregate the Series' holdings with its own holdings for purposes of evaluating its concentration policy regarding investments in any industry or group of industries.

8. With respect to Other Funds that invest in the Fund, no sales load will be charged by the Fund. Other sales charges and service fees, as defined in NASD Conduct Rule 2830, if any, will only be charged at the Fund level or at the Other Fund level, not both. With respect to other investments in the Fund, any sales charges and/or service fees charged with respect to Interests of the Fund or its Series will not exceed the limits applicable to a fund of funds set forth in such Rule 2830.

9. The Adviser will be an investment adviser or manager to each series of the Matthews Funds, Other Fund, or separate account that invests in the Fund.

10. No Series of the Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that such Series of the Fund acquires, or is deemed to have acquired, the securities pursuant to exemptive relief from the Commission permitting such Series of the Fund to (a) acquire securities of one or more affiliated investment companies or companies relying on section 3(c)(1) or 3(c)(7) of the Act for short-term cash management purposes, or (b) engage in interfund borrowing and lending transactions.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09235 Filed 4–22–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31022; File No. 812–14261]

Elkhorn Securities, LLC and Elkhorn Unit Trust; Notice of Application

April 17, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 12(d)(1)(A), (B) and (C) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act.

SUMMARY: *Summary of the Application:* Applicants request an order that would permit certain series of a unit investment trust (''UIT'') registered under the Act to acquire shares of registered management investment companies and unit investment trusts or series thereof (the ''Funds'') both within and outside the same group of investment companies.

Applicants: Elkhorn Securities, LLC (the ''Depositor''), and Elkhorn Unit Trust (the ''Trust'').

DATED: *Filing Date:* The application was filed on January 9, 2014.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 12, 2014, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 207 Reber Street, Suite 201, Wheaton, Illinois 60187.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the

application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a UIT registered under the Act.[1] Each Series will be a series of a Trust and will offer units for sale to the public (''Units''). Each Series will be created pursuant to a trust agreement which will incorporate by reference a master trust agreement between the Depositor and a financial institution that satisfies the criteria in section 26(a) of the Act (the ''Trustee''). The Depositor has filed to be a broker dealer registered under the Securities Exchange Act of 1934 and is member of the Financial Industry Regulatory Authority, Inc. (''FINRA'').

2. Applicants request relief to permit a Series to invest in registered investment companies or series thereof (''Funds'') that are (a) part of the same ''group of investment companies'' (as that term is defined in section 12(d)(1)(G) of the Act) as the Series (''Affiliated Funds''), and (b) not part of the same group of investment companies as the Series (''Unaffiliated Funds''). Each of the Funds will be registered as a closed-end management investment company (''Closed-end Fund''), an open-end management investment company (''Open-end Fund'') or a UIT. An Unaffiliated Fund that is a UIT is referred to as an ''Unaffiliated Underlying Trust.'' An Unaffiliated Fund that is a Closed-end Fund or Open-end Fund is referred to as an ''Unaffiliated Underlying Fund.'' Certain of the Funds may be registered as Open-end Funds or UITs, but have received exemptive relief in order that their shares may be traded at ''negotiated prices'' on a national securities exchange in the same manner as other equity securities (the ''Exchange-traded Funds''). Shares of Exchange-traded Funds and Closed-end Funds will be deposited in a Series at prices which are based on the market value of the securities, as determined by an evaluator. The Depositor does not have discretion as to when portfolio securities of a Series will be sold, except that the Depositor is authorized to sell securities in extremely limited circumstances described in the Series' prospectus.

3. Applicants state that the requested relief will provide investors with a practical, cost-efficient means of investing in a professionally selected, diversified portfolio of securities of investment companies. Each Series may also make investments in securities that are not issued by registered investment companies.

Applicants' Legal Analysis

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the value of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter and any broker or dealer (''Broker'') from selling the shares of the investment company to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally. Section 12(d)(1)(C) prohibits an investment company, other investment companies having the same investment adviser, and companies controlled by such investment companies, from acquiring more than 10% of the outstanding voting stock of a registered closed-end investment company.

2. Section 12(d)(1)(G) provides, in relevant part, that section 12(d)(1) will not apply to securities of a registered open-end investment company or UIT acquired by a registered UIT if the acquired company and the acquiring company are part of the same group of investment companies, provided that certain other requirements contained in section 12(d)(1)(G) are met, including that the only other investments held by the acquiring company are government securities and short-term paper. Applicants state that they may not rely on section 12(d)(1)(G) because a Series will invest in Unaffiliated Funds and securities other than government securities and short-term paper in addition to Affiliated Funds.

3. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants seek an exemption under section 12(d)(1)(J) to permit a Series to purchase or otherwise acquire shares of the Funds in excess of the percentage limitations of sections 12(d)(1)(A) and (C), and the Open-end Funds, their principal underwriters and any Broker to sell their shares to the Series in excess of the percentage limitations of section 12(d)(1)(B).

4. Applicants state that the proposed arrangement will not give rise to the policy concerns underlying sections 12(d)(1)(A), (B), and (C), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees, and overly complex fund structures. Accordingly, Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

5. Applicants state that the concern about undue control does not arise with respect to a Series' investment in Affiliated Funds, as reflected in section 12(d)(1)(G) of the Act. Applicants also state that the proposed arrangement will not result in undue influence by a Series or its affiliates over Unaffiliated Funds. Applicants have agreed that (a) the Depositor, (b) any person controlling, controlled by or under common control with the Depositor, and (c) any investment company and any issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, sponsored or advised by the Depositor (or any person controlling, controlled by or under common control with the Depositor) (collectively, the ''Group'') will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning section 2(a)(9) of the Act. Applicants also note that conditions 2, 3, 5 and 6 set forth below will address the concern about undue influence with respect to the Unaffiliated Funds.

6. As an additional assurance that an Unaffiliated Underlying Fund understands the implications of an investment by a Series under the requested order, prior to a Series' investment in the Unaffiliated Underlying Fund in excess of the limit in section 12(d)(1)(A)(i), the Series and the Unaffiliated Underlying Fund will execute an agreement stating, without limitation, that the Depositor and Trustee and the board of directors or

[1] Applicants request that the order also extend to future registered UITs sponsored by the Depositor or an entity controlling, controlled by or under common control with the Depositor and their respective series (the future UITs, together with the Trust, are collectively the ''Trusts'' and the series of the Trusts are the ''Series''). All existing entities that currently intend to rely on the requested order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

trustees to the Unaffiliated Underlying Fund and the investment adviser(s) to the Unaffiliated Underlying Fund, understand the terms and conditions of the order and agree to fulfill their responsibilities under the order (''Participation Agreement''). Applicants note that an Unaffiliated Underlying Fund, including a Closed-end Fund or an Exchange-traded Fund, may choose to reject an investment from the Series by declining to execute the Participation Agreement.

7. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. Applicants state that any sales charges and/or service fees, as those terms are defined in Rule 2830 of the Conduct Rules of the NASD, Inc. (''NASD Conduct Rules''),[2] charged with respect to Units of a Series will not exceed the limits applicable to a fund of funds as set forth in Rule 2830 of the NASD Conduct Rules.[3] In addition, the Trustee or Depositor will waive fees otherwise payable to it by a Series in an amount at least equal to any compensation (including fees paid pursuant to any plan adopted by an Unaffiliated Underlying Fund under rule 12b–1 under the Act) received from an Unaffiliated Fund by the Trustee or Depositor, or an affiliated person of the Trustee or Depositor, other than any advisory fees paid to the Trustee or Depositor or its affiliated person by an Unaffiliated Underlying Fund, in connection with the investment by the Series in the Unaffiliated Fund.

8. Applicants state that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A), except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes. Applicants also represent that a Series' prospectus and sales literature will contain concise, ''plain English'' disclosure designed to inform investors of the unique characteristics of the trust of funds structure, including, but not limited to, its expense structure and the additional expenses of investing in Funds.

B. Section 17(a)

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second-tier affiliate''), acting as principal, from selling any security or other property to or acquiring any security or other property from the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person; and (c) any person directly or indirectly controlling, controlled by, or under common control with the other person.

2. Applicants state that a Series and an Affiliated Fund might be deemed to be under the common control of the Depositor or an entity controlling, controlled by, or under common control with the Depositor. Applicants also state that a Series and a Fund might become ''affiliated persons'' if the Series acquires more than 5% of the Fund's outstanding voting securities. The sale or redemption by a Fund of its shares to or from a Series therefore could be deemed to be a principal transaction prohibited by Section 17(a) of the Act.[4]

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any person or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants submit that the proposed transactions satisfy the standards for relief under sections 17(b) and 6(c) of the Act. Applicants state that the terms of the proposed transactions are fair and reasonable and do not involve overreaching. Applicants note that the consideration paid for the sale and redemption of shares of the Open-end Funds and Funds that are UITs will be based on the net asset values of the Funds. Finally, applicants state that the proposed transactions will be consistent with the policies of each Series and Fund, and with the general purposes of the Act.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. The members of the Group will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of an Unaffiliated Fund, the Group, in the aggregate, becomes a holder of more than 25% of the outstanding voting securities of the Unaffiliated Fund, the Group will vote its shares of the Unaffiliated Fund in the same proportion as the vote of all other holders of the Unaffiliated Fund's shares.

2. No Series or its Depositor, promoter, principal underwriter, or any person controlling, controlled by, or under common control with any of those entities (each, a ''Series Affiliate'') will cause any existing or potential investment by the Series in an Unaffiliated Fund to influence the terms of any services or transactions between the Series or Series Affiliate and the Unaffiliated Fund or its investment adviser(s), sponsor, promoter, principal underwriter, or any person controlling, controlled by, or under common control with any of those entities.

3. Once an investment by a Series in the securities of an Unaffiliated Underlying Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the board of directors or trustees of the Unaffiliated Underlying Fund, including a majority of the disinterested board members, will determine that any consideration paid by the Unaffiliated Underlying Fund to the Series or Series Affiliate in connection with any services

[2] Any references to NASD Conduct Rule 2830 include any successor or replacement rule to Conduct Rule 2830 that may be adopted by FINRA.

[3] With respect to purchasing Closed-end Funds or Exchange-traded Fund shares, a Series may incur the customary brokerage commissions associated with purchasing any equity security on the secondary market.

[4] To the extent purchases and sales of shares of an Exchange-traded Fund occur in the secondary market (and not through principal transactions directly between a Series and an Exchange-traded Fund), relief from section 17(a) would not be necessary. The requested relief is intended to cover, however, transactions directly between Exchange-traded Funds and a Series. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where an Exchange-traded Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Series because the investment adviser to the Exchange-traded Fund or an entity controlling, controlled by or under common control with the investment adviser is also a depositor to the Series. In addition, the request for relief does not cover principal transactions with Closed-end Funds.

or transactions: (a) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Unaffiliated Underlying Fund; (b) is within the range of consideration that the Unaffiliated Underlying Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (c) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between an Unaffiliated Underlying Fund and its investment adviser(s), or any person controlling, controlled by, or under common control with such investment adviser(s).

4. The Trustee or Depositor will waive fees otherwise payable to it by the Series, in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Underlying Fund under rule 12b–1 under the Act) received from an Unaffiliated Fund by the Trustee or Depositor, or an affiliated person of the Trustee or Depositor, other than any advisory fees paid to the Trustee or Depositor or its affiliated person by an Unaffiliated Underlying Fund, in connection with the investment by a Series in the Unaffiliated Fund.

5. No Series or Series Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Underlying Fund or sponsor to an Unaffiliated Underlying Trust) will cause an Unaffiliated Fund to purchase a security in an offering of securities during the existence of any underwriting or selling syndicate of which a principal underwriter is the Depositor or a person of which the Depositor is an affiliated person (each, an ''Underwriting Affiliate,'' except any person whose relationship to the Unaffiliated Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate). An offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate is an ''Affiliated Underwriting.''

6. The board of an Unaffiliated Underlying Fund, including a majority of the disinterested board members, will adopt procedures reasonably designed to monitor any purchases of securities by the Unaffiliated Underlying Fund in an Affiliated Underwriting once an investment by a Series in the securities of the Unaffiliated Underlying Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The board of the Unaffiliated Underlying Fund will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Series in the Unaffiliated Underlying Fund. The board of the Unaffiliated Underlying Fund will consider, among other things: (a) Whether the purchases were consistent with the investment objectives and policies of the Unaffiliated Underlying Fund; (b) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (c) whether the amount of securities purchased by the Unaffiliated Underlying Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The board of the Unaffiliated Underlying Fund will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interests of shareholders.

7. An Unaffiliated Underlying Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by a Series in the securities of the Unaffiliated Underlying Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the determinations of the board of the Unaffiliated Underlying Fund were made.

8. Before investing in an Unaffiliated Underlying Fund in excess of the limit in section 12(d)(1)(A)(i), each Series and the Unaffiliated Underlying Fund will execute a Participation Agreement stating, without limitation, that the Depositor and Trustee, and the board of directors or trustees of the Unaffiliated Underlying Fund and the investment adviser(s) to the Unaffiliated Underlying Fund, understand the terms and conditions of the order and agree to fulfill their responsibilities under the order. At the time of its investment in shares of an Unaffiliated Underlying Fund in excess of the limit in section 12(d)(1)(A)(i), a Series will notify the Unaffiliated Underlying Fund of the investment. At such time, the Series also will transmit to the Unaffiliated Underlying Fund a list of the names of each Series Affiliate and Underwriting Affiliate. The Series will notify the Unaffiliated Underlying Fund of any changes to the list of names as soon as reasonably practicable after a change occurs. The Unaffiliated Underlying Fund and the Series will maintain and preserve a copy of the order, the Participation Agreement, and the list with any updated information for the duration of the investment, and for a period not less than six years thereafter, the first two years in an easily accessible place.

9. Any sales charges and/or service fees charged with respect to Units of a Series will not exceed the limits applicable to a fund of funds as set forth in Rule 2830 of the NASD Conduct Rules.

10. No Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09237 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31021; File No. 812–13597]

Vanguard Admiral Funds, *et al.;* Notice of Application

April 17, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order pursuant to (a) section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the

Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

SUMMARY: *Summary of the Application:* Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

Applicants: Vanguard Admiral Funds, Vanguard Bond Index Funds, Vanguard California Tax-Free Funds, Vanguard Charlotte Funds, Vanguard Chester Funds, Vanguard CMT Funds, Vanguard Convertible Securities Fund, Vanguard Explorer Fund, Vanguard Fenway Funds, Vanguard Fixed Income Securities Funds, Vanguard Florida Tax-Free Funds, Vanguard Horizon Funds, Vanguard Index Funds, Vanguard Institutional Index Funds, Vanguard International Equity Index Funds, Vanguard Malvern Funds, Vanguard Massachusetts Tax-Exempt Funds, Vanguard Money Market Reserves, Vanguard Montgomery Funds, Vanguard Morgan Growth Fund, Vanguard Municipal Bond Funds, Vanguard New Jersey Tax-Free Funds, Vanguard New York Tax-Free Funds, Vanguard Ohio Tax-Free Funds, Vanguard Pennsylvania Tax-Free Funds, Vanguard Quantitative Funds, Vanguard Scottsdale Funds, Vanguard Specialized Funds, Vanguard STAR Funds, Vanguard Tax-Managed Funds, Vanguard Trustees' Equity Fund, Vanguard Valley Forge Funds, Vanguard Variable Insurance Funds, Vanguard Wellesley Income Fund, Vanguard Wellington Fund, Vanguard Whitehall Funds, Vanguard Windsor Funds, Vanguard World Fund (each, a ''Trust,'' and collectively, the ''Trusts''), and The Vanguard Group, Inc. (''Vanguard'').

DATES: *Filing Dates:* The application was filed on November 3, 2008, and amended on August 4, 2009, June 9, 2011, October 11, 2012, May 29, 2013, and January 28, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 12, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: P.O. Box 2600, V26, Valley Forge, PA 19482.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826 or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. Each Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. Each Trust consists of one or more series (''Funds''). Certain of the Funds hold themselves out as money market funds in reliance on rule 2a–7 under the Act (the ''Money Market Funds''). Vanguard, a Pennsylvania corporation, is registered as an investment adviser under the Investment Advisers Act of 1940, as amended (''Advisers Act''), and as a transfer agent under the Securities Exchange Act of 1934, as amended. Vanguard is wholly and jointly owned by 35 investment companies (including each Trust except for Vanguard CMT Funds and Vanguard Institutional Index Funds). Vanguard provides each of the Funds with corporate management, administrative, transfer agency, and, in some cases, investment advisory services.[1]

2. At any particular time, while some Funds are entering into repurchase agreements or investing cash balances in Money Market Funds or other short-term instruments, other Funds may need to borrow money for temporary purposes to satisfy redemption requests, to cover unanticipated cash shortfalls such as a trade ''fail'' in which cash payment for a security sold by a Fund has been delayed, or for other temporary purposes. Presently, the Funds have access to uncommitted bank loans from their custodian banks, for temporary purposes. These loans are available at the custodian bank's discretion in the amounts that the bank chooses to make available at the time of the loan.

3. If a Fund borrows from its custodian bank, it normally pays interest on the loan at a rate that is higher than the rate that is earned by other (non-borrowing) Funds on investments in repurchase agreements, Money Market Funds, and other short-term instruments of the same maturity as the bank loan. Applicants assert that this differential represents the profit earned by the lender on loans and is not attributable to any material difference in the credit quality or risk of such transactions.

4. The Trusts seek to enter into master interfund lending agreements (''Interfund Lending Agreements'') with each other on behalf of the Funds that would permit each Fund to lend money directly to and borrow directly from other Funds through a credit facility for temporary purposes (an ''Interfund Loan''). Money Market Funds typically will not participate as borrowers in the proposed credit facility. Applicants state that the proposed credit facility would both reduce the Funds' potential borrowing costs and enhance the ability of the lending Funds to earn higher rates of interest on their short-term lendings. Although the proposed credit facility would reduce the Funds' need to borrow from banks, the Funds would be free to establish and maintain committed lines of credit or other borrowing arrangements with unaffiliated banks.

5. Applicants anticipate that the proposed credit facility would provide a borrowing Fund with significant savings at times when the cash position of the borrowing Fund is insufficient to meet temporary cash requirements. This situation could arise when shareholder redemptions exceed anticipated volumes and certain Funds have insufficient cash on hand to satisfy such redemptions. When the Funds liquidate portfolio securities to meet redemption requests, they often do not receive payment in settlement for up to three days (or longer for certain foreign transactions). However, redemption requests normally are effected immediately. The proposed credit facility would provide a source of immediate, short-term liquidity pending

[1] Applicants request that the relief also apply to any existing or future series of the Trusts and any future registered open-end management investment company or series thereof that: (i) Obtains corporate management, administrative and transfer agency services and/or investment advisory services from Vanguard; and (ii) is part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act, as the Trusts (each, a ''Fund''). All entities that currently intend to rely on the requested order have been named as applicants. Any other entity that relies on the requested order in the future will comply with the terms and conditions set forth in the application.

settlement of the sale of portfolio securities.

6. Applicants also anticipate that a Fund could use the proposed credit facility when a sale of securities ''fails'' due to circumstances beyond the Fund's control, such as a delay in the delivery of cash to the Fund's custodian or improper delivery instructions by the broker effecting the transaction. ''Sales fails'' may present a cash shortfall if the Fund has undertaken to purchase a security using the proceeds from securities sold. Alternatively, the Fund could ''fail'' on its intended purchase due to lack of funds from the previous sale, resulting in additional cost to the Fund, or sell a security on a same-day settlement basis, earning a lower return on the investment. Use of the proposed credit facility under these circumstances would enable the Fund to have access to immediate short-term liquidity.

7. While bank borrowings generally could supply needed cash to cover unanticipated redemptions and sales fails, under the proposed credit facility, a borrowing Fund would pay lower interest rates than those that would be payable under short-term loans offered by banks. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or money market funds. Thus, applicants assert that the proposed credit facility would benefit both borrowing and lending Funds.

8. The interest rate to be charged to the Funds on any Interfund Loan (the ''Interfund Loan Rate'') would be the average of the ''Repo Rate'' and the ''Bank Loan Rate,'' both as defined below. The Repo Rate for any day would be the highest or best (after giving effect to factors such as the credit quality of the counterparty) rate available to a lending Fund from investment in overnight repurchase agreements with counterparties approved by Vanguard. The Bank Loan Rate for any day would be calculated by Vanguard's Fund Financial Services Department (as defined below) each day an Interfund Loan is made according to a formula established by each Fund's board of trustees (the ''Trustees'') intended to approximate the lowest interest rate at which bank short-term loans would be available to the Funds. The formula would be based upon a publicly available rate (*e.g.,* federal funds plus 25 basis points) and would vary with this rate so as to reflect changing bank loan rates. The initial formula and any subsequent modifications to the formula would be subject to the approval of each Fund's Trustees. In addition, each Fund's Trustees would periodically review the continuing appropriateness of using the formula to determine the Bank Loan Rate, as well as the relationship between the Bank Loan Rate and current bank loan rates that would be available to the Funds.

9. The proposed credit facility would be administered by the officers and employees of Vanguard's Fund Financial Services Department (the ''Fund Financial Services Department''), which Applicants state is responsible for, among other things, projecting Fund available cash balances on any given day, reporting such information to Fund portfolio managers, ensuring accurate calculation of Fund net asset values, and preparing Fund financial statements and other reports. No portfolio manager of any Fund will serve in the Fund Financial Services Department.

10. The Fund Financial Services Department on each business day would collect data on the uninvested cash and borrowing requirements of all participating Funds.[2] Once it had determined the aggregate amount of cash available for loans and borrowing demand, the Fund Financial Services Department would allocate loans among borrowing Funds without any further communication from the portfolio managers of the Funds. Applicants anticipate that there typically will be far more available uninvested cash each day than borrowing demand. Therefore, after the Fund Financial Services Department has allocated cash for Interfund Loans, the Fund Financial Services Department will invest any remaining cash in accordance with the standing instructions of the portfolio managers or such remaining amounts will be invested directly by the portfolio managers of the Funds.

11. Applicants state that the Fund Financial Services Department would allocate borrowing demand and cash available for lending among the Funds on what the Fund Financial Services Department believes to be an equitable basis, subject to certain administrative procedures applicable to all Funds, such as the time of filing requests to participate, minimum loan lot sizes, and the need to minimize the number of transactions and associated administrative costs. To reduce transaction costs, each loan normally would be allocated in a manner intended to minimize the number of participants necessary to complete the loan transaction. The method of allocation and related administrative procedures would be approved by each Fund's Trustees, including a majority of Trustees who are not ''interested persons'' of the Fund, as that term is defined in section 2(a)(19) of the Act (''Independent Trustees''), to ensure that both borrowing and lending Funds participate on an equitable basis.

12. The Fund Financial Services Department would: (a) Monitor the Interfund Loan Rate and the other terms and conditions of the loans; (b) limit the borrowings and loans entered into by each Fund to ensure that they comply with the Fund's investment policies and limitations; (c) ensure equitable treatment of each Fund; and (d) make quarterly reports to the Trustees concerning any transactions by the Funds under the proposed credit facility and the Interfund Loan Rate charged.

13. Vanguard, through the Fund Financial Services Department, would administer the proposed credit facility as a disinterested fiduciary as part of its duties under the relevant management or service agreement with each Fund and would receive no additional fee as compensation for its services in connection with the administration of the proposed credit facility. No investment adviser to a Fund will collect any pricing, record keeping, bookkeeping or accounting fees associated with the transfer of cash and/or securities in connection with the transactions effected through the proposed credit facility.

14. No Fund may participate in the proposed credit facility unless: (a) The Fund has obtained shareholder approval for its participation, if such approval is required by law; (b) the Fund has fully disclosed all material information concerning the credit facility in its prospectus and/or statement of additional information; and (c) the Fund's participation in the credit facility is consistent with its investment objectives, limitations and organizational documents.

15. In connection with the credit facility, applicants request an order under section 6(c) of the Act exempting them from the provisions of sections 18(f) and 21(b) of the Act; under section 12(d)(1)(J) of the Act exempting them from section 12(d)(1) of the Act; under sections 6(c) and 17(b) of the Act exempting them from sections 17(a)(1), 17(a)(2), and 17(a)(3) of the Act; and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Applicants' Legal Analysis

1. Section 17(a)(3) of the Act generally prohibits any affiliated person of a

[2] Under the proposed credit facility, the portfolio managers for each participating Fund could provide standing instructions to participate daily as a borrower or lender.

registered investment company, or affiliated person of an affiliated person, from borrowing money or other property from the registered investment company. Section 21(b) of the Act generally prohibits any registered management company from lending money or other property to any person, directly or indirectly, if that person controls or is under common control with that company. Section 2(a)(3)(C) of the Act defines an ''affiliated person'' of another person, in part, to be any person directly or indirectly controlling, controlled by, or under common control with, such other person. Section 2(a)(9) of the Act defines ''control'' as the ''power to exercise a controlling influence over the management or policies of a company,'' but excludes circumstances in which ''such power is solely the result of an official position with such company.'' Applicants state that the Funds may be under common control by virtue of having common Trustees and officers.

2. Section 6(c) of the Act provides that an exemptive order may be granted where an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) provided that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of the investment company as recited in its registration statement and with the general purposes of the Act. Applicants believe that the proposed arrangements satisfy these standards for the reasons discussed below.

3. Applicants assert that sections 17(a)(3) and 21(b) of the Act were intended to prevent a party with strong potential adverse interests to, and some influence over the investment decisions of, a registered investment company from causing or inducing the investment company to engage in lending transactions that unfairly inure to the benefit of such party and that are detrimental to the best interests of the investment company and its shareholders. Applicants assert that the proposed credit facility transactions do not raise these concerns because: (a) Vanguard, through the Fund Financial Services Department, would administer the program as a disinterested fiduciary as part of its duties under the relevant management or service agreement with each Fund; (b) all Interfund Loans would consist only of uninvested cash reserves that the lending Fund otherwise would invest in short-term repurchase agreements or other short-term instruments either directly or through a money market fund; (c) the Interfund Loans would not involve a significantly greater risk than such other investments; (d) the lending Fund would receive interest at a rate higher than it could otherwise obtain through such other investments; and (e) the borrowing Fund would pay interest at a rate lower than otherwise available to it under its bank loan agreements and avoid some up-front commitment fees associated with committed lines of credit. Moreover, applicants assert that the other terms and conditions that applicants propose also would effectively preclude the possibility of any Fund obtaining an undue advantage over any other Fund.

4. Section 17(a)(1) of the Act generally prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling securities or other property to the investment company. Section 17(a)(2) of the Act generally prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from purchasing securities or other property from the investment company. Section 12(d)(1) of the Act generally prohibits a registered investment company from purchasing or otherwise acquiring any security issued by any other investment company except in accordance with the limitations set forth in that section.

5. Applicants state that the obligation of a borrowing Fund to repay an Interfund Loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1). Applicants also state that any pledge of assets in connection with an Interfund Loan could be construed as a purchase of the borrowing Fund's securities or other property for purposes of section 17(a)(2) of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt persons or transactions from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors. Applicants contend that the standards under sections 6(c), 17(b), and 12(d)(1)(J) are satisfied for all the reasons set forth above in support of their request for relief from sections 17(a)(3) and 21(b) and for the reasons discussed below. Applicants also state that the requested relief from section 17(a)(2) of the Act meets the standards of section 6(c) and 17(b) because any collateral pledged to secure an Interfund Loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).

6. Applicants state that section 12(d)(1) was intended to prevent the pyramiding of investment companies in order to avoid imposing on investors additional and duplicative costs and fees attendant upon multiple layers of investments. Applicants submit that the proposed credit facility does not involve these abuses. Applicants note that there will be no duplicative costs or fees to the Funds or their shareholders, and that Vanguard will receive no additional compensation for its services in administering the credit facility. Applicants also note that the purpose of the proposed credit facility is to provide economic benefits for all the participating Funds and their shareholders.

7. Section 18(f)(1) of the Act prohibits open-end investment companies from issuing any senior security except that a company is permitted to borrow from any bank, provided, that immediately after the borrowing, there is asset coverage of at least 300 per centum for all borrowings of the company. Under section 18(g) of the Act, the term ''senior security'' generally includes any bond, debenture, note or similar obligation or instrument constituting a security and evidencing indebtedness. Applicants request exemptive relief under section 6(c) from section 18(f)(1) to the limited extent necessary to implement the proposed credit facility (because the lending Funds are not banks).

8. Applicants believe that granting relief under section 6(c) is appropriate because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a Fund, including combined interfund and bank borrowings, have at least 300% asset coverage. Based on the conditions and safeguards described in the application, applicants also submit that to allow the Funds to borrow from other Funds pursuant to the proposed credit facility is consistent with the purposes and policies of section 18(f)(1).

9. Section 17(d) of the Act and rule 17d–1 under the Act generally prohibit an affiliated person of a registered investment company, or any affiliated person of such a person, when acting as principal, from effecting any joint transaction in which the investment company participates, unless, upon application, the transaction has been approved by the Commission. Rule 17d–

1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

10. Applicants assert that the purpose of section 17(d) is to avoid overreaching by and unfair advantage to insiders. Applicants assert that the proposed credit facility is consistent with the provisions, policies and purposes of the Act in that it offers both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and their shareholders. Applicants note that each Fund would have an equal opportunity to borrow and lend on equal terms consistent with its investment policies and fundamental investment limitations. Applicants assert that each Fund's participation in the proposed credit facility would be on terms that are no different from or less advantageous than that of other participating Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Interfund Loan Rate will be the average of the Repo Rate and the Bank Loan Rate.

2. On each business day, the Fund Financial Services Department will compare the Bank Loan Rate with the Repo Rate and will make cash available for Interfund Loans only if the Interfund Loan Rate is: (a) More favorable to the lending Fund than the Repo Rate and, if applicable, the yield of any money market fund in which the lending Fund could otherwise invest; and (b) more favorable to the borrowing Fund than the Bank Loan Rate.

3. If a Fund has outstanding bank borrowings, any Interfund Loans to the Fund: (a) Will be at an interest rate equal to or lower than the interest rate of any outstanding bank loan; (b) will be secured at least on an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding bank loan that requires collateral; (c) will have a maturity no longer than any outstanding bank loan (and in any event not over seven days); and (d) will provide that, if an event of default by the Fund occurs under any agreement evidencing an outstanding bank loan to the Fund, that event of default will automatically (without need for action or notice by the lending Fund) constitute an immediate event of default under the Interfund Lending Agreement entitling the lending Fund to call the Interfund Loan (and exercise all rights with respect to any collateral) and that such call will be made if the lending bank exercises its right to call its loan under its agreement with the borrowing Fund.

4. A Fund may make an unsecured borrowing through the proposed credit facility if its outstanding borrowings from all sources immediately after the interfund borrowing total 10% or less of its total assets, provided that if the Fund has a secured loan outstanding from any other lender, including but not limited to another Fund, the Fund's interfund borrowing will be secured on at least an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding loan that requires collateral. If a Fund's total outstanding borrowings immediately after an interfund borrowing would be greater than 10% of its total assets, the Fund may borrow through the proposed credit facility only on a secured basis. A Fund may not borrow through the proposed credit facility or from any other source if its total outstanding borrowings immediately after such borrowing would be more than 33⅓% of its total assets.

5. Before any Fund that has outstanding interfund borrowings may, through additional borrowings, cause its outstanding borrowings from all sources to exceed 10% of its total assets, the Fund must first secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan. If the total outstanding borrowings of a Fund with outstanding Interfund Loans exceed 10% of its total assets for any other reason (such as a decline in net asset value or because of shareholder redemptions), the Fund will within one business day thereafter: (a) Repay all of its outstanding Interfund Loans; (b) reduce its outstanding indebtedness to 10% or less of its total assets; or (c) secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan until the Fund's total outstanding borrowings cease to exceed 10% of its total assets, at which time the collateral called for by this condition 5 shall no longer be required. Until each Interfund Loan that is outstanding at any time that a Fund's total outstanding borrowings exceed 10% is repaid or the Fund's total outstanding borrowings cease to exceed 10% of its total assets, the Fund will mark the value of the collateral to market each day and will pledge such additional collateral as is necessary to maintain the market value of the collateral that secures each outstanding Interfund Loan at least equal to 102% of the outstanding principal value of the Interfund Loan.

6. No Fund may lend to another Fund through the proposed credit facility if the loan would cause its aggregate outstanding loans through the proposed credit facility to exceed 15% of the lending Fund's current net assets at the time of the loan.

7. A Fund's Interfund Loans to any one Fund shall not exceed 5% of the lending Fund's net assets.

8. The duration of Interfund Loans will be limited to the time required to receive payment for securities sold, but in no event more than seven days. Loans effected within seven days of each other will be treated as separate loan transactions for purposes of this condition.

9. A Fund's borrowings through the proposed credit facility, as measured on the day when the most recent loan was made, will not exceed the greater of 125% of the Fund's total net cash redemptions for the preceding seven calendar days or 102% of the Fund's sales fails for the preceding seven calendar days.

10. Each Interfund Loan may be called on one business day's notice by a lending Fund and may be repaid on any day by a borrowing Fund.

11. A Fund's participation in the proposed credit facility must be consistent with its investment objectives and limitations and organizational documents.

12. The Fund Financial Services Department will calculate total Fund borrowing and lending demand through the proposed credit facility, and allocate loans on an equitable basis among the Funds, without the intervention of any portfolio manager of the Funds. The Fund Financial Services Department will not solicit cash for the proposed credit facility from any Fund or prospectively publish or disseminate loan demand data to portfolio managers. The Fund Financial Services Department will invest any amounts remaining after satisfaction of borrowing demand in accordance with the standing instructions of the portfolio managers or such remaining amounts will be invested directly by the portfolio managers of the Funds.

13. The Fund Financial Services Department will monitor the Interfund Loan Rate and the other terms and conditions of the Interfund Loans and will make a quarterly report to the Trustees of each Fund concerning the

participation of the Funds in the proposed credit facility and the terms and other conditions of any extensions of credit under the credit facility.

14. The Trustees of each Fund, including a majority of the Independent Trustees, will:

(a) review, no less frequently than quarterly, the Fund's participation in the proposed credit facility during the preceding quarter for compliance with the conditions of any order permitting such transactions;

(b) establish the Bank Loan Rate formula used to determine the interest rate on Interfund Loans and review, no less frequently than annually, the continuing appropriateness of the Bank Loan Rate formula; and

(c) review, no less frequently than annually, the continuing appropriateness of the Fund's participation in the proposed credit facility.

15. In the event an Interfund Loan is not paid according to its terms and such default is not cured within two business days from its maturity or from the time the lending Fund makes a demand for payment under the provisions of the Interfund Lending Agreement, Vanguard will promptly refer such loan for arbitration to an independent arbitrator selected by the Trustees of each Fund involved in the loan who will serve as arbitrator of disputes concerning Interfund Loans.[3] The arbitrator will resolve any problem promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit, at least annually, a written report to the Trustees setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any transaction by it under the proposed credit facility occurred, the first two years in an easily accessible place, written records of all such transactions setting forth a description of the terms of the transactions, including the amount, the maturity and the Interfund Loan Rate, the rate of interest available at the time each Interfund Loan is made on overnight repurchase agreements and commercial bank borrowings, the yield of any money market fund in which the lending Fund could otherwise invest, and such other information presented to the Fund's Trustees in connection with the review required by conditions 13 and 14.

17. The Fund Financial Services Department will prepare and submit to the Trustees for review an initial report describing the operations of the proposed credit facility and the procedures to be implemented to ensure that all Funds are treated fairly. After the commencement of the proposed credit facility, the Fund Financial Services Department will report on the operations of the proposed credit facility at the Trustees' meetings on a quarterly basis.

Each Fund's chief compliance officer, as defined in rule 38a–1(a)(4) under the Act, shall prepare an annual report for its Trustees each year that the Fund participates in the proposed credit facility, that evaluates the Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance. Each Fund's chief compliance officer will also annually file a certification pursuant to Item 77Q3 of Form N–SAR as such Form may be revised, amended or superseded from time to time, for each year that the Fund participates in the proposed credit facility, that certifies that the Fund, and Vanguard have established procedures reasonably designed to achieve compliance with the terms and conditions of the order. In particular, such certification will address procedures designed to achieve the following objectives:

(a) that the Interfund Loan Rate will be higher than the Repo Rate, and, if applicable, the yield of the money market funds, but lower than the Bank Loan Rate;

(b) compliance with the collateral requirements as set forth in the application;

(c) compliance with the percentage limitations on interfund borrowing and lending;

(d) allocation of interfund borrowing and lending demand in an equitable manner and in accordance with procedures established by the Trustees; and

(e) that the Interfund Loan Rate does not exceed the interest rate on any third party borrowings of a borrowing Fund at the time of the Interfund Loan.

Additionally, each Fund's independent public accountants, in connection with their audit examination of the Fund, will review the operation of the proposed credit facility for compliance with the conditions of the application and their review will form the basis, in part, of the auditor's report on internal accounting controls in Form N–SAR.

18. No Fund will participate in the proposed credit facility upon receipt of requisite regulatory approval unless it has fully disclosed in its prospectus and/or statement of additional information all material facts about its intended participation.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09236 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[3] If the dispute involves Funds with different Trustees, the respective Trustees of each Fund will select an independent arbitrator that is satisfactory to each Fund.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31019; File No.813–336]

UBS AG, et al.; Notice of Application

April 17, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') exempting the applicants from all provisions of the Act, except section 9 and sections 36 through 53, and the rules and regulations under the Act. With respect to sections 17 and 30 of the Act, and the rules and regulations thereunder, and rule 38a–1 under the Act, the exemption would be limited as set forth in the application.

Summary of Application: Applicants request an order to exempt certain investment vehicles (''Funds'') formed for the benefit of key employees of UBS AG (''UBS'') and its affiliates from certain provisions of the Act. Each Fund will be an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act.

Applicants: UBS, UBS IB Co-Investment 2001 Limited Partnership (''CLP1'') and UBS IB Co-Investment 2001 (No. 1) Feeder L.P. (''Feeder L.P.'').

DATES: *Filing Dates:* The application was filed on July 6, 2001, and amended on January 9, 2004, May 8, 2008, November 20, 2012 and January 22, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 12, 2014, and should be accompanied by proof of service on applicants, in the form of an

affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants, 677 Washington Boulevard, Stamford, CT 06901.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 551–6870, or David P. Bartels, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling 202–551–8090.

Applicants' Representations

1. UBS is a bank established under the laws of Switzerland that offers a range of financial services including private banking, asset management and investment banking services.

2. UBS has organized CLP1, a Cayman Island limited partnership, and Feeder L.P., a Delaware limited partnership, as the Initial Funds. UBS intends to organize additional Funds from time to time for the benefit of highly compensated current and former employees, officers and directors of UBS and its affiliates (as defined in rule 12b–2 under the Securities Exchange Act of 1934 (the ''Exchange Act'')) (collectively, the ''UBS Group'') who have been approved to purchase interests by UBS (''Eligible Employees''). Each Fund will be an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act and will operate as a closed-end, management investment company, which may be diversified or nondiversified. Applicants state that the Funds are designed primarily to create capital appreciation opportunities that are competitive with those at other financial services firms and to facilitate the recruitment and retention of high caliber professionals. Applicants assert that participation by Eligible Employees in the Funds may allow them to diversify their investments or to participate in investments that might not otherwise be available to them or that might be beyond their individual means. The investment objectives and policies for each Fund may vary from Fund to Fund, and participation in a Fund will be voluntary.

3. Applicants state that each Fund will be organized as a limited partnership, a limited liability company, a corporation, or another appropriate entity, in each case organized under the laws of a state of the United States or of a jurisdiction outside the United States. Applicants state that, because a large portion of Eligible Employees reside outside of the United States, applicants expect that most, if not all, of the Funds will be organized under the laws of jurisdictions outside of the United States for various tax, regulatory, and other reasons.[1]

4. Each Fund will be managed, operated and controlled by a general partner that is controlled, directly or indirectly, by UBS (a ''General Partner'').[2] Applicants state that the General Partner will be responsible for the overall management of each Fund and will have the authority to make all decisions regarding the acquisition, management and disposition of Fund investments. The executive officers and directors of the General Partner or of any entity controlling the General Partner will be employees of UBS Group, a majority of whom will be eligible to invest in the Fund. Applicants state that the General Partner may delegate all management responsibilities, including responsibility for investment decisions in respect of the Fund, to UBS or another entity that is part of the UBS Group as investment manager (the ''Investment Manager''). The General Partner or Investment Manager will register as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''), if required under applicable law.[3] Whenever UBS, the General Partner or any other person acting for or on behalf of a Fund is required or permitted to make a decision, take or approve an action, or omit to do any of the foregoing in such person's discretion, such person will act in the best interest of the Fund and its security holders and will exercise such discretion in accordance with reasonableness and good faith and any fiduciary duties owed to the Fund and its security holders.

5. The Investment Manager may, from time to time, be presented with investment opportunities by one or more investment advisers (''Investment Advisers'') that are engaged by the Investment Manager that may be affiliated or not affiliated with UBS (any such non-affiliated Investment Adviser being referred to as an ''Outside Investment Adviser''). If the Investment Manager elects to enter into any side-by-side investment with a party that is not a member of the UBS Group, the Investment Manager will be permitted to engage as an Investment Adviser the Outside Investment Adviser responsible for the management of such side-by-side investment. In each of the foregoing cases, however, all decisions with respect to the purchase, holding or disposition of investments by each Fund will be made by either the General Partner or the Investment Manager alone, and not by any Investment Adviser.

6. Interests in the Funds (''Interests'') will be offered without registration in reliance on section 4(a)(2) of the Securities Act of 1933 (the ''Securities Act''), or Regulation D under the Securities Act, and will be sold only to Qualified Participants, as defined below, and members of the UBS Group.[4] The term ''Qualified Participant'' means: (a) Eligible Employees, (b) spouses, parents, children, spouses of children, brothers, sisters and grandchildren of Eligible Employees (''Qualified Family Members'') and (c) trusts or other investment vehicles established solely for the benefit of Eligible Employees or Qualified Family Members (''Qualified Investment Vehicles'').

7. An Eligible Employee must be either (a) an ''accredited investor'' as defined in rule 501(a)(6) or 501(a)(5) of Regulation D under the Securities Act (an ''Accredited Investor'') or (b) one of not more than 35 employees of the UBS Group who meets the salary and other requirements as described below (''Other Investors''). Each Other Investor

[1] Applicants state that, for tax, regulatory or other reasons, a Fund organized for employees residing in a particular country may have different terms than other Funds organized for employees residing in other countries, and Funds that are organized at different times are likely to have different terms. However, no organizational document for, or any other contractual arrangement regarding, a Fund will contain any provision that protects or purports to protect UBS AG, the General Partner or their delegates against any liability with respect to the Fund or its security holders to which such person would otherwise be subject by reason of willful malfeasance, bad faith, or gross negligence in the performance of such person's duties, or by reason of such person's reckless disregard of such person's obligations and duties under such contract or organizational documents. Moreover, all Funds will be subject to, and comply with, the terms and conditions of the application.

[2] If a form of organization other than a limited partnership is used, the functions of the General Partner will be performed by a corresponding entity or governing body.

[3] Applicants acknowledge that no relief in respect of such determination is requested.

[4] Any member of the UBS Group that acquires Interests will be an ''accredited investor,'' as defined in rule 501(a) of Regulation D under the 1933 Act.

will, at the time of investment in a Fund, (x) be a ''knowledgeable employee,'' as defined in rule 3c–5 under the Act, of such Fund (with the Fund treated as though it were a ''Covered Company'' for purposes of such rule) or (y) have (i) a graduate degree in business, law or accounting, (ii) a minimum of five years of consulting, investment banking, legal or similar business experience and (iii) a reportable income from all sources in the two calendar years immediately preceding their participation of at least $100,000 and a reasonable expectation of income from all sources of at least $140,000 per year in each year in which the person invests in a Fund. An Other Investor qualifying under (y) above will not be permitted to invest in any year more than 10% of such person's income from all sources for the immediately preceding year in the aggregate in a Fund and in all other Funds in which that Other Investor has previously invested. A Qualified Family Member who purchases an Interest must be an Accredited Investor.

8. An Eligible Employee or a Qualified Family Member may purchase an Interest through a Qualified Investment Vehicle only if either (a) such investment vehicle is an ''accredited investor,'' as defined in rule 501(a) of Regulation D under the Securities Act or (b) such Eligible Employee or Qualified Family Member is a settlor and principal investment decision-maker with respect to such investment vehicle. Prior to offering Interests to an Eligible Employee or Qualified Family Member, UBS must reasonably believe that such individual has such knowledge, sophistication and experience in business and financial matters to be capable of evaluating the merits and risks of participating in the Fund, is able to bear the economic risk of such investment and is able to afford a complete loss of such investment.

9. Applicants represent that the material terms of investment in a Fund, including without limitation, the terms and conditions of any and all transfers of Interests in any Fund, will be fully disclosed to each Qualified Participant and member of the UBS Group when Interests are offered to that person. The specific investment objectives and strategies for a particular Fund will be set forth in a private placement memorandum relating to the Interests offered by a Fund. In connection with an investment in a Fund, each Qualified Participant and member of the UBS Group will receive the private placement memorandum, form of application and the limited partnership agreement (or other constitutive document) of the Fund. Each Fund will send its investors (''Investors'') annual reports, which will contain audited financial statements, as soon as practicable after the end of each fiscal year.[5] In addition, as soon as practicable after the end of each tax year of a Fund, a report will be transmitted to each Investor setting forth such tax information as shall be necessary for the preparation by the Investor of his or her federal tax returns.

10. Interests in a Fund will not be transferable by an Investor except with the prior written consent of UBS or a Fund's General Partner and then only to Qualified Participants or to members of the UBS Group. Applicants expect that interests in the Funds will generally not be redeemable at the option of an Investor (except on liquidation of a Fund) but state that it is possible that one or more Funds may offer Interests with certain redemption rights. With respect to certain Funds, UBS may have the right, but not the obligation, to repurchase or cancel the Interest of an Eligible Employee who ceases to be an employee, officer or director of any member of the UBS Group for any reason. Upon repurchase or cancellation, such Investor's Interest will be purchased by the General Partner for cash in an amount at least equal to the lesser of (a) the amount of such Investor's capital contributions less prior distributions from the Fund (plus interest, as determined by UBS) or (b) the value of the Interest, as determined by UBS in good faith as of the date of termination. For other Funds, UBS AG may be permitted to exercise this right only under particular circumstances, such as if an employee resigns to join a competitor of the UBS Group, or not at all.

11. UBS may establish one or more deferred compensation plans in connection with the Funds. Applicants state that Eligible Employees may be able to defer compensation and receive a return on such deferred compensation determined by reference to the performance of a Fund. The deferred compensation plans and/or an Eligible Employee's interest in such plans: (a) Will be subject to the applicable terms and conditions of the application;[6] (b) will only be offered to Eligible Employees who are current employees, officers or directors of the UBS Group; (c) will have restrictions on transferability, including prohibitions on assignment or transfer except in the event of the Eligible Employee's death or as otherwise required by law; and (d) will provide information to participants equivalent to that provided to investors and prospective investors in the corresponding Fund, including, without limitation, disclosure documents and audited financial information.

12. The General Partner or Investment Manager of a Fund may charge the Fund an annual management fee, a flat administrative charge or an expense reimbursement, but will not charge a carried interest. Any expense reimbursement may cover out-of-pocket expenses of the General Partner or Investment Manager, including allocable portions of the salaries of UBS Group employees who work on the Funds' affairs. Directors or officers of the General Partner or Investment Manager, or of any entity controlling the General Partner or Investment Manager, may also be compensated for their services to the General Partner or Investment Manager, including reimbursement for out-of-pocket expenses. A Fund will not pay both a fee to the General Partner of the Fund and a fee to the Investment Manager of the Fund for providing the same services or bearing the same expenses. An Investment Adviser to the Investment Manager may charge the Fund an advisory fee; however, such advisory fee will not be duplicative of any fees paid to the General Partner. No fee of any kind will be charged in connection with the sale of Interests.

13. If a Fund becomes a limited partner or otherwise holds an interest in an investment fund organized or managed by the UBS Group in which affiliated third parties also are limited partners or otherwise hold interests (a ''Client Fund''), the Fund may be obligated to pay a pro rata share of any fees (including carried interest) charged to the unaffiliated limited partners or interest holders of such Client Fund. A Fund may also invest in funds managed or advised by an Outside Investment Adviser, which may be entitled to fees (including carried interest) from the Fund. In all such cases, the Fund will enter into commercially reasonable arm's length arrangements with respect to the payment of the fees, and the potential for payment of any such

[5] For the purposes of the application, ''audit'' has the meaning provided in rule 1–02(d) of Regulation S–X.

[6] For purposes of this application, a Fund will be deemed to be formed with respect to each deferred compensation plan and each reference to ''Fund,'' ''capital contribution,'' ''General Partners,'' ''Investor,'' ''loans'' or ''leverage'' and ''Interest'' in this application will be deemed to refer to the deferred compensation plan, the notional capital contribution to the deferred compensation plan, the UBS Group, a participant of the deferred compensation plan, notional loans or leverage and participation rights in the deferred compensation plan, respectively.

management fees or carried interest will be fully described in the applicable offering documents.

14. Subject to the terms of the applicable limited partnership agreement (or other constitutive documents), a Fund will be permitted to enter into transactions involving (a) a UBS Group entity, (b) a Client Fund or other portfolio company, (c) any Investor or any person or entity affiliated with an Investor, or (d) any partner or other investor in any entity in which a Fund invests. These transactions may include a Fund's purchase or sale of an investment or an interest from or to any UBS Group entity or Client Fund, acting as principal. Prior to entering into these transactions, the General Partner (or the Investment Manager, to whom the General Partner may delegate this responsibility) must determine that the terms are fair to Investors.

15. A Fund will not invest more than 15% of its assets in securities issued by registered investment companies except for temporary investments in money market funds. A Fund will not acquire any security issued by a registered investment company if, immediately after the acquisition, the Fund will own more than 3% of the outstanding voting stock of the registered investment company. Applicants state that a Fund may also invest in Client Funds that are not registered under the Act by virtue of section 3(c)(1) or section 3(c)(7) of the Act.[7]

16. Members of the UBS Group and/or unaffiliated third parties may make loans to Funds and/or to Investors in connection with their purchase of Interests, provided that a Fund will not borrow from any person if the borrowing would cause any person not named in section 2(a)(13) of the Act to own outstanding securities of the Fund (other than short-term paper). Members of the UBS Group may also make preferred capital contributions to the Funds. In connection with any leverage of the Fund or preferred capital contributions, Eligible Employees will not have any personal liability in excess of the amounts payable under their respective subscription agreements for the repayment of the loan or preferred capital contribution, including in the event that, upon liquidation of the Fund, the assets of the Fund are insufficient to permit the Fund to repay such loan preferred capital contribution in full. Any leverage or preferred capital contributions will bear interest at a rate no less favorable to a Fund or its Investors than that could be obtained on an arm's length basis. The terms of any leverage or preferred capital contribution provided by any member of the UBS Group (or third party lender) will be described in the applicable private placement memorandum and partnership agreement (or other constitutive documents) as appropriate.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides, in part, that the Commission will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 6(b) provides that the Commission will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons who will own and control the company's voting securities, evidences of indebtedness and other securities, the prices at which securities issued by the company will be sold and any applicable sales load, the disposition of the proceeds of the securities issued by the company, the character of securities in which those proceeds will be invested, and any relationship between the company and the issuers of the securities. Section 2(a)(13) defines an employees' securities company, in relevant part, as any investment company all of whose securities are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers, together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the Commission, will be applicable to the company and other persons dealing with the company as though the company were registered under the Act. Applicants request an order under sections 6(b) and 6(e) of the Act exempting the Funds from all provisions of the Act, except section 9 and sections 36 through 53 of the Act, and the rules and regulations thereunder. With respect to sections 17 and 30 of the Act, and the rules and regulations thereunder, and rule 38a–1 under the Act, the exception is limited as set forth in the application.

3. Section 17(a) generally prohibits any affiliated person of a registered investment company, or any affiliated person of that person, acting as principal, from knowingly selling or purchasing any security or other property to or from the company. Applicants request an exemption from section 17(a) to permit: (a) A member of the UBS Group or a Client Fund, acting as principal, to engage in any transaction directly or indirectly with any Fund or entity controlled by such Fund; (b) a Fund to invest in or engage in any transaction with any entity, acting as principal (i) in which such Fund, any company controlled by such Fund, or any entity within the UBS Group or a Client Fund has invested or will invest or (ii) with which such Fund, any company controlled by such Fund or any entity within the UBS Group or a Client Fund is or will otherwise become affiliated; and (c) a partner or other investor in any entity in which a Fund invests, acting as principal, to engage in transactions directly or indirectly with the related Fund or any company controlled by such Fund.

4. Applicants state that an exemption from section 17(a) is consistent with the protection of investors and the purposes of the Funds. Applicants state that the Investors in each Fund will be informed of the possible extent of the Fund's dealings with the UBS Group and of the potential conflicts of interest that may exist. Applicants also assert that the community of interest among the Investors and UBS Group will serve to reduce any risk of abuse in transactions involving a Fund and the UBS Group. Applicants represent that the requested relief will not extend to any transaction between a Fund and an Outside Investment Adviser or an affiliated person of the Outside Investment Adviser, or between a Fund and who is not a member of the UBS Group or an employee, officer or director of a member of the UBS Group and is an affiliated person of the Fund as defined in section 2(a)(3)(E) of the Act (''Advisory Person'') or any affiliated person of such person.

5. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person of a registered investment company, or any affiliated person of an affiliated person, acting as principal, from participating in any joint enterprise, or other joint arrangement, unless approved by the Commission. Applicants request relief to permit affiliated persons of each Fund, or affiliated persons of such persons, to

[7] Applicants are not requesting any exemption from any provision of the Act or any rule thereunder that may govern a Fund's eligibility to invest in a Client Fund relying on section 3(c)(1) or 3(c)(7) of the Act or a Client Fund's status under the Act.

participate in any joint arrangement in which the Fund or an entity controlled by the Fund is a participant. Applicants acknowledge that the requested relief will not extend to any transaction in which an Outside Investment Adviser or an Advisory Person, or an affiliated person of either, has an interest.

6. Applicants assert that compliance with section 17(d) could cause a Fund to forego investment simply because an affiliate of the Fund has made, or is contemplating making, the same investment. Applicants also submit that the types of investment opportunities considered by a Fund often require each investor to make funds available in an amount that may be substantially greater than what a Fund may make available on its own. Applicants state that the possibility that permitting co-investments by an affiliated person or an affiliated person of an affiliated person might lead to less advantageous treatment of the Fund is minimal in light of (a) the UBS Group's intention in establishing a Fund so as to reward Eligible Employees and to attract and retain highly qualified personnel, (b) the UBS Group's capital contributions to the Funds, and (c) the fact that a majority of the directors of the General Partner or Investment Manager or of the entity controlling the General Partner or Investment Manager may themselves invest in the Fund.

7. Applicants believe that the interests of the Eligible Employees participating in a Fund will be adequately protected in situations where condition 3 in the application does not apply. Applicants state that a Fund may co-invest with an investment fund or separate account, organized for the benefit of investors who are not affiliated with the UBS Group, over which a member of the UBS Group exercises investment discretion (a ''Third-Party Fund''). Applicants assert that, in structuring a Third-Party Fund, it is common for unaffiliated investors of such fund to require that the UBS Group invest its own capital in fund investments, either through the fund or on a side-by-side basis, and that such UBS Group investment be subject to substantially the same terms as those applicable to the fund's investment. Applicants state that it is important to the UBS Group that the interests of the Third-Party Fund take priority over the interests of the Funds, and that the activities of the Third-Party Fund not be burdened or otherwise affected by the activities of the Funds. In addition, applicants contend that the relationship of a Fund to a Third-Party Fund, in the context of this application, is fundamentally different from such Fund's relationship to the UBS Group. Applicants assert that the focus of, and the rationale for, the protections contained in condition 3 are to protect the Funds from any overreaching by the UBS Group in the employer/employee context, whereas the same concerns are not present with respect to the Funds vis-à-vis the investors of a Third-Party Fund.

8. Section 17(e) of the Act and rule 17e–1 under the Act limit the compensation an affiliated person may receive when acting as agent or broker for a registered investment company. Applicants request an exemption from section 17(e) to permit a UBS Group member (including the General Partner) acting as agent or broker, to receive placement fees, financial advisory fees or other compensation in connection with the purchase or sale by a Fund of securities, subject to the requirement that placement fees, financial advisory fees or other compensation is deemed ''usual and customary.'' Applicants state that for the purposes of the application, fees and other compensation that is being charged or received by the UBS Group entity will be deemed ''usual and customary'' only if (a) the Fund is purchasing or selling securities with other unaffiliated third parties, (b) the fees or compensation being charged to the Fund are also being charged to the unaffiliated third parties, and (c) the amount of securities being purchased or sold by the Fund does not exceed 50% of the total amount of securities being purchased or sold by the Fund and unaffiliated third parties.

9. Applicants assert that compliance with section 17(e) would prevent a Fund from participating in a transaction in which a member of the UBS Group does not, for other business reasons, wish a Fund to be treated in a more favorable manner (in terms of lower fees) than unaffiliated third parties also participating in the transaction. Applicants assert that the concerns of overreaching and abuse that section 17(e) and rule 17e–1 were designed to prevent are alleviated by the conditions that ensure that fees or other compensation paid to members of the UBS Group are the same as those negotiated at arm's length with unaffiliated third parties, and the unaffiliated third parties have as great or greater interest as the Fund in the transaction as a whole.

10. Rule 17e–1(b) requires that a majority of directors who are not ''interested persons'' (as defined by section 2(a)(19) of the Act) take actions and make approvals regarding commissions, fees, or other remuneration. Applicants request an exemption from rule 17e–1 to the extent necessary to permit each Fund to comply with the rule without having a majority of the directors of the General Partner who are not interested persons take actions and make determinations as set forth in paragraph (b) of the rule. Applicants state that because all of the directors of a General Partner will be affiliated persons, without the relief requested, a Fund could not comply with rule 17e–1. Applicants state that each Fund will comply with rule 17e–1(b) by having a majority of the directors of the General Partner take actions and make approvals as set forth in rule 17e–1. Applicants state that each Fund will otherwise comply with the requirements of rule 17e–1.

11. Section 17(f) designates the entities that may act as investment company custodians, and rule 17f–1 imposes certain requirements when the custodian is a member of a national securities exchange. Applicants request an exemption from section 17(f) and rule 17f–1(a) to the extent necessary to permit a member of the UBS Group to act as custodian for a Fund without a written contract. Applicants also request an exemption from the rule 17f–1(b)(4) requirement that an independent accountant periodically verify the assets held by the custodian . Applicants further request an exemption from rule 17f–1(c)'s requirement of transmitting to the Commission a copy of any contract executed pursuant to rule 17f–1. Applicants believe that, because of the community of interest of all of the parties involved and the requirement to provide annual audited financial reports, compliance with these requirements would be unnecessary. Applicants state that they will comply with rule 17f–1(d), provided that ratification by the General Partner of any Fund will be deemed to be ratification by a majority of a board of directors. Applicants state that they will comply with all other requirements of rule 17f–1.

12. Section 17(g) and rule 17g–1 generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not interested persons take certain actions and give certain approvals relating to fidelity bonding. Applicants request relief to the extent necessary to permit the General Partner's officers and directors, who may be deemed to be interested persons, to take the actions and make the determinations set forth in the rule. Applicants also request an exemption from the requirements of paragraph (g) of rule 17g–1 relating to the filing of copies of fidelity bonds and

related information with the Commission and the provision of notices to the board of directors, and paragraph (h) of rule 17g–1 relating to the appointment of a person to make the filings and provide the notices required by paragraph (g). Applicants state that, because all the directors of the General Partner will be affiliated persons, a Fund could not comply with rule 17g–1 without the requested relief. Each Fund will comply with rule 17g–1 by having a majority of the General Partner's directors take actions and make determinations as set forth in rule 17g–1. Applicants also state that the Funds will comply with all other requirements of rule 17g–1.

13. Section 17(j) and paragraph (b) of rule 17j–1 make it unlawful for certain enumerated persons to engage in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j–1 also requires that every registered investment company adopt a written code of ethics and that every access person of a registered investment company report personal securities transactions. Applicants request an exemption from the provisions of rule 17j–1, except for the antifraud provisions of paragraph (b), asserting that these provisions are unnecessarily burdensome because of the community of interest among the Investors. The relief requested will only extend to members of the UBS Group and is not requested with respect to any Outside Investment Adviser or Advisory Person.

14. Applicants request an exemption from the requirements in sections 30(a), 30(b) and 30(e), and the rules under those sections, that registered investment companies prepare and file with the Commission and mail to their shareholders certain periodic reports and financial statements. Applicants contend that the forms prescribed by the Commission for periodic reports have little relevance to the Funds and would entail administrative and legal costs that outweigh any benefit to the Investors. Applicants request exemptive relief to the extent necessary to permit each Fund to report annually to its Investors. Applicants also request an exemption from section 30(h) to the extent necessary to exempt the General Partner of each Fund and any other person who may be deemed to be a member of an advisory board of a Fund from filing Forms 3, 4, and 5 under section 16(a) of the Exchange Act with respect to their ownership of Interests in a Fund. Applicants assert that, because there will be no trading market and the transfers of Interests will be severely restricted, these filings are unnecessary for the protection of investors and burdensome to those required to make them.

15. Rule 38a–1 requires investment companies to adopt, implement and periodically review written policies and procedures reasonably designed to prevent violation of the federal securities laws, appoint a chief compliance officer and maintain certain records. Applicants state that the Funds will comply with rule 38a–1(a), (c) and (d), except that (a) the board of directors of the General Partner of each Fund will fulfill the responsibilities assigned to the Fund's board of directors under the rule, (b) because all members of the board of directors of the General Partner would be considered interested persons of the Funds, approval by a majority of the disinterested directors required by rule 38a–1 would not be obtained, and (c) because the board of directors of the General Partner do not have any disinterested members, the Funds will comply with the requirement in rule 38a–1(a)(4)(iv) that the chief compliance officer meet with the independent directors by having the chief compliance officer meet with the board of directors of the General Partner as constituted. Applicants assert that, in view of the community of interest between the Funds and the General Partners and Investment Managers, there is no significant benefits to be gained from imposing the costs of compliance with the other aspects of the rule on the Funds.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction to which a Fund is a party otherwise prohibited by section 17(a) or section 17(d) of the Act and rule 17d–1 thereunder (the ''Section 17 Transactions'') will be effected only if the General Partner determines that: (a) The terms of the Section 17 Transaction, including the consideration to be paid or received, are fair and reasonable to the Investors and do not involve overreaching of the Fund or its Investors on the part of any person concerned; and (b) the Section 17 Transaction is consistent with the interests of the Investors, the Fund's organizational documents, and the Fund's reports to its Investors. In addition, the General Partner will record and preserve a description of the Section 17 Transactions, the General Partner's findings, the information or materials upon which the General Partner's findings are based, and the basis therefore. All such records will be maintained for the life of the Fund and at least six years thereafter, and will be subject to examination by the Commission and its staff. Each Fund will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

2. In connection with the Section 17 Transactions, the General Partner of each Fund will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, before the consummation of any such transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for the Funds, or any affiliated person of such a person, promoter, or principal underwriter.

3. The General Partner of each Fund will not invest the funds of the Funds in any investment in which an ''Affiliated Co-Investor'' (as defined below) has acquired or proposes to acquire the same class of securities of the same issuer, where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which the Fund and an Affiliated Co-Investor are participants, unless any such Affiliated Co-Investor, prior to disposing of all or part of its investment, (a) gives the General Partner sufficient, but not less than one day's notice, of its intent to dispose of its investment, and (b) refrains from disposing of its investment unless the Fund has the opportunity to dispose of the Fund's investment prior to or concurrently with, on the same terms as, and pro rata with the Affiliated Co-Investor. The term ''Affiliated Co-Investor'' with respect to a Fund means (a) an ''affiliated person,'' as such term is defined in section 2(a)(3) of the Act, of the Fund (other than a Third-Party Fund or a person that is an affiliated person of the Fund solely because of section 2(a)(3)(B) of the Act); (b) the UBS Group; (c) an officer or director of a member of the UBS Group; or (d) an entity (other than a Third-Party Fund) in which a member of the UBS Group acts as a general partner or has a similar capacity to control the sale or other disposition of an entity's securities. The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by an Affiliated Co-Investor: (a) to its direct or indirect wholly-owned subsidiary, to any company (a ''Parent'') of which the Affiliated Co-Investor is a direct or indirect wholly-owned subsidiary, or to a direct or indirect wholly-owned subsidiary of its Parent; (b) to immediate family

members of the Affiliated Co-Investor or a trust established for any Affiliated Co-Investor or any such family member; or (c) when the investment is comprised of securities that are (i) listed on any exchange registered as a national securities exchange under section 6 of the Exchange Act; (ii) national market system securities pursuant to section 11A(a)(2) of the Exchange Act and rule 11Aa2–1 thereunder; (iii) government securities as defined in section 2(a)(16) of the Act; or (iv) when the investment is comprised of securities that are listed on, or traded on, any foreign securities exchange or board of trade that satisfies regulatory requirements under the law of the jurisdiction in which such foreign securities exchange or board of trade is organized similar to those that apply to a national securities exchange or a national market system.

4. Each Fund and its General Partner will maintain and preserve, for the life of each such Fund and at least six years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the audited financial statements that are to be provided to the Investors, and each annual report of the Fund required to be sent to the Investors, and agree that all such records will be subject to examination by the Commission and its staff. Each Fund will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

5. The General Partner of each Fund will send to each Investor who had an Interest in the Fund, at any time during the fiscal year then ended, Fund financial statements that have been audited by independent accountants. At the end of each fiscal year, the General Partner will make a valuation or have a valuation made of all of the assets of the Fund as of such fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the Fund. In addition, within 90 days after the end of each fiscal year of each of the Funds or as soon as practicable thereafter, the General Partner of each Fund shall send a report to each person who was a Investor at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the Investor of his or her federal and state income tax returns and a report of the investment activities of the Fund during that year.

6. If purchases or sales are made by a Fund from or to an entity affiliated with the Fund solely by reason of a partner or employee of the UBS Group (a) serving as officer, director, general partner or investment adviser of the entity, or (b) having a 5% or more investment in such entity, such individual will not participate in the Fund's determination of whether or not to effect the purchase or sale.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71959; File No. SR–FINRA–2014–020]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Adopt FINRA Rule 2081 (Prohibited Conditions Relating to Expungement of Customer Dispute Information)

April 17, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 14, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to adopt FINRA Rule 2081 to prohibit member firms and associated persons from conditioning or seeking to condition settlement of a dispute with a customer on, or to otherwise compensate the customer for, the customer's agreement to consent to, or not to oppose, the firm's or associated person's request to expunge such customer dispute information from the Central Registration Depository (CRD®).

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org*, at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The CRD system is the central licensing and registration system for the U.S. securities industry and its regulators. In general, the information in the CRD system is submitted by registered securities firms and regulatory authorities in response to questions on the uniform registration forms. These forms collect administrative and disciplinary information about registered personnel, including customer complaints, arbitration claims, and court filings made by customers, and the arbitration awards or court judgments that may result from those claims or filings (*i.e.,* ''customer dispute information'').[3] FINRA, state and other regulators use this information in connection with their licensing and regulatory activities. Firms also use the information when making hiring decisions. In addition, the information that FINRA releases to the public through BrokerCheck® is derived from the CRD system.

Brokers who wish to have customer dispute information removed from the CRD system (and thereby, from BrokerCheck) because, for example, they believe that the allegations made against them are unfounded or that they have been incorrectly identified, must seek expungement pursuant to FINRA Rule 2080 (formerly NASD Rule 2130).[4] FINRA Rule 2080 provides that firms and associated persons seeking expungement of customer dispute information from the CRD system must

[3] *See Notice to Members* (''NTM'') 04–16 (March 2004).

[4] *See* Securities Exchange Act Release No. 48933 (December 16, 2003), 68 FR 74667 (December 24, 2003) (Order Approving File No. SR–NASD–2002–168). *See also* Securities Exchange Act Release No. 59987 (May 27, 2009), 74 FR 26902 (June 4, 2009) (Order Approving File No. SR–FINRA–2009–016).

obtain a court order that either directs expungement or confirms an arbitration award containing expungement relief. The Rule requires that firms and associated persons seeking such a court order or confirmation name FINRA as a party. Upon request, FINRA may waive the obligation to name it as a party if FINRA determines that the expungement relief is based on an affirmative judicial or arbitral finding that: (1) The claim, allegation or information is factually impossible or clearly erroneous; (2) the registered person was not involved in the alleged investment-related sales practice violation, forgery, theft, misappropriation or conversion of funds; or (3) the claim, allegation or information is false.[5]

FINRA has long had concerns about the practice of firms and associated persons conditioning settlement agreements for the purpose of obtaining expungement relief and, thereby, potentially removing from the CRD system information that helps protect investors. Over the years, FINRA has taken numerous steps towards addressing these concerns. For example, in proposing NASD Rule 2130, FINRA (then NASD) stated that the Rule's affirmative determination requirement imposed on arbitrators would reduce, if not eliminate, the risk of expunging information that is critical to investor protection and regulatory interests based on an agreement between the parties.[6] In NTM 04–43, FINRA cautioned firms and associated persons that negotiating settlements with customers in return for exculpatory affidavits that the firm or associated person knows or should know are false or misleading is a violation of FINRA Rules.[7]

In 2008, FINRA adopted FINRA Rule 12805 to require arbitrators to perform additional fact finding before recommending expungement of customer dispute information from the CRD system.[8] FINRA Rule 12805 requires arbitrators, among other things, to review settlement documents, the amount of payments made to any party, and any other terms and conditions of the settlement. In addition, FINRA Rule 12805 requires arbitrators to indicate in the award which of the grounds in FINRA Rule 2080 serves as the basis for their expungement recommendation and to provide a brief written explanation of the reasons for recommending expungement. FINRA believed that these requirements would address concerns about arbitrators recommending expungement under what might appear to be questionable facts and circumstances (*e.g.,* cases that include payment of significant monetary compensation to the customer).[9]

In 2013, because of FINRA's concerns about the high percentage of expungement recommendations made in connection with settled arbitration claims, FINRA sent to arbitrators and published on FINRA's Web site guidance (the ''Guidance'') stating that, in determining whether to recommend expungement relief in settled arbitration claims, arbitrators should inquire whether a party conditioned settlement on an agreement not to oppose a request for expungement relief.[10]

Proposal

Despite previous steps to discourage the practice of firms and associated persons conditioning settlement agreements for the purpose of obtaining expungement relief, FINRA continues to have concerns regarding such conduct. These concerns extend to any settlements involving customer disputes, not only to those related to arbitration claims. FINRA believes such agreements should be prohibited even if the customer offers not to oppose expungement as part of negotiating a settlement agreement. Further, FINRA believes that firms and associated persons should be prohibited from otherwise compensating customers in return for the customer's agreement not to oppose expungement of customer dispute information from the CRD system.

Accordingly, FINRA is proposing to adopt FINRA Rule 2081 to prohibit expressly such conduct. Specifically, FINRA Rule 2081 would provide that no member or associated person shall condition or seek to condition settlement of a dispute with a customer on, or to otherwise compensate the customer for, the customer's agreement to consent to, or not to oppose, the member's or associated person's request to expunge such customer dispute information from the CRD system.[11]

The proposal's prohibition would apply to both written and oral agreements. In addition, as indicated above, the proposal would apply to agreements entered into during the course of settlement negotiations, as well as to any agreements entered into separate from such negotiations. For example, the proposed rule change would preclude a firm or associated person from conditioning the settlement of a customer's claim on the customer's agreement to consent to, or not to oppose, the firm's or associated person's request for expungement. In addition, the proposed rule change would preclude a firm or associated person, following settlement of the underlying customer dispute, from compensating the customer in return for the customer not opposing the firm's or associated person's expungement request.

As an alternative to proposed FINRA Rule 2081, some industry representatives suggested that FINRA consider enhanced arbitrator training as a means of addressing concerns regarding the conditioning of settlement agreements for the purpose of obtaining expungement relief. Since adopting NASD Rule 2130 in 2004, FINRA has required all arbitrators to take a training course on expungement. Recently, FINRA significantly revised its arbitrator expungement training. The

[5] *See* FINRA Rule 2080(b)(1). While expungement of customer dispute information is an extraordinary measure, FINRA believes that it is nevertheless appropriate where the information being expunged meets one of the criteria specified in Rule 2080 and has no meaningful investor protection or regulatory value.

[6] *See* Letter from Shirley H. Weiss, Associate General Counsel, NASD, to Jonathan G. Katz, Secretary, SEC, dated September 11, 2003. *See also* Securities Exchange Act Release No. 48933 (December 16, 2003), 68 FR 74667 (December 24, 2003) (Order Approving File No. SR–NASD–2002–168).

[7] In addition, FINRA noted that ''[a]s a general matter, in connection with settling arbitration claims and/or other complaints, members may not engage in any conduct that impedes the ability of [FINRA] or any other securities industry regulator to investigate potential violations of [FINRA] rules or the securities laws. Such conditions would include . . . procuring, as a condition to settlement, affidavits or other statements from customers that falsely or misleadingly repudiate or otherwise contradict prior claims or complaints made by customers.'' *See* NTM 04–43 (June 2004).

[8] *See* Securities Exchange Act Release No. 58886 (October 30, 2008), 73 FR 66086 (November 6, 2008) (Order Approving File No. SR–FINRA–2008–010). In addition, FINRA adopted FINRA Rule 13805 to establish procedures that arbitrators must follow when considering requests for expungement relief in connection with intra-industry disputes. *See id.*

[9] *See* Securities Exchange Act Release No. 57572 (March 27, 2008), 73 FR 18308 (April 3, 2008) (Notice of Filing File No. SR–FINRA–2008–010).

[10] *See* Notice to Arbitrators and Parties on Expanded Expungement Guidance, available at *http://www.finra.org/arbitrationandmediation/arbitration/specialprocedures/expungement/.* Specifically, the Guidance states: ''Arbitrators should inquire and fully consider whether a party conditioned a settlement of the arbitration upon agreement not to oppose the request for expungement in cases in which the investor does not participate in the expungement hearing or the requesting party states that an investor has indicated that he or she will not oppose the expungement request.''

[11] The proposed rule change would not affect the processes relating to requests for expungement relief set forth in FINRA Rules 2080, 12805 and 13805. Thus, if an arbitration panel is considering the appropriateness of expungement in accordance with FINRA Rule 12805, a customer could express support for, or opposition to, the firm's or associated person's request for expungement as part of the recorded hearing session required by that Rule.

revised training became available on FINRA's Web site on February 28, 2014.[12] The revised training increases the emphasis on the importance of the information in the CRD system and BrokerCheck, and the arbitrator's critical role in maintaining the integrity of disclosure information contained in the system.[13] While FINRA recognizes the importance of arbitrator training in the expungement process, and anticipates that the revised training will further focus arbitrators' attention on the appropriate analysis associated with determining whether to recommend expungement, FINRA remains concerned about parties to a settlement agreement ''bargaining for'' expungement relief as a condition to settlement. The proposed rule change would directly address this concern by expressly prohibiting firms and associated persons from conditioning settlement agreements, or otherwise compensating customers, for the purpose of obtaining expungement relief.

FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no later than 30 days following publication of the *Regulatory Notice* announcing Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[14] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

As discussed above, the information in the CRD system is used by FINRA, state and other regulators in connection with their licensing and regulatory activities. Firms also use the information to help them make informed hiring decisions. In addition, the information that is provided to the public through FINRA BrokerCheck is derived from the CRD system. BrokerCheck is part of FINRA's ongoing effort to help investors make informed choices about member firms and associated persons with which investors may conduct business. Thus, it is critical to investor protection that the CRD system includes accurate and complete customer dispute information.[15]

In addition, FINRA has stated repeatedly that expungement is extraordinary relief that should be granted only when the expunged information is unfounded and has no meaningful regulatory or investor protection value.[16] Once information is expunged from the CRD system, it is permanently deleted and, therefore, no longer available to the investing public or regulators. By removing the ability of the parties to a customer dispute to ''bargain-for'' expungement relief as part of a settlement agreement, or otherwise, the proposed rule change would help ensure that information is expunged from the CRD system only when there is an independent judicial or arbitral decision that expungement is appropriate. Accordingly, the proposed rule change would also help maintain the integrity of the information in the CRD system.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA understands that altering the terms available as part of a settlement might impact the settlement itself. For example, some industry representatives have questioned whether the proposal would result in a reduction in the number of customer disputes that will settle, thereby potentially increasing the costs to all parties involved. Specifically, these representatives have raised concerns that some firms may choose not to settle because a customer claimant may subsequently oppose a request for expungement, notwithstanding settlement of the underlying customer dispute. Industry representatives also have questioned whether the proposal would result in a reduction in the size of settlements offered by firms and associated persons.

FINRA believes such impacts are likely to be small. Specifically, FINRA understands that some firms already prohibit the use of such conditions as part of their settlement agreements. These firms have indicated that such a practice has not substantially impacted their ability to reach settlement or affected the terms of their settlement agreements in material ways. Further, those firms that have already adopted this practice would bear no significant additional costs as a result of the proposed rule change.

Notwithstanding the concerns noted above, FINRA believes that parties to a settlement agreement should not be able to ''bargain for'' expungement relief as a condition to a settlement agreement, or otherwise. By prohibiting such conduct, the proposed rule change would help ensure that judicial and arbitral determinations regarding requests for expungement relief are based solely on the facts of the underlying customer dispute. In addition, the CRD system would more accurately reflect customer dispute information, permitting customers, potential customers, regulators, and firms to better assess an associated person's record.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[12] *See* FINRA Arbitrator Training Online Learning Courses, available at *http://www.finra.org/ArbitrationAndMediation/Arbitrators/Training/AdvancedTraining/P124939.* All arbitrator applicants must complete this training to become eligible to serve on arbitration cases.

[13] In addition, FINRA monitors the effectiveness of its training and guidance on an ongoing basis and makes additions or changes as necessary.

[14] 15 U.S.C. 78*o*–3(b)(6).

[15] FINRA routinely advises investors to check BrokerCheck before deciding to do business with a firm or associated person. *See, e.g.,* Working With Your Investment Professional, available at *http://www.finra.org/Investors/ProtectYourself/BeforeYouInvest/WorkingWithYourInvestmentProfessional/*; ''Phishing'' and Other Online Identity Theft Scams: Don't Take the Bait, available at *http://www.finra.org/Investors/ProtectYourself/InvestorAlerts/FraudsAndScams/P010734;* and Avoiding Investment Scams, available at *http://www.finra.org/Investors/ProtectYourself/InvestorAlerts/FraudsAndScams/P118010.*

[16] *See, e.g.,* NTM 01–65 (October 2001); Securities Exchange Act Release No. 47435 (March 4, 2003), 68 FR 11435 (March 10, 2003) (Notice of Filing File No. SR–NASD–2002–168); letter from Margo A. Hassan, FINRA, to Florence Harmon, Deputy Secretary, SEC, dated September 3, 2008; and the Guidance, *supra* note 10.

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–FINRA–2014–020 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–FINRA–2014–020. 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 FINRA. 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–FINRA–2014–020 and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09203 Filed 4–22–14; 8:45 am]

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[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71965; File No. SR–NYSEArca–2014–43]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 6.62 To Remove the Size Restriction on Contra-Party Participation on a Qualified Contingent Cross Order

April 17, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 14, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.62 (Certain Types of Orders Defined) to remove the size restriction on contra-party participation on a Qualified Contingent Cross Order (''QCC Order''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule filing is to amend [sic] 6.62 to remove the size restriction on contra-party participation on a QCC Order. The proposed rule change, which mirrors a recently adopted rule by the International Securities Exchange (''ISE'') [4], would expand the availability of QCC Orders by permitting multiple contra-parties on a QCC Order, each of which may consist of an order for less than 1,000 contracts; provided however, that the originating QCC Order is a single order that meets the 1,000 contract minimum (as well as the other requirements of a QCC Order), as discussed below.[5] The proposed change is intended to allow the Exchange to compete fairly and equally with other options exchanges, including the ISE, that have recently adopted similar rule changes.[6]

Rule 6.62(bb) provides that a QCC Order must be comprised of an order to buy or sell at least 1,000 contracts [7] that is identified as being part of a qualified contingent trade,[8] coupled with a contra-side order to buy or sell an equal number of contracts. As Qualified Contingent Crosses, QCC Orders are automatically executed upon entry provided that the execution (i) is not at the same price as a Customer Order in the Consolidated Book and (ii) is at or

[4] *See* Securities Exchange Act Release No. 71863 (April, 3, 2014) (SR–ISE–2014–72).

[5] In the case of mini options, the minimum size is 10,000 contracts.

[6] *See supra* n. 4.

[7] In the case of mini options, the minimum size is 10,000 contracts.

[8] A ''qualified contingent trade'' must meet the following conditions: (i) At least one component must be an NMS Stock; (ii) all the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (iii) the execution of one component must be contingent upon the execution of all other components at or near the same time; (iv) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) must be determined by the time the contingent order is placed; (v) the component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (vi) the transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. In addition, ATP Holders must demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies. *See supra* n.4 (*citing* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008)).

between the NBBO.[9] In addition, QCC Orders that cannot be executed when entered will automatically cancel.[10] Finally, QCC Orders may only be entered in the regular trading increments applicable to the options class under Rule 6.72 (Trading Differentials).

The Exchange adopted the QCC Order type on March 17, 2011.[11] On March 19, 2014, the Exchange submitted for immediate effectiveness a filing, which amended Rule 6.62(bb) to specify that a QCC Order could have multiple contra-parties, so long as each contra-side order met the minimum size requirements of 1,000 contacts, or 10,000 contracts for mini-options.[12]

As discussed above, the Exchange now proposes to amend Rule 6.62(bb) to remove the size limitation placed on each contra-party to a QCC Order.[13] The Exchange is proposing this change for competitive reasons, as it will allow the Exchange to compete fairly and equally with other option exchanges that have similarly amended their rules, including ISE.[14] The Exchange does not propose to remove the size requirement on the originating order of a QCC Order.

In connection with this proposal, the Exchange represents that it will track and monitor QCC Orders to determine which is the originating side of the order and which is the contra-side(s) of the order to ensure that OTP Holders and/or OTP Firms (collectively, ''OTPs'') are complying with the minimum 1,000 contract size requirement on the originating side of the QCC Order. In this regard, the Exchange will monitor whether OTPs are aggregating multiple orders to meet the 1,000 contract minimum on the originating side of the trade in violation of the requirements of the rule. The rule requires that the originating side of the trade consist of one party who is submitting a QCC Order for at least 1,000 contracts. The Exchange represents that it will enforce compliance with this portion of the rule by checking to see if an OTP breaks up the originating side of the order in a post trade allocation to different Clearing Members, allocating less than 1,000 contracts to a party or multiple parties. For example, an OTP Holder enters a QCC Order into the system for 1,500 contracts and receives an execution. Subsequent to the execution, the OTP Holder allocates the originating side of the order to two different clearing firms on a post trade allocation basis, thereby allocating 500 contracts to one Clearing Member and 1,000 contracts to another Clearing Member. The Exchange states that this type of transaction would not meet the requirements of a QCC Order under the current rule. With regard to order entry, the Exchange notes that OTPs must designate orders entered in the system as either the originating side or the contra-side(s). The Exchange will monitor order entries to ensure that OTPs are properly entering QCC Orders into the system.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, because the proposal removes the size restriction placed on each contra-party to a QCC Order, but leaves unchanged the minimum size requirement for the originating order, the Exchange believes that the proposal should provide more opportunity to participate in QCC trades, consistent with the key principles behind the QCC Order.

The Exchange believes the proposed rule change is consistent with Section 6(b)(8) of the Act, as it will enable the Exchange to compete with other options exchanges, including the ISE,[15] for QCC Orders. In addition, the proposed rule change will be beneficial to market participants because allowing multiple parties of any size on the contra-side of a QCC Order should foster competition for filling QCC Orders and thereby result in potentially better prices.

Furthermore, the Exchange believes that the proposed rule change should improve the utility of the QCC Order without raising novel regulatory issues, because the proposal does not impact the fundamental aspects of the QCC Order type. Rather, the proposal merely permits multiple contra-parties, regardless of size, on one side, while preserving the 1,000 contract minimum on the originating QCC Order.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the proposal is intended to relieve a burden on competition, which results from different exchanges interpreting their rules differently. Among the options exchanges, the Exchange believes that the proposal to remove the size requirement of at least 1,000 contracts (or, in the case of mini-options, 10,000 contracts), as described above, should foster competition for filling the contra-side of a QCC Order and thereby result in potentially better prices for such orders. In addition, the proposal will enable the Exchange to more effectively compete with other option exchanges like the ISE that have already implemented similar rule changes.[16]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[19]

[9] *See* Rule 6.90 (Qualified Contingent Crosses).

[10] *Id.*

[11] *See* Securities Exchange Act Release No. 64086 (March 17, 2011), 76 FR 16021 (March 22, 2011) (SR–NYSEArca–2011–09).

[12] *See* Securities and Exchange Act Release No. 71818 (March 27, 2014) (SR–NYSEArca–2014–27), 79 FR 18599 (April 2, 1014). The Exchange notes that the operative date for this rule change is April 21, 2014. To ensure that the instant proposal may be implemented without delay, the Exhibit 5 to the instant proposal reflects not only the instant proposal but also the rule text changes that would not have otherwise been operative until April 21, 2014.

[13] Per proposed Rule 6.62(bb): ''A Qualified Contingent Cross Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-options contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Commentary .02 below, coupled with a contra-side order or orders totaling an equal number of contracts.''

[14] *See supra* n. 4.

[15] *Id.*

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the

A proposed rule change filed under Rule 19b–4(f)(6)[20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[21] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will help eliminate investor confusion and promote competition among the option exchanges.[22] Therefore, the Commission designates the proposed rule change to be operative upon filing.

The Commission notes that, given the differing requirements as between the originating side and contra-side for QCC Orders, it is essential that the Exchange be able to clearly identify and monitor—throughout the life of a QCC Order, beginning at time of order entry on the Exchange through the post-trade allocation process—each side of the QCC Order and ensure that the requirements of the order type are being satisfied including, importantly, those relating to the originating side. The Commission believes this to be critical so that the Exchange can ensure that market participants are not able to circumvent the requirements of the QCC Order (as amended by this proposed rule change), each of which the Commission continues to believe are critical to ensuring that the QCC Order is narrowly drawn.[23] Further, the Commission notes that the Exchange has made certain representations regarding its enforcement and surveillance of its OTPs' use of QCC Orders, including, for example, not only at the time of order entry, but through the post-trade allocation process as well.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–43 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2014–43. 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–2014–43, and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

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Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] The Commission expects the Exchange to have the capability to enable it to surveil that such requirements are being met. Though the Exchange has stated its ability to do so, if the Exchange is not able to have such monitoring at any point in time, the Commission would expect the Exchange to take other steps to ensure that the QCC Order cannot be improperly used. For example, if the Exchange were not able to identify and monitor which side of a QCC Order is the originating order, the Commission would expect that it would require that both sides of the QCC Order meet the more stringent requirements of the originating side, *i.e.,* that it be for a single order for at least 1,000 contracts.

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71963; File No. SR–EDGX–2014–11]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its ROOC Routing Option Under EDGX Rule 11.9(b)(2)(n)

April 17, 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 14, 2014, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its ROOC routing option under Rule 11.9(b)(2)(n) to include the ability to route orders to participate in the listing market's re-opening process following a halt, suspension or pause. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com*, at the Exchange's principal office, and at the Public Reference Room of the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its ROOC routing option under Rule 11.9(b)(2)(n) to include the ability to route orders to participate in the listing market's re-opening process following a halt, suspension or pause. The Exchange offers its Users [3] optional routing functionality that allows them to use the Exchange's facilities to access liquidity on other trading centers. The functionality includes a range of defined routing algorithms that determine the destination or pattern of routing. Exchange Rule 11.9(b)(2) sets forth the particular pattern of routing to other trading centers, known as the ''System routing table'' as well as the Exchange's available routing options. All routing is designed to be conducted in a manner consistent with Regulation NMS.

The Exchange currently offers a routing option, known as ROOC, which allows Users to route orders to participate in the opening or closing process of the listing market (New York Stock Exchange (''NYSE''), Nasdaq, NYSE MKT,[4] or NYSE Arca). Orders to be routed pursuant to the ROOC routing option must be received before the opening/closing time of such market. If shares remain unexecuted after attempting to execute in the opening or closing process, they are either posted to the EDGX Book,[5] executed, or routed like the Exchange's ROUT routing option.[6]

The Exchange proposes to amend the ROOC routing option to allow Users to route orders to participate in the listing market's re-opening process following a halt, suspension or pause,[7] in addition to the listing market's opening or closing process. Orders that the User wishes to participate in the listing market's re-opening process will be handled in the same manner as orders that are to participate in the opening and closing process. Such orders must be received before the re-opening time on such market. In addition, any shares that remain unexecuted after attempting to execute in the listing market's re-opening process will be either posted to the EDGX Book, executed, or routed pursuant to the Exchange's ROUT routing option.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(5) of the Act [9] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change will increase the flexibility of market participant's [sic] by expanding the ROOC routing option beyond the listing market's opening and closing process to also include the ability to route orders to participate in re-openings following a halt, suspension or pause. As a result, Users will have access to additional sources of liquidity, potentially benefiting from improved execution prices and a more efficient marketplace. Therefore, the Exchange believes the proposed rule change will provide User with greater control and flexibility over their routing of orders, thereby facilitating transactions in securities and perfecting the mechanism of the national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal will promote competition by enhancing the value of the Exchange's available routing options. However, since the use of the Exchange's routing options is voluntary and Users have numerous alternative mechanisms for order routing, the changes will not impair the ability of Users to use other means to access competing trading venues.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [14] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6) [15] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon

[3] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[4] Formally known as NYSE Amex. The Exchange is amending Rule 11.9(b)(2)(n) to reflect the change in this exchange's name.

[5] The ''EDGX Book'' is defined as the ''System's electronic file of orders.'' *See* Exchange Rule 1.5(d).

[6] *See* Exchange Rule 11.9(b)(c)(ii).

[7] The ROOC routing option would route orders to participate in the listing market's re-opening process following a halt, suspension or pause during Regular Trading Hours only. Regular Trading Hours is defined as the ''time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6).

filing. The Exchange represents that waiver of the 30-day operative delay would provide Users with greater flexibility and control over their routed orders by expanding the ROOC routing option to include the ability to route orders to participate in re-openings in a timely manner, and, as a result, Users will have access to additional sources of liquidity, potentially benefiting from improved execution prices and a more efficient marketplace. The Exchange further represents that waiving the 30-day operative delay will increase the competitiveness of its routing functionality. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.[16]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–EDGX–2014–11 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–EDGX–2014–11. 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–EDGX–2014–11 and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09207 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71966; File No. SR–NYSEMKT–2014–35]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 900.3NY (Orders Defined) To Remove the Size Restriction on Contra-Party Participation on a Qualified Contingent Cross Order

April 17, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 14, 2014, NYSE MKT LLC (''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 900.3NY (Orders Defined) to remove the size restriction on contra-party participation on a Qualified Contingent Cross Order (''QCC Order''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule filing is to amend Rule 900.3NY to remove the size restriction on contra-party participation on a QCC Order. The proposed rule change, which mirrors a recently adopted rule by the International Securities Exchange (''ISE''),[4] would expand the availability of QCC Orders by permitting multiple contra-parties on a QCC Order, each of which may consist of an order for less than 1,000 contracts; provided however, that the originating QCC Order is a single order that meets the 1,000 contract minimum (as well as the other requirements of a QCC Order), as discussed below.[5] The proposed change is intended to allow the Exchange to compete fairly and equally with other options exchanges, including the ISE, that have recently adopted similar rule changes.[6]

Rule 900.3NY(y) provides that a QCC Order must be comprised of an order to

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 71863 (April 3, 2014) (SR–ISE–2014–72).

[5] In the case of mini options, the minimum size is 10,000 contracts.

[6] *See supra* n. 4.

buy or sell at least 1,000 contracts[7] that is identified as being part of a qualified contingent trade,[8] coupled with a contra-side order to buy or sell an equal number of contracts. As Qualified Contingent Cross Trades, QCC Orders are automatically executed upon entry provided that the execution (i) is not at the same price as a Customer Order in the Consolidated Book and (ii) is at or between the NBBO.[9] In addition, QCC Orders that cannot be executed when entered will automatically cancel.[10] Finally, QCC Orders may only be entered in the regular trading increments applicable to the options class under Rule 960NY (Trading Differentials).

The Exchange adopted the QCC Order type on March 17, 2011.[11] On March 19, 2014, the Exchange submitted for immediate effectiveness a filing, which amended Rule 900.3(y) to specify that a QCC Order could have multiple contra-parties, so long as each contra-side order met the minimum size requirements of 1,000 contacts, or 10,000 contracts for mini-options.[12]

As discussed above, the Exchange now proposes to amend Rule 900.3(y) to remove the size limitation placed on each contra-party to a QCC Order.[13] The Exchange is proposing this change for competitive reasons, as it will allow the Exchange to compete fairly and equally with other option exchanges that have similarly amended their rules, including ISE.[14] The Exchange does not propose to remove the size requirement on the originating order of a QCC Order.

In connection with this proposal, the Exchange represents that it will track and monitor QCC Orders to determine which is the originating side of the order and which is the contra-side(s) of the order to ensure that ATP Holders are complying with the minimum 1,000 contract size requirement on the originating side of the QCC Order. In this regard, the Exchange will monitor whether ATP Holders are aggregating multiple orders to meet the 1,000 contract minimum on the originating side of the trade in violation of the requirements of the rule. The rule requires that the originating side of the trade consist of one party who is submitting a QCC Order for at least 1,000 contracts. The Exchange represents that it will enforce compliance with this portion of the rule by checking to see if an ATP Holder breaks up the originating side of the order in a post trade allocation to different Clearing Members, allocating less than 1,000 contracts to a party or multiple parties. For example, an ATP Holder enters a QCC Order into the system for 1,500 contracts and receives an execution. Subsequent to the execution, the ATP Holder allocates the originating side of the order to two different clearing firms on a post trade allocation basis, thereby allocating 500 contracts to one Clearing Member and 1,000 contracts to another Clearing Member. The Exchange states that this type of transaction would not meet the requirements of a QCC Order under the current rule. With regard to order entry, the Exchange notes that ATP Holders must designate orders entered in the system as either the originating side or the contra-side(s). The Exchange will monitor order entries to ensure that ATP Holders are properly entering QCC Orders into the system.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade,remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, because the proposal removes the size restriction placed on each contra-party to a QCC Order, but leaves unchanged the minimum size requirement for the originating order, the Exchange believes that the proposal should provide more opportunity to participate in QCC trades, consistent with the key principles behind the QCC Order.

The Exchange believes the proposed rule change is consistent with Section 6(b)(8) of the Act, as it will enable the Exchange to compete with other options exchanges, including the ISE,[15] for QCC Orders. In addition, the proposed rule change will be beneficial to market participants because allowing multiple parties of any size on the contra-side of a QCC Order should foster competition for filling QCC Orders and thereby result in potentially better prices.

Furthermore, the Exchange believes that the proposed rule change should improve the utility of the QCC Order without raising novel regulatory issues, because the proposal does not impact the fundamental aspects of the QCC Order type. Rather, the proposal merely permits multiple contra-parties, regardless of size, on one side, while preserving the 1,000 contract minimum on the originating QCC Order.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the proposal is intended to relieve a burden on competition, which results from different exchanges interpreting their rules differently. Among the options exchanges, the Exchange believes that the proposal to remove the size requirement of at least 1,000 contracts (or, in the case of mini-options, 10,000 contracts), as described above, should foster competition for filling the contra-side of a QCC Order and thereby result in potentially better prices for such orders. In addition, the proposal will enable the Exchange to more effectively compete with other option exchanges

[7] In the case of mini options, the minimum size is 10,000 contracts.

[8] A ''qualified contingent trade'' must meet the following conditions: (i) At least one component must be an NMS Stock; (ii) all the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (iii) the execution of one component must be contingent upon the execution of all other components at or near the same time; (iv) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) must be determined by the time the contingent order is placed; (v) the component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (vi) the transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. In addition, ATP Holders must demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies. *See supra* n.4 (*citing* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008)).

[9] *See* Rule 985NY (Qualified Contingent Cross Trade).

[10] *Id.*

[11] *See* Securities Exchange Act Release No. 64085 (March 17, 2011), 76 FR 16024 (March 22, 2011) (SR–NYSEAmex–2011–14).

[12] *See* Securities and Exchange Act Release No. 71817 (March 27, 2014) (SR–NYSEMKT–2014–23), 79 FR 18601 (April 2, 2014). The Exchange notes that the operative date for this rule change is April 21, 2014. To ensure that the instant proposal may be implemented without delay, Exhibit 5 to the instant proposal reflects not only the instant proposal but also the rule text changes that would not have otherwise been operative until April 21, 2014.

[13] Per proposed Rule 900.3(y): ''A Qualified Contingent Cross Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-options contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Commentary .01 below, coupled with a contra-side order or orders totaling an equal number of contracts.''

[14] *See supra* n. 4.

[15] *Id.*

like the ISE that have already implement similar rule changes.[16]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6)[20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[21] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will help eliminate investor confusion and promote competition among the option exchanges.[22] Therefore, the Commission designates the proposed rule change to be operative upon filing.

The Commission notes that, given the differing requirements as between the originating side and contra-side for QCC Orders, it is essential that the Exchange be able to clearly identify and monitor—throughout the life of a QCC Order, beginning at time of order entry on the Exchange through the post-trade allocation process—each side of the QCC Order and ensure that the requirements of the order type are being satisfied including, importantly, those relating to the originating side. The Commission believes this to be critical so that the Exchange can ensure that market participants are not able to circumvent the requirements of the QCC Order (as amended by this proposed rule change), each of which the Commission continues to believe are critical to ensuring that the QCC Order is narrowly drawn.[23] Further, the Commission notes that the Exchange has made certain representations regarding its enforcement and surveillance of its ATP Holders' use of QCC Orders, including, for example, not only at the time of order entry, but through the post-trade allocation process as well.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[24] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–35 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEMKT–2014–35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–35, and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09210 Filed 4–22–14; 8:45 am]

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[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] The Commission expects the Exchange to have the capability to enable it to surveil that such requirements are being met. Though the Exchange has stated its ability to do so, if the Exchange is not able to have such monitoring at any point in time, the Commission would expect the Exchange to take other steps to ensure that the QCC Order cannot be improperly used. For example, if the Exchange were not able to identify and monitor which side of a QCC Order is the originating order, the Commission would expect that it would require that both sides of the QCC Order meet the more stringent requirements of the originating side, *i.e.,* that it be for a single order for at least 1,000 contracts.

[24] 15 U.S.C. 78s(b)(2)(B).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71961; File No. SR–NASDAQ–2014–036]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Clarify the Rule Governing the Operation of the Closing Cross in Circumstances Where a Pause Triggered Under the LULD Plan Would Be Triggered After 3:50 p.m. EST

April 17, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 9, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

(a) The Exchange proposes to amend Exchange Rule 4754 governing the NASDAQ Closing Cross (''Cross'') to accommodate changes in market structure triggered by Phase 2 of the Plan To Address Extraordinary Market Volatility submitted to the Commission pursuant to Rule 608 of Regulation NMS (''LULD Plan''). Specifically, NASDAQ proposes to clarify the rule governing the operation of the Cross in circumstances where a pause triggered under the LULD Plan would be triggered after 3:50 p.m. EST.

Changes to the rule text are shown in the attached Exhibit 5.[3] A copy of this filing is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at NASDAQ's principal office, and at the Commission's Public Reference Room.

(b) Not applicable.

(c) Not applicable.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes the Exhibit 5 is attached to the filing submitted by the Exchange but is not attached to the published notice of the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background. As set forth in detail in prior filings, on May 31, 2012, the Commission approved the LULD Plan, as amended, as a one-year pilot, which began on April 8, 2013.[4] The LULD Plan is designed to prevent trades in individual NMS Stocks from occurring outside of specified Price Bands calculated and disseminated by the Network Processors.[5]

Under Phase 2 (Amendment No. 6) of the Plan,[6] the Plan's operative time is to be extended from 3:45 p.m. until 4:00 p.m.; full implementation of Phase 2 was scheduled to take effect on February 24, 2014. In anticipation of the February 24th implementation date, NASDAQ proposed to establish the LULD Closing Cross, an alternate mechanism to close a security that is subject to a Trading Pause within the last ten minutes of regular trading. The Commission approved that proposal on February 21, 2014.[7] However, NASDAQ delayed final implementation of Phase 2 for NASDAQ-listed securities[8] when the final industry-wide test of the new LULD Closing Cross failed to meet NASDAQ's testing standards. NASDAQ conducted successful, additional testing on March 15 and 22, 2014 and plans further testing on April 12, 2014. Assuming all testing is successful, NASDAQ would complete final implementation of Phase 2 of the LULD Plan shortly thereafter, on a date to be announced to all market participants through a widely disseminated notice.

During the testing conducted to date, NASDAQ has identified several minor, technical clarifications to the approved rule governing the LULD Closing Cross, NASDAQ Rule 4754(b)(6), as well as the description of that rule in SR–NASDAQ–2014–004. First, NASDAQ is clarifying the timing of the commencement of the After Hours Trading session and the treatment of Good-til-Cancelled (''GTC'') orders in the event the LULD Closing Cross is delayed until 5:00 p.m. due to continuing volatility. In the approved proposal, NASDAQ stated:

> If this condition persists until 5:00 p.m., NASDAQ will not conduct an LULD Closing Cross in that security and shall instead use the last-sale on NASDAQ as the NASDAQ Official Closing Price in that security for that trading day. In that event, all orders will be cancelled back to the entering firms, and after hours trading will begin at 5:00 p.m.[9]

In addition, Rule 4754 states that ''After Hours Trading shall commence after the LULD Closing Cross executes unless the volatility condition persists until 5:00 p.m. in which case there will [*sic*] After Hours Trading will begin at 5:00 p.m.''[10] and ''NASDAQ shall continue disseminating the NOII every five seconds until the execution of the LULD Closing Cross or until 5:00 p.m. whichever is later.''[11]

In fact, the process of cancelling orders would not be instantaneous, and After Hours Trading would begin only when the process is complete. Moreover, all orders are not automatically cancelled back to the entering firm. GTC orders require special treatment due to the fact that firms presume that they will remain on the book overnight, potentially over many nights. The actual process is better described as follows:

> If this condition persists until 5:00 p.m., NASDAQ will not conduct an LULD Closing Cross in that security and shall instead use the last-sale on NASDAQ as the NASDAQ Official Closing Price in that security for that trading day. In that event, NASDAQ will commence a process of cancelling all orders (other than orders with a time-in-force of good-till-cancelled) back to the entering firms, and after hours trading will commence upon the completion of that process. In the case of both Market Hours GTC orders and Good-til-Market Close orders, the orders will

[4] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (Order Approving, on a Pilot Basis, the National Market System Plan To Address Extraordinary Market Volatility). Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[5] *See* Section (V)(A) of the LULD Plan.

[6] *See* Securities Exchange Act Release No. 71247 (January 7, 2014), 79 FR 2204 (January 13, 2014) (File No. 4–631).

[7] *See* Securities Exchange Act Release No. 71597 (Feb. 21, 2014), 79 FR 11169 (Feb. 27, 2014) (SR–NASDAQ–2014–004).

[8] Phase 2 of the LULD Plan was implemented for securities listed on other exchanges as planned on February 24, 2014.

[9] 79 FR at 2494.

[10] Rule 4754(b)(6)(A)(iii).

[11] Rule 4754(a)(6)(B).

be removed from the continuous book and placed in a suspended state. Entering firms will have the option to cancel those orders or allow them to be re-entered into the system on the following trading day.[12]

The second clarification relates to the entry of orders during an LULD Trading Pause prior to and after 4:00 p.m. Rule 4754, as approved, states that:

During the pause and prior to 4:00 p.m., entry of *market orders* is prohibited. New Imbalance Only Orders may also be entered and modified to increase shares represented, but can't be cancelled during the pause.[13]

In fact, NASDAQ should have said that entry of market pegged orders, rather than market orders, is prohibited after 4:00 p.m. As provided in Rule 4751, a market pegged order is an order whose price is pegged to the opposite side of the market. In addition, NASDAQ rules do not currently define a market order. By omitting the word ''pegged'', the proposal improperly implied that NASDAQ's system otherwise accepts market orders at this or any other time of day. Accordingly, NASDAQ is proposing to modify the text of the rule to make this clarification.

The third clarification also relates to the entry of orders during the LULD Trading Pause. Rule 4754, as approved, states that:

During the pause and prior to 4:00 p.m., new market and limit orders of any order type and any time in force may be entered, modified, and cancelled and may participate in the LULD Closing Cross.[14]

The words ''market and limit'' in this context was inadvertently confusing in two ways. First, as stated above, NASDAQ rules do not define ''market'' orders as such. Therefore, the inclusion of that term is erroneous. Second, the reference to orders of any type or time in force is vague. It is clearer in this context to describe what is prohibited rather than what is permitted. Finally, the use of ''market and limit'' could be read to refer to Market on Close and Limit on Close orders. However, as otherwise provided in Rule 4754, MOC and LOC orders may not be submitted after 3:50:00, and NASDAQ was not proposing to modify this restriction. Accordingly, for the avoidance of doubt, NASDAQ proposes to clarify the treatment of MOC and LOC orders as follows:

During the pause and prior to 4:00 p.m., new orders (other than MOC and LOC orders, which may not be submitted after 3:50) may be entered, modified, and cancelled and may participate in the LULD Closing Cross.

NASDAQ believes that this modification will make clearer to members that, as in all circumstances, MOC and LOC orders cannot be cancelled after 3:50 p.m. without special intervention by NASDAQ personnel, and that they cannot be cancelled after 3:55 p.m. under any circumstances.

Finally, NASDAQ is modifying the text of Rule 4754(b)(6) to replace a statement that a stock subject to a Trading Pause will ''open'' with a more accurate statement that the stock will ''resume trading'' and is amending Rule 4754(b)(6)(C)(iii) to correct a typographical error.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act[15] in general, and furthers the objectives of Section 6(b)(5),[16] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposal is consistent with this provision in that it will ensure that the Exchange will comply with the LULD Plan. The LULD Closing Cross, as originally proposed, is designed to balance the need for transparency and liquidity with the need to move quickly from a Trading Pause to a closing price. NASDAQ believes that it has accomplished these goals to the maximum extent possible. The Exchange also believes that the proposed clarifications, which are minor and technical in nature, are consistent with the Act in that they make clearer the existing Exchange rules and the obligations those rule impose on members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal is specifically designed to comply with the LULD Plan and, thereby, to ensure cooperation between and among all national securities exchanges and FINRA to promote uniform and effective regulation of the national market system. In actuality, the proposal is pro-competitive because it promotes fair and orderly markets and investor protection, which in turn will buttress investor confidence and attract more investors into U.S. equities markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6)(iii) thereunder.[18]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will ensure that the text of Rule 4754 fully conforms to the operation of the LULD Closing Cross upon launch. For this reason, the Commission waives the operative delay and designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

[12] Similarly, NASDAQ is amending Rule 4754(b)(6)(A)(iii) and (B) to describe the timing of the commencement of After Hours Trading and the treatment of GTC orders in circumstances where an LULD Closing Cross has not occurred by 5:00 p.m.

[13] Rule 4754(b)(6)(C)(iii) (emphasis added).

[14] *Id.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–036 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2014–036. 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 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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–036, and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09205 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71960; File No. SR–NYSEArca-2014–38]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Revising the Schedule for Implementing the Exchange's Recently Approved Retail Liquidity Program Pursuant to NYSE Arca Equities Rule 7.44

April 17, 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 4, 2014, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to revise the schedule for implementing the Exchange's recently approved Retail Liquidity Program (''Program'') pursuant to NYSE Arca Equities Rule 7.44. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to revise the schedule for implementing the Exchange's recently approved Retail Liquidity Program (''Program'') pursuant to NYSE Arca Equities Rule 7.44.

When the Exchange filed to adopt the Program, it stated that it would announce via Trader Update the implementation date of the Program.[3] The Exchange anticipates that it will be announcing via Trader Update that the implementation date for the Program will be in April 2014.

NYSE Arca Equities Rule 7.44(j) currently provides, that ''[a]n identifier shall be disseminated through the Consolidated Quotation System, the UTP Quote Data Feed, and the Exchange's proprietary data feed when RPI interest priced at least $0.001 better than the PBB or PBO for a particular security is available in Exchange systems ('Retail Liquidity Identifier').'' In connection with the planned implementation of the Program, the Exchange will be disseminating the Retail Liquidity Identifier through the Consolidated Quotation System and the UTP Quote Data Feed (the ''public data feeds''). However, because of the differing technology associating [sic] with disseminating data via the Exchange's proprietary data feed, the Exchange will not be able to disseminate the Retail Liquidity Identifier via the Exchange's proprietary data feed on the proposed initial implementation date of the Program. Accordingly, the Exchange proposes a separate implementation date for disseminating the Retail Liquidity Identifier via the Exchange's proprietary data feed and will announce that date via Trader Update.

The Exchange is proposing this rule change simply to be clear that the implementation schedule regarding the dissemination of the Retail Liquidity Identifier pursuant to Rule 7.44(j) will be staggered. The Exchange proposes that the implementation date for disseminating the Retail Liquidity Indicator via the Exchange's proprietary

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70824 (Nov. 6, 2013), 78 FR 68116 at 68120 (Nov. 13, 2013) (SR–NYSEArca–2013–107); *see also* Securities Exchange Act Release No. 71176 (Dec. 23, 2013), 78 FR 79524 (Dec. 30, 2014) (SR–NYSEArca–2013–107) (Approval Order).

data feed will be within 120 days of the initial implementation date of the Program.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5),[5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Exchange believes that announcing the implementation date of new trading systems such as the Program via Trader Update removes impediments to and perfects the mechanism of a free and open market because it provides notice of when a new program is being implemented. The Exchange further believes that providing for a later implementation date for disseminating the Retail Liquidity Identifier via the Exchange's proprietary data feeds is consistent with the Act because the Retail Liquidity Identifier will be disseminated via the public data feeds on the initial implementation date of the Program. Accordingly, the proposed staggered implementation date for Rule 7.44(j) would protect investors and the public interest because information about Retail Liquidity Identifiers will be available on the initial date of Program implementation via the public data feeds.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the Program is designed to increase competition among execution venues, encourage additional liquidity, and offer the potential for price improvement to retail investors. The Exchange notes that notwithstanding the proposed staggered implementation schedule for how the Retail Liquidity Identifier will be disseminated, such information will be available via the public data feeds from the initial date of Program implementation and therefore market participants will have access to information regarding the Retail Liquidity Identifiers.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[9] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because, under the proposal, the Exchange would not delay dissemination of the Retail Liquidity Identifier over the public data feeds, and this waiver would allow the Exchange to implement the Program, which has already been subject to notice and comment, without further delay. Accordingly, the Commission hereby grants the Exchange's request and designates the proposal operative upon filing.[10]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend this 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.

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived that requirement for this proposed rule change.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–38 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2014–38. 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 this filing also will be available for inspection and copying at the principal office of the Exchange. All comments

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSEArca–2014–38 and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09204 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71962; File No. SR–EDGA–2014–10]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its ROOC Routing Option Under EDGA Rule 11.9(b)(2)(n)

April 17, 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 14, 2014, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its ROOC routing option under Rule 11.9(b)(2)(n) to include the ability to route orders to participate in the listing market's re-opening process following a halt, suspension or pause. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com*, at the Exchange's principal office, and at the Public Reference Room of the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its ROOC routing option under Rule 11.9(b)(2)(n) to include the ability to route orders to participate in the listing market's re-opening process following a halt, suspension or pause. The Exchange offers its Users [3] optional routing functionality that allows them to use the Exchange's facilities to access liquidity on other trading centers. The functionality includes a range of defined routing algorithms that determine the destination or pattern of routing. Exchange Rule 11.9(b)(2) sets forth the particular pattern of routing to other trading centers, known as the ''System routing table'' as well as the Exchange's available routing options. All routing is designed to be conducted in a manner consistent with Regulation NMS.

The Exchange currently offers a routing option, known as ROOC, which allows Users to route orders to participate in the opening or closing process of the listing market (New York Stock Exchange (''NYSE''), Nasdaq, NYSE MKT,[4] or NYSE Arca). Orders to be routed pursuant to the ROOC routing option must be received before the opening/closing time of such market. If shares remain unexecuted after attempting to execute in the opening or closing process, they are either posted to the EDGA Book,[5] executed, or routed like the Exchange's ROUT routing option.[6]

[3] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[4] Formally known as NYSE Amex. The Exchange is amending Rule 11.9(b)(2)(n) to reflect the change in this exchange's name.

[5] The ''EDGA Book'' is defined as the ''System's electronic file of orders.'' *See* Exchange Rule 1.5(d).

[6] *See* Exchange Rule 11.9(b)(c)(ii).

The Exchange proposes to amend the ROOC routing option to allow Users to route orders to participate in the listing market's re-opening process following a halt, suspension or pause,[7] in addition to the listing market's opening or closing process. Orders that the User wishes to participate in the listing market's re-opening process will be handled in the same manner as orders that are to participate in the opening and closing process. Such orders must be received before the re-opening time on such market. In addition, any shares that remain unexecuted after attempting to execute in the listing market's re-opening process will be either posted to the EDGA Book, executed, or routed pursuant to the Exchange's ROUT routing option.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(5) of the Act [9] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change will increase the flexibility of market participant's [sic] by expanding the ROOC routing option beyond the listing market's opening and closing process to also include the ability to route orders to participate in re-openings following a halt, suspension or pause. As a result, Users will have access to additional sources of liquidity, potentially benefiting from improved execution prices and a more efficient marketplace. Therefore, the Exchange believes the proposed rule change will provide User with greater control and flexibility over their routing of orders, thereby facilitating transactions in securities and perfecting the mechanism of the national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[7] The ROOC routing option would route orders to participate in the listing market's re-opening process following a halt, suspension or pause during Regular Trading Hours only. Regular Trading Hours is defined as the ''time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' *See* Exchange Rule 1.5(y).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposal will promote competition by enhancing the value of the Exchange's available routing options. However, since the use of the Exchange's routing options is voluntary and Users have numerous alternative mechanisms for order routing, the changes will not impair the ability of Users to use other means to access competing trading venues.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [14] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6) [15] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that waiver of the 30-day operative delay would provide Users with greater flexibility and control over their routed orders by expanding the ROOC routing option to include the ability to route orders to participate in re-openings in a timely manner, and, as a result, Users will have access to additional sources of liquidity, potentially benefiting from improved execution prices and a more efficient marketplace. The Exchange further represents that waiving the 30-day operative delay will increase the competitiveness of its routing functionality. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposal operative upon filing.[16]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–EDGA–2014–10 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–EDGA–2014–10. 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–EDGA–2014–10 and should be submitted on or before May 14, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09206 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6).

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71968; File No. SR–MIAX–2014–08]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Order Approving Proposed Rule Change To Modify Price Protection Provisions for the Execution of Orders

April 17, 2014.

I. Introduction

On February 14, 2014, Miami International Securities Exchange LLC (the ''Exchange'' or ''MIAX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] a proposed rule change to modify the price protection provisions in certain of its rules that govern the execution of orders. The proposed rule change was published for comment in the **Federal Register** on

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

March 6, 2014.[4] The Commission did not receive any comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes a number of revisions to MIAX Rules 515 and 529, which govern the execution and routing of orders. The primary purpose of the proposal is to amend the existing ''price protection'' provisions in those rules that apply to non-Market Maker orders to permit market participants to specify the level of price protection on an order by order basis and allow for executions of non-Market Maker orders at additional price points. The Exchange also proposes several conforming changes to other provisions in order to accommodate the amended price protection process. Finally, the Exchange's proposal amends Rule 529 to provide an additional situation in which MIAX will immediately route a Public Customer to an away market for execution.

MIAX Rule 515(c) governs the execution of non-Market Maker orders that cannot be executed on MIAX, in whole or in part, at the National Best Bid or Offer (''NBBO'') upon receipt. Currently, Rule 515(c)(1) provides that certain non-Market Maker orders are subject to price protection, which prevents an order from executing at a price that is more than one minimum price variation (''MPV'') inferior to the NBBO prevailing at the time the order is received (the ''original NBBO''). Under the current price protection rules, MIAX imposes across-the-board price protection and will cancel the remaining portion of any order that can potentially trade at a price that is more than one MPV away from the original NBBO.[5]

MIAX has proposed to modify the one-size-fits-all price protection process so that market participants may instead choose to allow their orders to execute at more than one MPV away from the original NBBO. Specifically, MIAX will allow market participants to designate, on an order-by-order basis, price protection instructions that are expressed in units of MPV away from the NBBO at the time of the order's receipt, or the MIAX Best Bid or Offer (''MBBO'') if the Away Best Bid or Offer (''ABBO'') is crossing the MBBO at the time order is received.[6] Such price protection will prevent an order from being executed beyond the price designated in the order's price protection instructions (''price protection limit''). If an order does not contain custom price protection instructions from the market participant, MIAX will apply as a default the one-MPV price protection limit that exists under current MIAX rules. Further, market participants will have the ability to elect to disable price protection on an order by order basis.

Similar to how the price protection process operates under MIAX's current rules, when an order reaches its price protection limit (either the number of MPVs designated by the market participant for the order or the default of one MPV if a limit was not specified), MIAX will cancel the remaining portion of the order. Market participants can then determine whether to resubmit the order. In the Notice, MIAX represented that under both the existing and proposed price protection process, MIAX will not execute orders at prices inferior to the NBBO.[7]

In the Notice, MIAX explained how the new price protection process will apply to both routable and non-routable non-Market Maker orders.[8] For routable orders, MIAX will seek to execute the order to the extent possible at MIAX before routing to the ABBO. Unlike the current process, which limits an order to trading at two price points (i.e., the original NBBO and one MPV away from the original NBBO at the time the order is received), the proposed process will allow orders to trade on MIAX or route to away markets at multiple price points, up to any custom price protection limit designated with the order. Thus, MIAX will trade and/or route a routable order until the order is: Fully executed; traded or routed up to, and including, its price protection limit; or traded or routed up to, and including, its limit price. As is currently the case, a routable order that would otherwise trade and/or route through its price protection limit will be cancelled. A routable order that has traded or routed up to, and including, its limit price will be displayed and booked at its limit price to await further execution in accordance with Rule 515. MIAX noted in the Notice that the proposed new process could trigger successive Route Timers at each price point at which the order could be routed to an away market.[9]

For non-routable non-Market Maker orders,[10] MIAX will similarly allow orders to execute at multiple price points, rather than limiting orders to being executed at either the original NBBO or only one MPV away from the NBBO as provided under existing MIAX rules. As proposed, MIAX will execute non-routable non-Market Maker orders until the order is: fully executed; traded up to, and including, its custom designated price protection limit; or traded up to, and including, its limit price. A non-routable order that reaches its price protection limit before it reaches its limit price will be cancelled. If a non-routable order reaches its limit price, MIAX will attempt to display the order at its limit price unless doing so would lock or cross the current opposite-side of the NBBO, in which case MIAX will handle the order in accordance with its ''managed interest process.'' [11]

To accommodate the proposed changes to MIAX's price protection process as described above, MIAX's proposal also revises its ''Liquidity

[4] *See* Securities Exchange Act Release No. 71634 (February 28, 2014), 79 FR 12713 (''Notice'').

[5] *See* current MIAX Rules 515(c)(1)(ii)(A), (c)(1)(ii)(B)(1)(b), (c)(1)(ii)(B)(2)(b), (c)(1)(iii)(A)(1)(a)2), (c)(1)(iii)(A)(1)(b)2), (c)(1)(iii)(B)(1)(b), and (c)(1)(iii)(B)(2)(b) (instances where the System cancels orders that are priced more than one MPV away from the NBBO).

[6] *See* MIAX Rule 100 (defining MBBO and ABBO).

[7] *See* Notice, *supra* note 4, at 12714.

[8] MIAX provided several detailed examples in the Notice to illustrate how the revised price protection functionality and other proposed changes will operate. *See* Notice, *supra* note 4.

[9] *See* Notice, *supra* note 4, at n. 17. After each route, MIAX will reevaluate the order to consider any updates to the away market quotes and may trigger additional Route Timers. The MIAX Route Timer process is described in Rule 529.

[10] Non-routable non-Market Maker orders include, for example, Public Customer orders that are marked ''Do Not Route.'' Consistent with the existing price protection process, a non-routable order is never routed outside of the Exchange regardless of prices displayed by away markets and can trade only the Exchange only at a price equal to or better than, but not inferior to, the ABBO.

[11] The ''managed interest process'' provides that when MIAX cannot display an order at its limit price because doing so would lock or cross the NBBO, MIAX will display the ''managed'' order one MPV away from the prevailing opposite side NBBO and book the order internally at a price that would lock the prevailing opposite side NBBO. *See* current MIAX Rule 515(c)(2). While the proposed rule change proposes some modifications to the ''managed interest process'' to allow for executions at multiple price points as a result of custom designated price protection instructions, MIAX will continue to ''manage'' non-routable orders in essentially the same way it does now by displaying the order one MPV away from the prevailing opposite side NBBO and booking the order at a price that would lock the opposite side NBBO. *See* proposed MIAX Rule 515(c)(1)(ii). However, because ''managed'' orders could trade at multiple price points as a result of the filing, MIAX also proposes to add supplementary material to Rule 515 to provide that if managed interest becomes tradable at multiple price points on MIAX due to the ABBO transitioning from a crossed state to an uncrossed state, then the midpoint of the MBBO, rounded up to the nearest MPV if necessary, will be used for the initial trade price. *See* proposed MIAX Rule 515, Interpretations and Policies .02. In the Notice, MIAX stated that this provision regarding midpoint pricing ''codifies'' existing functionality used during the managed interest process, while updating the functionality to correspond with the new proposed price protection rules.

Refresh Pause'' mechanism to account for potential executions at multiple price points. Consistent with current MIAX rules, the Liquidity Refresh Pause will continue to be triggered when: (A) Either an incoming order is a limit order whose limit price crosses the NBBO or the initiating order is a market order, and the limit order or market order could only be partially executed (''initiating order''); (B) a Market Maker quote was all or part of the MBBO when the MBBO is alone at the NBBO; and (C) the Market Maker quote was exhausted. In such cases, rather than immediately executing at the next available price, the MIAX system pauses the market for a period of time not to exceed one second to allow Marker Makers to refresh their quotes and orders as well as to allow other market participants to submit orders to execute against the remaining portion of the initiating order.

Much of the Liquidity Refresh Pause process remains the same under the proposal. However, because orders with custom price protection instructions may now trade at multiple price points, MIAX proposes to trigger a Liquidity Refresh Pause either at the time it receives the order, or when MIAX ''reevaluates'' an order at the various price points at which it may execute. In addition, as a result of the proposed ''reevaluation'' of orders at different price points, MIAX's proposal revises the message that it will disseminate during the Liquidity Refresh Pause. Currently, MIAX disseminates a message to announce the Liquidity Refresh Pause that includes, in addition to a description of the option and the size and side of the order, ''the original NBBO price, which has been exhausted.'' [12] Under the proposed rules, the liquidity refresh message will disseminate a description of the option, size and side of the order, and ''the exhausted MBBO price.'' [13] The Exchange states that this change is necessary because orders may now trade at multiple price points and the pause may therefore occur at multiple successive price points.

MIAX's proposal also will change the way MIAX handles new quotes or orders that it receives during the Liquidity Refresh Pause on the same side of the market as the initiating order's remaining contracts. Currently, when new quotes or orders are received during a Liquidity Refresh Pause on the same side as the order that initiated the pause, with a price that would lock or cross the original NBBO, MIAX adds the orders and quotes to its MBBO and the pause continues to run.[14] Under the proposal, MIAX will instead terminate the pause when new orders or quotes are received on the same side of the initiating order with a price that would lock or cross the NBBO, and MIAX will then process all orders and quotes.[15] Under both the existing and proposed rules, orders and quotes are executed in the order in which they were received, meaning the initiating order will execute first, followed by any new same-side orders or quotes based on their time of receipt. Similar to how the proposal will ''reevaluate'' an order for execution until exhausted, and thus will allow for multiple Route Timers and different price points, MIAX will allow an order to potentially trigger multiple Liquidity Refresh Pauses at different price points if the initiating order is not completely filled after the first pause.

The Exchange also proposes to amend MIAX Rules 515(e) and 515(f) to permit market participants to also be able to designate custom price protection instructions on an order by order basis for Immediate or Cancel (''IOC'') and Fill or Kill (''FOK'') order types, respectively.[16] With regard to IOC orders, the Exchange proposes to allow trading at multiple prices not to exceed the IOC order's limit price or the order's price protection limit, provided the execution does not trade at a price inferior to the current ABBO. With regard to FOK orders, receipt of a FOK order during a liquidity refresh pause currently causes the pause to terminate early, in which case the FOK order might not get a fill because the initiating order has priority. As proposed, MIAX will provide an additional opportunity for a FOK that is received during a liquidity refresh pause to access more liquidity after the pause ends. If MIAX is at the NBBO, then MIAX will execute the FOK order at the NBBO price or better and if the FOK order could not be executed in full at a single price, the FOK order is cancelled. If the MBBO is not at the NBBO or the FOK order is not fully executable against any orders or quotes on MIAX, the FOK order will be cancelled immediately.

Finally, the proposal would revise MIAX Rule 529, which governs the routing of orders to other markets. Currently, MIAX does not route Public Customer orders once they are resting on the MIAX book. As proposed, however, Rule 529 will provide that a resting Public Customer order will not initiate a route timer, but instead may be routed together with an incoming Public Customer order that separately has initiated a Route Timer. Specifically, when applicable, MIAX will immediately route the initiating Public Customer order, together with any routable resting interest on the same side of the market, to the opposite side ABBO, and the orders will be processed in the order in which they were received.

III. Discussion and Commission Findings

The Commission has carefully reviewed the proposed rule change and finds that it consistent with the requirements of the Act.[17] Specifically, the Commission believes MIAX's proposal is consistent with Section 6(b)(5) of the Act,[18] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the Exchange's proposed revised price protection process, which is more flexible and customizable than the current fixed one-MPV price protection

[12] *See* current MIAX Rule 515(c)(iii)(A).

[13] *See* proposed MIAX Rule 515(c)(2). As noted in the filing, the liquidity refresh message is disseminated only to subscribers of MIAX's proprietary data feeds. The message is not disseminated publicly through the Options Price Reporting Authority (OPRA) feed.

[14] *See* current MIAX Rule 515(c)(1)(iii)(A)(1)(c).

[15] *See* proposed MIAX Rule 515(c)(2)(i)(C). The proposal also amends how Immediate or Cancel (''IOC'') or Fill or Kill (''FOK'') orders interact with the Liquidity Refresh Pause. Specifically, rather than an IOC or FOK order getting cancelled if received on the same side of the market as the initiating order's remaining contracts, as it does under the current MIAX rules, if an IOC or FOK order is received on the same side of the market as the initiating order that locks or crosses the opposite side NBBO, it will cause the Liquidity Refresh Pause to terminate early and will be eligible to be executed in order of receipt, after the initiating order. The proposal will not change how same-side Auction or Cancel or Intermarket Sweep Orders are handled during a Liquidity Refresh Pause (they are cancelled), nor will it change how the pause terminates if the NBBO becomes crossed.

[16] Specifically, this includes: (i) Price protection instructions being expressed in units of MPV away from the NBBO at the time of the order's receipt, or the MBBO if the ABBO is crossing the MBBO; (ii) the default price protection being one MPV away from the NBBO at the time of receipt, or the MBBO if the ABBO is crossing the MBBO; and (iii) market participants being able to elect to disable price protection on an order by order basis.

[17] 15 U.S.C. 78f. 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).

[18] 15 U.S.C. 78f(b)(5).

scheme, could allow market participants greater control over the execution of their orders. Specifically, the proposal may help market participants avoid having orders cancelled as a result of a narrow one-MPV price protection limit, particularly in instances when the order's limit price expresses a willingness to trade more than one MPV away from the NBBO that prevailed at the time the order was received. The Commission notes, however, that such a result may still occur under the proposal, when either the default one-MPV price protection limit applies as a result of the member not providing customized instructions, or when a custom price protection limit sits between an order's limit price and the NBBO at the time the order is received. The Commission notes further that, in order to accommodate the amended price protection functionality, the proposal will allow orders to trigger pauses at multiple successive price points, either through the Route Timer or Liquidity Refresh mechanisms.

In addition to providing market participants greater control over the execution of their orders, the Commission believes that the proposal also could facilitate more order interaction. By allowing orders to execute at multiple price points, up or down to their price protection limit or limit price, and to route to away markets at multiple price points, the proposal will allow market participants to interact with greater liquidity both on MIAX and on away markets and increase the opportunity for their orders to receive an execution. Importantly, as is the case under the current price protection functionality, the Commission notes that under the revised process, MIAX will not execute incoming orders at prices inferior to the then-current NBBO.

The Commission believes that the change regarding terminating a Liquidity Refresh Pause when a new quote or order is received during a Liquidity Refresh Pause on the same side of the market as the initiating orders' remaining contracts that locks or crosses the original NBBO is consistent with the Act. The Commission notes that terminating the pause in such a situation allows the displayed opposite side of the MBBO to receive an immediate execution. Further, the Commission notes that, as under the current MIAX rules, orders will then be processed in the order in which they were received.

Finally, the Commission believes that the proposed change to permit immediate routing in an additional situation (*i.e.,* for Public Customer orders resting on the book when an incoming Public Customer order has initiated a Route Mechanism) will benefit Public Customers by providing such orders with greater access to marketable away liquidity and will allow such orders more promptly to receive an execution instead of being restricted from immediately routing away. As the Commission noted in its approval of MIAX's application for registration as a national securities exchange, pursuant to MIAX's immediate routing process in Rule 529, orders have to meet a number of criteria to be eligible for immediate routing, and as such, many, if not most, orders are likely subject to the one second Route Timer, rather than immediately routing to an away exchange displaying the NBBO.[19] While MIAX is not specifically required to route to away markets, the Commission believes that providing an additional opportunity for immediate routing should be beneficial to Public Customer orders.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[20] that the proposed rule change (SR–MIAX–2014–08), is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09211 Filed 4–22–14; 8:45 am]

BILLING CODE 8011–01–P

[19] *See* Securities Exchange Act Release No. 68341 (December 3, 2012), 77 FR 73065, 73086–87 (December 7, 2012) (noting that broker-dealers have a duty of best execution and thus broker-dealers need to consider and evaluate the functioning of the MIAX routing mechanisms and the quality of any resulting executions in making their determination of whether to route customer orders to MIAX).

[20] 15 U.S.C. 78f(b)(2).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Valley Forge Composite Technologies, Inc.; Order of Suspension of Trading

April 21, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Valley Forge Composite Technologies, Inc. because it has not filed any periodic reports since the period ended September 30, 2012.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on April 21, 2014, through 11:59 p.m. EDT on May 2, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09314 Filed 4–21–14; 4:15 pm]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections and one new information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)
Office of Management and Budget,
Attn: Desk Officer for SSA,
Fax: 202–395–6974,
Email address: *OIRA_Submission@omb.eop.gov.*

(SSA)
Social Security Administration, OLCA,
Attn: Reports Clearance Director,
3100 West High Rise,
6401 Security Blvd.,
Baltimore, MD 21235,
Fax: 410–966–2830,
Email address: *OR.Reports.Clearance@ssa.gov.*

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must

receive them no later than June 23, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Farm Arrangement Questionnaire—20 CFR 404.1082(c)—0960–0064. When self-employed workers submit earnings data to SSA, they cannot count rental income from a farm unless they demonstrate ''material participation'' in the farm's operation. A material participation arrangement means the farm owners must perform a combination of physical duties, management decisions, and capital investment in the farm they are renting out. SSA uses Form SSA–7157, the Farm Arrangement Questionnaire, to document material participation. The respondents are workers who are renting farmland to others; are involved in the operation of the farm; and want to claim countable income from work they perform relating to the farm.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7157	38,000	1	30	19,000

2. Plan for Achieving Self-Support (PASS)—20 CFR 416.110(e), 416.1180–1182, 416.1225–1227—0960–0559. The Supplemental Security Income (SSI) program encourages recipients to return to work. One of the program's objectives is to provide incentives and opportunities that help recipients work toward employment. The PASS provision allows individuals to use available income or resources (such as business equipment, education, or specialized training) to enter or re-enter the workforce and become self-supporting. In turn, SSA does not count the income or resources recipients use to fund a PASS when determining an individual's SSI eligibility or payment amount. An SSI recipient who wants to use available income and resources to obtain education or training to become self-supporting completes Form SSA–545. SSA uses the information from the SSA–545 to evaluate the recipient's PASS, and to determine eligibility under the provisions of the SSI program. The respondents are SSI recipients who are blind or disabled and want to develop a return-to-work plan.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–545	7,000	1	120	14,000

3. Help America Vote Act—0960–0706. H.R. 3295, the Help America Vote Act of 2002, mandates that States verify the identities of newly registered voters. When newly registered voters do not have drivers' licenses or State-issued ID cards, they must supply the last four digits of their Social Security Number to their local State election agencies for verification. The election agencies forward this information to their State Motor Vehicle Administration (MVA), which inputs the data into the American Association of MVAs, a central consolidation system that routes the voter data to SSA's Help America Vote Verification (HAVV) system. Once SSA's HAVV system confirms the identity of the voter, the information returns along the same route in reverse until it reaches the State election agency. The official respondents for this collection are the State MVAs.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HAVV	2,352,204	1	2	78,407

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 23, 2014. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. Promoting Readiness of Minors in SSI (PROMISE) Evaluation—0960–NEW.

Background

The Promoting Readiness of Minors in SSI (PROMISE) demonstration pursues positive outcomes for children with disabilities who receive SSI and their families by reducing dependency on SSI. The Department of Education (ED) awarded six cooperative agreements to states to improve the provision and coordination of services and support for children with disabilities who receive SSI and their families to achieve improved education and employment outcomes. ED awarded PROMISE funds to five single-state projects, and to one six-state consortium.[1]

With support from the Department of Labor (DOL) and the Department of Health and Human Services (HHS), SSA will evaluate the six PROMISE projects.

[1] The six-state consortium project goes by the name Achieving Success by Promoting Readiness for Education and Employment (ASPIRE) rather than by PROMISE.

SSA contracted with Mathematica Policy Research to conduct the evaluation.

Under PROMISE, targeted outcomes for youth include an enhanced sense of self-determination; achievement of secondary and post-secondary educational credentials; an attainment of early work experiences culminating with competitive employment in an integrated setting; and long-term reduction in reliance on SSI. Outcomes of interest for families include heightened expectations for and support of the long-term self-sufficiency of their youth; parent or guardian attainment of education and training credentials; and increases in earnings and total income. To achieve these outcomes, we expect the PROMISE projects to make better use of existing resources by improving service coordination among multiple state and local agencies and programs.

ED, SSA, DOL, and HHS intend the PROMISE projects to address key limitations in the existing service system for youth with disabilities. By intervening early in the lives of these young people, at ages 14–16, the projects will engage the youth and their families well before critical decisions regarding the age 18 redetermination are upon them. We expect the required partnerships among the various state and Federal agencies that serve youth with disabilities to result in improved integration of services and fewer dropped handoffs as youth move from one agency to another. By requiring the programs to engage and serve families and provide youth with paid work experiences, the initiative is mandating the adoption of critical best practices in promoting the independence of youth with disabilities.

Project Description

SSA is requesting clearance for the collection of data needed to implement and evaluate PROMISE. The evaluation will provide empirical evidence on the impact of the intervention for youth and their families in several critical areas, including: (1) Improved educational attainment; (2) increased employment skills, experience, and earnings; and (3) long-term reduction in use of public benefits. We will base the PROMISE evaluation on a rigorous design that will entail the random assignment of approximately 2,000 youth in each of the six projects to treatment or control groups (12,000 total). Youth in the treatment groups will be eligible for enhanced services from the demonstration programs, whereas youth in the control groups will be eligible only for those services already available in their communities independent of the interventions.

The evaluation will assess the effect of PROMISE services on educational attainment, employment, earnings, and reduced receipt of disability payments. The three components of this evaluation include:

- The process analysis, which will document program models, assess the relationships among the partner organizations, document whether the programs are implemented as planned, identify features of the programs that may account for their impacts on youth and families, and identify lessons for future programs with similar objectives.
- The impact analysis, which will determine whether youth and families in the treatment groups receive more services than their counterparts in the control groups. It will also determine whether treatment group members have better results than control group members with respect to the targeted outcomes noted above.
- The cost-benefit analysis, which will assess whether the benefits of PROMISE, including increases in employment and reductions in benefit receipt, are large enough to justify its costs. We will conduct this assessment from a range of perspectives, including those of the participants, state and Federal governments, SSA, and society as a whole.

SSA planned several data collection efforts for the evaluation. These include: (1) Follow-up interviews with youth and their parent or guardian 18 months and 5 years after enrollment; (2) phone and in-person interviews with local program administrators, program supervisors, and service delivery staff at two points in time over the course of the demonstration; (3) two rounds of focus groups with participating youth in the treatment group; (4) two rounds of focus groups with parents or guardians of participating youth; and (5) collection of administrative data.

At this time, SSA requests clearance only for the interviews we will conduct with program staff and the focus group discussions we will conduct with youth and parents or guardians. We will conduct these interviews and group discussions twice: Once in 2014, and once in 2016. SSA will request clearance for the 18-month and 5-year survey interviews in a future submission. The respondents are PROMISE program staff, the youth participants in the PROMISE program, and the parents or guardians of the youth participants.

Note: This is a correction notice. When we previously published this information on February 10, 2014, at 79 FR 7736, we inadvertently neglected to publish the cost burden on the respondents. We are correcting that oversight here.

Type of Request: This is a new information collection.

Time Burden on Respondents

2014 INTERVIEWS AND FOCUS GROUP DISCUSSIONS

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Staff Interviews with Administrators or Directors	75	1	66	83
Staff Interviews with PROMISE Project Staff	145	1	66	160
Youth Focus Groups—Non-participants	320	1	5	27
Youth Focus Groups—Participants	80	1	100	133
Parents or Guardian Focus Groups—Non-participants	320	1	5	27
Parents or Guardian Focus Groups—Participants	80	1	100	133
Totals	1,020			563

2016 INTERVIEWS AND FOCUS GROUP DISCUSSIONS

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Staff Interviews with Administrators or Directors	75	1	66	83
Staff Interviews with PROMISE Project Staff	145	1	66	160
Youth Focus Groups—Non-participants	320	1	5	27
Youth Focus Groups—Participants	80	1	100	133
Parents or Guardian Focus Groups—Non-participants	320	1	5	27
Parents or Guardian Focus Groups—Participants	80	1	100	133
Totals	1,020			563
Grand Total	2,040			1,126

Cost Burden on Respondents

2014 ANNUAL COST TO RESPONDENTS

Respondent type	Number of respondents	Frequency of response	Average burden per response (minutes)	Median hourly wage rate (dollars)	Total respondent cost (dollars)
Parent or Guardian Focus Group—Non-Participants	320	1	5	$7.38	$196.01
Parent or Guardian Focus Group—Participants	80	1	100	7.38	984.20
Total	400				1,180.21

2016 ANNUAL COST TO RESPONDENTS

Respondent type	Number of respondents	Frequency of response	Average burden per response (minutes)	Median hourly wage rate (dollars)	Total respondent cost (dollars)
Parent or Guardian Focus Group—Non-Participants	320	1	5	$7.38	$196.01
Parent or Guardian Focus Group—Participants	80	1	100	7.38	984.20
Total	400				1,180.21
Grand Total	800				2,360.42

2. Request for Medical Treatment in an SSA Employee Health Facility: Patient Self-Administered or Staff Administered Care—0960–0772. SSA operates onsite Employee Health Clinics (EHC) in eight different States. These clinics provide health care for all SSA employees including treatments of personal medical conditions when authorized through a physician. Form SSA–5072 is the employee's personal physician's order form. The information we collect on Form SSA–5072 gives the nurses the guidance they need by law to perform certain medical procedures and to administer prescription medications such as allergy immunotherapy. In addition, the information allows the SSA medical officer to determine whether the treatment can be administered safely and appropriately in the SSA EHCs. Respondents are physicians of SSA employees who need to have medical treatment in an SSA EHC.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–5072 Annually	25	1	25	5	2
SSA–5072 Bi-Annually	75	2	150	5	13
Totals	100		175		15

Dated: April 18, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–09218 Filed 4–22–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Federal Environmental Statutes, Regulations, and Executive Orders Applicable to the Development and Review of Transportation Infrastructure Projects

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of availability.

SUMMARY: The United States Department of Transportation (Department) has prepared a document listing Federal environmental statutes, regulations, and Executive Orders that establish requirements applicable to the development and review of transportation infrastructure projects. The Department strives to ensure compliance with these requirements in a manner that is both environmentally sound and expeditious. The goal of this document is to contribute to this important effort by providing a brief description of the primary statutes, regulations, and Executive Orders applicable to the development and review of these transportation infrastructure projects.

FOR FURTHER INFORMATION CONTACT: Amy Coyle, Senior Attorney Advisor, U.S. Department of Transportation, Office of the General Counsel; 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone 202–366–0691.

SUPPLEMENTARY INFORMATION: The United States Department of Transportation (Department or DOT) has prepared a document listing Federal environmental statutes, regulations, and Executive Orders that establish requirements applicable to the development and review of transportation infrastructure projects that receive financial support from the Department. DOT strives to meet these requirements in a manner that is both environmentally sound and expeditious. The goal of this list is to contribute to this important effort by providing a brief description of the primary statutes, regulations, and Executive Orders applicable to the development and review of these transportation infrastructure projects. Additionally, many agencies have developed guidance to assist in implementation of the law, and this document references certain guidance. This summary is not, and should not be relied upon as, a complete list of statutes, regulations, and Executive Orders that could apply to a transportation infrastructure project or an official or independent interpretation or expression of policy on the matters summarized. This document replaces the notice, ''Federal Environmental Laws and Executive Orders Applicable to Development and Review of Transportation Infrastructure Projects,'' 69 FR 25451, May 6, 2004.

The document is available online at *http://www.dot.gov/policy/transportation-policy/environment/laws.*

Issued in Washington, DC on April 10, 2014.

Kathryn B. Thomson,

General Counsel.

[FR Doc. 2014–09219 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice To Rescind Notice of Intent To Prepare an Environmental Impact Statement for Proposed Transit Improvements to the Red and Purple Lines, Cook County, Illinois

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Rescind notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA), in cooperation with the Chicago Transit Authority (CTA), is issuing this notice to advise the public that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the proposed transportation improvements on the Red and Purple lines between Belmont Station in Chicago and Linden terminal in Wilmette, Illinois is being rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald Arkell, Community Planner, Federal Transit Administration, Region V, 200 West Adams Street, Suite 320, Chicago, IL 60606, phone 312–886–3704, email *reginald.arkell@dot.gov*.

SUPPLEMENTARY INFORMATION: The FTA, as the lead federal agency, in cooperation with the CTA published a NOI in the **Federal Register** on January 3, 2011 (76 FR 207–210) to prepare a Tier 1 EIS for the Red and Purple Modernization (RPM) project to bring 9.6 miles of the Red and Purple lines up to a state of good repair, from the track structure immediately north of Belmont Station in Chicago to the Linden terminal in Wilmette, Illinois. On July 26, 2012, FTA in cooperation with CTA published a supplemental NOI in the **Federal Register** (77 FR 43903) to inform interested parties that the EIS would no longer be a Tier 1 EIS as originally proposed and instead would be a standard project-level EIS. Since that time, FTA and CTA have decided to pursue a more tailored approach of environmental review for each project of independent utility within the RPM corridor. FTA and CTA anticipate that environmental assessments, leading to Findings of No Significant Impact (FONSI), and categorical exclusions would be the appropriate classes of action under the National Environmental Policy Act (NEPA) for these projects. Therefore, the FTA has decided to rescind the NOI for the EIS.

Comments and questions concerning the proposed actions should be directed to FTA at the address provided above.

Marisol R. Simón,

Regional Administrator.

[FR Doc. 2014–09273 Filed 4–22–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2014–0063]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Automated Mutual Assistance Vessel Rescue System (AMVER)

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by June 23, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2014–0063] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–

140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Russell Alan Krause, 202–366–1031, Division of Sealift Operations, W23–102–306, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0025.

Title: Automated Mutual Assistance Vessel Rescue System (AMVER).

Form Numbers: None.

Type of Review: Extension of currently approved information collection.

Background: This collection of information is used to gather information regarding the location of U.S.-flag vessels and certain other U.S. citizen-owned vessels for the purpose of search and rescue in the saving of lives at sea and for the marshalling of ships for national defense and safety purposes. The collection of information is necessary for maintaining a current plot of U.S.-flag and U.S.-owned vessels.

Respondents: U.S.-flag and U.S. citizen-owned vessels.

Number of Respondents: 3,998.

Frequency: Every 48 hours.

Number of Responses: 731,634.

Total Annual Burden: 51,214.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Dated: April 15, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–09044 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2014–0064]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Title XI Obligation Guarantees

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by June 23, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2014–0064] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Norman Serlin, 202–366–8159, Office of Marine Financing, MAR–720, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0018.

Title: Title XI Obligation Guarantees—46 CFR 298.

Form Numbers: MA–163 and MA–163A.

Type of Review: Renewal of an information collection.

Background: In accordance with the Merchant Marine Act, 1936, the Maritime Administration (MARAD) is authorized to execute a full faith and credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In addition, the program allows for financing shipyard modernization and improvement projects. The information to be collected will be used to evaluate an applicant's project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees.

Respondents: Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels as well as businesses interested in shipyard modernization and improvements.

Number of Respondents: 10.

Frequency: Annually.

Number of Responses: 10.

Total Annual Burden: 1500.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:93.

Date: April 15, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–09049 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2014–0062]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves collecting, analyzing, and interpreting information to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable. We are required to

publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by June 23, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2014–0062] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Jackson, 202–366–0615, Office of Management and Administrative Services, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0543.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Form Numbers: N/A.

Type of Review: Renewal of a previously approved information collection.

Background: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency'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. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Respondents: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Number of Respondents: 8696.

Frequency: Once per request.

Number of Responses: 8696.

Total Annual Burden: 1449.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Date: April 15, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–09025 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2014–0052]

Ship Disposal: Ex-USNS COMET

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice: Ship Disposal Request for Comments.

SUMMARY: The Maritime Administration (MARAD) plans to dispose of an obsolete vessel the ex-USNS COMET, which is currently located at its Suisun Bay Reserve Fleet in Benicia, California. This action constitutes an undertaking as defined under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*). Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the public a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in 36 CFR Part 800 ''Protection of Historic Properties'' issued by the Advisory Council on Historic Preservation. Pursuant to 32 CFR Part 800.2(d)(2), agencies must provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. If you have comments about the disposal of this vessel, please submit your comments as described in this notice.

DATES: All comments must be received on or before July 22, 2014.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2014–0052 by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Search MARAD–2014–0052 and follow the instructions for submitting comments.
- Email: *MARAD.History@dot.gov.* Include docket number and/or RIN number 2014–0052 in the subject line of the message.
- Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590. If you would like to know that your comments reached the facility, please enclose a stamped, self-addressed postcard or envelope.
- Hand Delivery/Courier: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand deliver your comment we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission. If you submit your comment by mail or hand delivery, submit the comment in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section below entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: For more information about the ex-USNS COMET, please visit: *http://www.marad.dot.gov/documents/Comet_HAER_Report.pdf; http://www.marad.dot.gov/ships_shipping_landing_page/Ships_History/Comet.htm;* and *http://www.marad.dot.gov/Assets/html/usns_comet_main.html.* You may contact Barbara Voulgaris, Maritime Administration, at (202) 366–0866, for questions relating to this vessel and the National Historic Preservation Act. If you have questions on viewing the Docket, call Cheryl Collins, Program

Manager, Docket Operations, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION:

Background

MARAD, in consultation with the California State Historic Preservation Officer, determined that the ex-USNS COMET is eligible for listing on the National Register of Historic Places under Criterion c. The ex-USNS COMET is considered to be the first purpose-built oceangoing ''roll-on/roll-off'' vessel. Roll-on/roll-off, or Ro/Ro, describes how wheeled-vehicular cargo is loaded and unloaded. This method was first developed during WWII for amphibious assault operations using short range landing craft. In the postwar period, the concept was refined and expanded beyond the assault class to include the rapid delivery by ship of vehicles carrying military supplies and equipment that could be immediately driven into forward staging areas. This eventually led to the development of the commercial Ro/Ro trade, particularly for cars and light trucks. The ex-USNS COMET has been nicknamed the ''Mother of All Ro/Ros'' in honor of its pioneering design.

Public Participation

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number in your comments. MARAD encourages you to provide concise comments. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments. Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**.

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the U.S. Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE., Washington, DC 20590. When you send comments containing information claimed to be confidential information, you should include a cover letter setting forth with specificity the basis for any such claim.

MARAD will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. MARAD will not consider comments received after that date.

For access to the docket to read background documents, including those referenced in this document, or to submit or read comments received, please go to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays. To review documents, read comments or to submit comments, the docket is also available online at *http://www.regulations.gov,* keyword search MARAD–2014–0052.

Please note that even after the comment period has closed, MARAD will continue to file relevant information in the Docket as it becomes available. Accordingly, MARAD recommends that you periodically check the Docket for new material.

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 the DOT Privacy Act system of records notice for the Federal Docket Management System (FDMS) in the **Federal Register** published on January 17, 2008, (73 FR 3316) at *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Authority: The National Defense Authorization Act for Fiscal Year 2004, § 3512 of Public Law 108–136 and the National Historic Preservation Act, 16 U.S.C. 470 *et seq.*

By Order of the Maritime Administrator.

Dated: April 1, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–07673 Filed 4–22–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35816]

Chai Trust Company, LLC, EGI-Fund (14–16) Investors, L.L.C., and EGI–IPH Investors, L.L.C.—Acquisition of Control Exemption—Iowa Pacific Holdings, LLC and Permian Basin Railways, Inc.

Chai Trust Company, LLC (Chai Trust), EGI-Fund (14–16) Investors, L.L.C. (EGI-Fund), and EGI–IPH Investors, L.L.C. (EGI–IPH) (collectively, Chai-EGI), all noncarriers, have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to acquire control of Iowa Pacific Holdings, LLC (IPH), which directly and indirectly controls 10 Class III rail carriers.[1]

According to Chai-EGI, Chai Trust controls EGI Fund, which controls EGI–IPH, a noncarrier holding company that was formed to acquire a controlling share of the membership interests of IPH. IPH is a noncarrier short line railroad holding company that owns 100% of Permian Basin Railways, Inc. (PBR), another noncarrier short line railroad holding company. Through PBR, IPH indirectly controls nine common carrier short line railroads.[2] In addition, IPH directly controls Rusk, Palestine & Pacific Railroad, LLC and Pullman.

Chai-EGI will, pursuant to an agreement,[3] purchase approximately 80% of IPH's membership interests. The remaining approximately 20% of the membership interests will be retained by certain existing IPH members who constitute IPH's senior management. Chai-EGI intends to consummate the transaction on or about May 8, 2014 (the effective date of the exemption is May 7, 2014, 30 days after the verified notice

[1] In addition, according to Chai-EGI, IPH directly controls The Pullman Sleeping Car Company, LLC (Pullman), which is awaiting a determination as to its legal/regulatory status as a rail carrier in *The Pullman Sleeping Car Company—Petition for Exemption from 49 U.S.C. Subtitle IV,* Docket No. FD 35738. Chai-EGI states that it is including Pullman in the scope of this notice of exemption out of an abundance of caution.

[2] Those nine railroads are: (1) Austin & Northwestern Railroad Company, Inc., operating as the Texas-New Mexico Railroad; (2) Chicago Terminal Railroad; (3) Mount Hood Railroad; (4) San Luis & Rio Grande Railroad Company, Inc.; (5) Saratoga & North Creek Railway, LLC; (6) West Texas & Lubbock Railway Company, Inc.; (7) West Texas & Lubbock Railroad Company, Inc.; (8) Massachusetts Coastal Railroad, LLC; and (9) Santa Cruz and Monterey Bay Railway Company.

[3] A copy of a draft of the agreement was submitted under seal along with a motion for protective order pursuant to 49 CFR 1104.14(b). That motion will be addressed in a separate decision.

of exemption was filed). Chai-EGI states that the purpose of this transaction is to improve the revenue base of the railroads controlled by IPH through access to Chai-EGI's resources and to achieve economies of scale through greater centralization of administrative functions. Furthermore, Chai-EGI states that it plans to provide or secure access to sources of capital that will, in turn, promote growth among IPH's railroads.

Chai-EGI certifies that: (1) None of the rail lines and carriers to be controlled pursuant to this notice of exemption connect with one another; (2) the subject control transaction is not a part of a series of anticipated transactions that would connect some or all of the rail lines; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than April 30, 2014 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35816, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy must be served on Myles L. Tobin, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606–2832.

Board decisions and notices are available on our Web site at *''WWW.STB.DOT.GOV.''*

Decided: April 18, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2014–09265 Filed 4–22–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 18, 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 23, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0895.

Type of Review: Revision of a currently approved collection.

Title: Form 3800, General Business Credit.

Form: Form 3800.

Abstract: Internal Revenue Code section 38 permits taxpayers to reduce their income tax liability by the amount of their general business credit, which is an aggregation of their investment credit, jobs credit, alcohol fuel credit, research credit, low-income housing credit, disabled access credit, enhanced oil recovery credit, etc. Form 3800 is used to figure the correct credit.

Affected Public: Businesses or other for-profit organizations; Farms; Individuals or households.

Estimated Annual Burden Hours: 8,345,000.

OMB Number: 1545–1395.

Type of Review: Extension without change of a currently approved collection.

Title: Form 8838—Consent to Extend the Time to Assess Tax Under Section 367—Gain Recognition Agreement.

Form: Form 8838.

Abstract: Form 8838 is used to extend the statute of limitations for U.S. persons who transfer stock or securities to a foreign corporation. A transferor must file the form if it enters into a gain recognition agreement pursuant to Internal Revenue Code section 367(a). A domestic corporation and distributee foreign corporation must file the form if a gain recognition agreement under section 367(e)(2) is entered into. This agreement allows the transferor to defer the payment of tax on the transfer. The IRS uses Form 8838 so that it may assess tax against the transferor after the expiration of the original statute of limitations.

Affected Public: Businesses or other for-profit organizations; Farms; Individuals or households.

Estimated Annual Burden Hours: 5,482.

OMB Number: 1545–1464.

Type of Review: Extension without change of a currently approved collection.

Title: IA–44–94 (Final) Deductibility, Substantiation, and Disclosure of Certain Charitable Contributions.

Abstract: Treasury Decision 8690 contains regulations that provide guidance regarding the allowance of certain charitable contribution deductions, the substantiation requirements for charitable contributions of $250 or more, and the disclosure requirements for quid pro quo contributions of $75 or more. These regulations will affect donee organizations and individuals and entities that make payments to donee organizations.

Affected Public: Individuals or households; Businesses or other for-profits; and Not-for-profit institutions.

Estimated Annual Burden Hours: 1,975,000.

OMB Number: 1545–1478.

Type of Review: Extension without change of a currently approved collection.

Title: INTL–9–95 (TD 8702—Final) Certain Transfers of Domestic Stock or Securities by U.S. Persons to Foreign Corporations.

Abstract: Transfers of stock or securities by U.S. persons in tax-free transactions are treated as taxable transactions when the acquirer is a foreign corporation, unless an exception applies (section 367(a)). Under the regulations, no U.S. person will qualify for an exception unless the U.S. target company complies with certain reporting requirements.

Affected Public: Businesses or other for-profit organizations.

Estimated Annual Burden Hours: 1,000.

OMB Number: 1545–1752.

Type of Review: Extension without change of a currently approved collection.

Title: Revenue Procedures 2008–38, 2008–39, 2008–40, 2008–41, and 2008–42.

Abstract: These Revenue Procedures provide procedures by which an issuer of a life insurance contract may (1) remedy a failure to account for charges for qualified additional benefits under the expense charge rule of Internal Revenue Code section 7702(c)(3)(B)(ii) [2008–38]; (2) remedy an inadvertent non-egregious failure to comply with the modified endowment contract rules under section 7702A [2008–39]; (3) remedy the failure of one or more contracts to meet the definition of a life insurance contract under section 7702(a) or to satisfy requirements of section 101(f) [2008–40]; (4) remedy an inadvertent failure of a variable contract to satisfy the diversification requirements of section 817(h) [2008–41]; and (5) automatically obtain a waiver for certain reasonable errors that caused the contract to fail to satisfy the requirements of section 7702 or 101(f) [2008–42].

Affected Public: Businesses or other for-profit organizations.

Estimated Annual Burden Hours: 5,950.

OMB Number: 1545–2073.

Type of Review: Extension without change of a currently approved collection.

Title: Substitute Mortality Tables for Single Employer Defined Benefit Plans.

Abstract: Revenue Procedure 2008–62 describes the process for obtaining a letter ruling as to the acceptability of substitute mortality tables under section 430(h)(3)(C) of the Internal Revenue Code.

Affected Public: Businesses or other for-profits; Not-for-profit institutions; and Farms.

Estimated Annual Burden Hours: 25,400.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–09228 Filed 4–22–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Policy Communications Survey

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Policy Communications Survey.'' The OCC is also giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before May 23, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0226, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0226, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by email to: *oira submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the 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) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The OCC is proposing to extend OMB approval of the following information collection:

Title: Policy Communications Survey.

OMB Control Number: 1557–0226.

Description: This information collection provides the OCC with information needed to evaluate properly the effectiveness of its policy guidance, found in publications such as bulletins, advisories, and the Comptroller's Handbook. This collection focuses on the evaluation of one specific communications product known as bank supervision policy guidance.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,769 (1221 national banks; 48 Federal branches and agencies of foreign banks; 500 Federal savings associations)

Estimated Total Annual Responses: 1,769.

Estimated Frequency of Response: Once annually.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden: 442.25 hours.

The OCC issued a 60-day **Federal Register** notice on February 14, 2014. 79 FR 9047. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the 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.

Dated: April 17, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–09253 Filed 4–22–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Subordinated Debt

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Subordinated Debt.''

DATES: Comments must be submitted on or before June 23, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0320, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from 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) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

In connection with issuance of the interim final rule entitled ''Basel III Conforming Amendments Related to Cross-References, Subordinated Debt and Limits Based on Regulatory Capital,'' [1] OMB provided a six-month approval for this information collection. The OCC is proposing to extend OMB approval of the collection for the standard three years.

Title: Subordinated Debt.

OMB Control No.: 1557–0320.

Frequency of Response: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 184.

Burden per Respondent: 1.3 hours.

Total Burden: 239 hours.

Description: Federal law and OCC regulations require that, under certain circumstances, a national bank or Federal savings association (collectively, ''institution'') must receive OCC approval to issue or prepay subordinated debt and include subordinated debt in tier 2 capital. The OCC uses information contained in various applications submitted by institutions to decide whether to grant approval for requests to issue or prepay subordinated debt and/or include subordinated debt in tier 2 capital.

The OCC uses the request for approval to issue or prepay subordinated debt or include subordinated debt in tier 2 capital, outlined in 12 CFR 5.47 and 163.81, to determine whether to grant or deny an institution's request. In addition, when the prepayment is in the form of a call option, the OCC uses the information provided to determine whether to require the institution to replace the instrument with an instrument that meets the criteria for tier 1 or tier 2 capital, and if so, whether the replacement instrument would qualify as tier 1 or tier 2 capital. The information collected is used to ensure compliance with legal and regulatory requirements. In the case of a prepayment in the form of a call option, the OCC uses the additional information collected to implement a requirement in the OCC's Basel III regulations, as described below.

Through the interim final rule, the OCC revised the requirements of § 5.47. Specifically, all national banks now must receive prior OCC approval in order to prepay subordinated debt that is included in tier 2 capital, and certain banks must receive prior approval to prepay subordinated debt that is *not* included in tier 2 capital. If the prepayment is in the form of a call option, a national bank must submit the information required for general prepayment requests under paragraph (n)(1)(ii)(A) and also comply with paragraph (n)(1)(ii)(B)(2), which requires a national bank to submit either: (1) A statement explaining why the bank believes that following the proposed prepayment the bank would continue to hold an amount of capital commensurate with its risk; or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance. The OCC may require the bank

[1] 79 FR 11300 (February 28, 2014).

to replace the subordinated debt instrument with an instrument of an equivalent amount that satisfies the requirements for a tier 1 or tier 2 capital instrument.

The OCC also revised the requirements of § 163.81 in the interim rule. Specifically, the prepayment of subordinated debt securities or mandatorily redeemable preferred stock (''covered securities'') included in tier 2 capital now requires prior OCC approval. If the prepayment is in the form of a call option, a Federal savings association must submit the information required for general prepayment requests under paragraph (j)(2)(i) and also comply with paragraph (j)(2)(ii)(A), which requires a Federal savings association to submit either: (1) a statement explaining why the Federal savings association believes that following the proposed prepayment the savings association would continue to hold an amount of capital commensurate with its risk; or (2) a description of the replacement capital instrument that meets the criteria for tier 1 or tier 2 capital under 12 CFR 3.20, including the amount of such instrument and the time frame for issuance. The OCC may require the Federal savings association to replace the subordinated debt instrument with an instrument of an equivalent amount that satisfies the requirements for a tier 1 or tier 2 capital instrument.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: April 17, 2014.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–09255 Filed 4–22–14; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury 's Office of Foreign Assets Control (''OFAC'') is publishing the name of one individual whose property and interests in property has been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the one individual identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on March 13, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On March 13, 2014, the Director of OFAC designated the following one individual whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individual

1. MENDOZA ROBLES, Eduardo (a.k.a. ''ZETA 33''); DOB 05 Dec 1966; POB Nuevo Laredo, Tamaulipas, Mexico; citizen Mexico; R.F.C. MERE661205MQ3 (Mexico); C.U.R.P. MERE661205HTSNBD09 (Mexico) (individual) [SDNTK].

Dated: March 13, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–09109 Filed 4–22–14; 8:45 am]

BILLING CODE 4810–AL–P

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S. 2195/P.L. 113–100

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