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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702

RIN 3133–AE27

Capital Planning and Stress Testing

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA is issuing a rule requiring federally insured credit unions (FICUs) with assets of $10 billion or more to develop and maintain capital plans. The rule also provides for annual stress tests of those credit unions.

DATES: This rule is effective May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Jeremy Taylor, Senior Capital Markets Specialist, Office of National Examinations and Supervision, (703) 518–6640; Dale Klein, Senior Capital Markets Specialist, Office of Examination and Insurance, (703) 518–6360; or Lisa Henderson, Staff Attorney, Office of General Counsel, (703) 518–6540.

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I. Background

A. Why is NCUA adopting this final rule?

The NCUA Board (Board) believes that in order to ensure the safety and soundness of the credit union system and to protect the National Credit Union Share Insurance Fund (Share Insurance Fund), the largest FICUs should have in place systems and processes to monitor and maintain their capital adequacy. This rule achieves that by requiring FICUs with assets of at least $10 billion (covered credit unions) to submit capital plans annually to NCUA. The rule establishes a supervisory tool for assessing covered credit union capital adequacy by also providing for annual stress tests of their balance sheets using baseline, adverse, and severely adverse scenarios.

B. What did the proposed rule say?

The proposed rule required covered credit unions to develop and maintain a capital plan and submit the plan to NCUA annually.[1] It applied to all FICUs that reported $10 billion or more in assets on their March 31 Call Report. The proposed rule also provided for NCUA to conduct independent stress tests on all covered credit unions based on September 30 financial data.

C. How did the commenters respond to the proposed rule?

NCUA received 22 comments on the proposed rule. All of the commenters supported the concept of stress testing and capital planning for covered credit unions. However, eight were opposed to the issuance of a new regulation, urging that NCUA issue non-binding supervisory guidance instead. The remaining 14 commenters, including the four credit unions that are currently over $10 billion in assets, did not object to a new regulation but suggested significant changes to the proposal.

The Board has determined that issuing guidance would not achieve the goals intended by this rule. The Board views stress tests and capital planning as common safety and soundness requirements for financial institutions, including credit unions, with $10 billion or more in assets. This element of safety and soundness is broadly outlined in federal banking agency guidance, and NCUA intends to do the same. Also, in a manner similar to bank regulatory agencies, NCUA will issue guidance with greater details describing how covered credit unions can comply with the requirements for stress testing and capital planning.

Two commenters said that the proposal does not comply with the Administrative Procedure Act (APA). With respect to this type of rulemaking, the APA requires federal agencies to give the public advance notice of the contents of a proposed rule and to offer the public an opportunity to express their views of the proposed rule before the agency.[2] The requirement to provide the public with adequate notice of a proposed rule is generally achieved through the publication of a notice of proposed rulemaking in the **Federal Register**.[3] NCUA issued a proposed rule regarding capital planning and stress testing on October 24, 2013, which was published in the **Federal Register** on November 1, 2013.[4] The public was given 60 days from that date to submit comments. The Board believes that the rulemaking procedures comply with APA requirements.

These commenters also stated that the legal authority cited for the proposed regulation, Sections 120(a) and 216 of the Federal Credit Union Act (the Act) [5] do not specifically address capital planning and stress testing. This is correct, but the Act does not limit NCUA to issuing regulations only explicitly authorized by statute. Instead, it grants NCUA a broad mandate to ''prescribe rules and regulations for the administration of this chapter.'' ''This chapter'' means Chapter 14 of Title 12 of the United States Code, which is the Act itself.

Seven commenters argued that credit unions should be treated like banks, that is, NCUA should apply the supervisory stress testing and capital planning requirements only to credit unions with at least $50 billion in assets. The Board disagrees. As of December 2013, the assets in the Share Insurance Fund totaled $11.6 billion, and the assets of the four largest covered credit unions totaled $111.4 billion—nearly 10 times the size of the Share Insurance Fund.

[1] 78 FR 65583 (Nov. 1, 2013).

[2] 5 U.S.C. 553(b) and (c).

[3] 5 U.S.C. 553(b).

[4] 78 FR 65583 (Nov. 1, 2013).

[5] 12 U.S.C. 1766a and 1790d.

The net worth of these credit unions was $11.24 billion as a cushion against the risks of these assets. NCUA can expect the exposure of the Share Insurance Fund will increase further as additional credit unions cross this $10 billion threshold. The Board believes it is important to require capital planning and stress testing at the credit unions that, by virtue of their sheer size, could pose the greatest risk to the Share Insurance Fund, while limiting the regulatory burden.

After careful consideration of all of the comments, the Board has determined to issue this final capital planning and stress testing rule. In response to comments, the Board has reorganized the rule and made other changes from the proposal, as discussed below.

II. Final Rule

A. Capital Planning

The proposed rule contained mandatory elements of a capital plan. Some commenters objected that the requirements were too broad. Others said that the grounds for rejecting a capital plan should be specifically defined. The Board disagrees with these views. The risk exposure of a credit union depends on its marketplace, its individual business model, changes to its business plan, and the management of enterprise-wide risks specific to the credit union's strategies. The adequacy of capital planning must be commensurate with the risks and complexity of each credit union in the context of its own circumstances; these cannot be pre-defined.

The proposed rule required a covered credit union to perform specific capital analyses, including a requirement to test the impact of interest rate shocks of at least +/− 300 basis points on the net economic value of the credit union, using final maturities of non-maturity shares not exceeding two years. A number of commenters opposed this test as arbitrary and unrealistic. The purpose of the requirement in the proposed rule was to address the extent to which an assumption of long maturities on non-maturity shares can mask a credit union's interest rate risk. However, the specificity of the rule as proposed may detract from other interest rate risk factors. Accordingly, the Board has removed that test from the final rule and substituted a requirement that covered credit unions perform reverse stress testing as part of their capital planning.

Reverse stress testing is a tool that allows a credit union to assume a known adverse outcome, such as suffering a credit loss that breaches regulatory capital ratios or suffering severe liquidity constraints that render it unable to meet its obligations, and then infer the types of events that could lead to such an outcome. This type of stress testing may help a credit union to consider scenarios beyond normal business expectations and see the impact of severe systemic effects on the credit union. It also allows a credit union to challenge common assumptions about its performance and expected mitigation strategies. NCUA expects that credit unions will address ranges of member behavior in regard to non-maturity share pricing in their sensitivity tests and reverse stress tests. The Board has added definitions of ''sensitivity testing'' and ''reverse stress test'' to the final rule.

Commenters objected to the requirement that capital plans must contain ''at least'' the elements enumerated in the proposal. They expressed concern that the phrase might lead examiners to require additional elements not listed in the rule. However, the point of the capital planning exercise is for a covered credit union to consider its specific risk exposures and to establish capital goals and requirements to support these risks. Where a particular covered credit union's unique products, lines of business, and field of membership create a risk not captured by the enumerated elements, the credit union will be expected to conduct additional analyses.

The proposed rule required covered credit unions to conduct certain capital plan assessments over each quarter of a 3-year planning horizon. Some commenters suggested that the capital planning horizon should be only 9 quarters, like the stress test horizon. The Board disagrees. A covered credit union's capital planning should be part of long-term strategic planning. A 3-year capital planning horizon is longer than the stress test period and therefore allows a credit union to incorporate any stress testing as it formulates its capital plans. NCUA also encourages covered credit unions to incorporate factors longer than 3 years into their capital planning process.

B. Stress Testing

The proposed rule provided that NCUA would conduct independent stress tests on all covered credit unions. Many commenters suggested stress testing should be performed by the covered credit unions themselves and that it would be simpler and less costly for NCUA to validate the models and assumptions of the credit unions than to conduct the stress testing independently. The Board considered the reasons for relying on independently performed stress testing, taking into account the costs. The primary objective of stress testing is for the Board to assess the ability of the largest credit unions to absorb the impact of significant economic stresses and to determine with a high degree of confidence when a covered credit union does not have sufficient capital to protect the Share Insurance Fund from losses that may threaten the credit union system. The Board believes consistent processes and uniform application of stress test procedures and analysis are critical to achieving reliable results. As a result, the Board believes NCUA-run stress testing is necessary for the first three years of credit union stress testing.

After NCUA conducts stress tests on a credit union for three years, the credit union may apply to NCUA to conduct its own stress test in such a manner as approved and as supervised by NCUA.

This final rule is not the end of the process on stress testing, but just the beginning. The agency's objective is for stress testing to be a process of continuous improvement. For the first three years, NCUA will use external providers to assist in evaluating data and producing comparable results for the required stress test scenarios. In the following years, whether NCUA or the credit union conducts the stress test, NCUA will ensure the stress testing protocol maintains an independent and comparable assessment of capital plus the flexibility to address the demands of a changing environment.

In determining whether or not to approve a covered credit union's request to perform its own stress tests, NCUA may consider factors such as the credit union's previous stress test results, recent supervisory history, current financial condition, CAMEL codes, management continuity, and any operational changes, among other parameters.

The proposed rule established a minimum stress test capital ratio of 5 percent. Some commenters argued that the minimum ratio should be 4 percent, like the minimum bank leverage ratio. The Board disagrees. The stress test capital ratio must take into account the difference between credit union and bank capital. Because credit unions do not have access to the capital markets to raise common stock, they must rely on retained earnings, which take time to accumulate. A minimum ratio of 5 percent provides a threshold below which a credit union may take timely action to enhance its stress test capital before reaching a 4 percent level, at which time the credit union would be

considered significantly undercapitalized.

The proposed rule also excluded several items from the calculation of stress test capital, including the 1 percent Share Insurance Fund deposit. Some commenters argued that the 1 percent deposit should be included because the credit union has a claim on the deposit. However, the deposit is not available to the credit union to cover losses it may incur. The Board therefore continues to believe it is appropriate to exclude the deposit from stress test capital for NCUA's stress testing.

C. State Coordination

The proposed rule provided that before taking any action against a federally insured, state-chartered credit union for capital planning or stress testing violations, NCUA would consult with the applicable state supervisory authority. Several commenters objected that consultation was insufficient and, therefore, that the proposal undermined state authority. The Board has added to the final rule a commitment that NCUA will also work cooperatively with the state authority.

D. Public Disclosure

The Board noted that bank stress tests are publicly disclosed and sought comment on whether credit union tests should be similarly disclosed. The Board noted that public disclosure helps to provide valuable information to market participants, enhances transparency, and facilitates market discipline but also cautioned that stress test results can be misinterpreted and lead to inaccurate conclusions about the health of an institution. The majority of the commenters stated that stress test results should not be publicly disclosed. However, three of the four covered credit unions suggested that there should be public disclosure after an initial implementation period. The Board recognizes that the public policy goals of providing information to market participants and facilitating market discipline are of reduced importance in the case of credit unions, as credit unions are cooperatives and not publicly held institutions. The Board does, however, acknowledge that members are owners of credit unions and as such should be afforded as much information as possible about the credit union in which they invest and entrust to provide their financial services. To that end, NCUA provides full transparency of all federally insured credit unions' current and past financial information by posting quarterly Call Report data for all the public.

At the same time, the Board must consider whether publicizing stress test results could harm the credit union members that NCUA intends to protect. As some stakeholders cautioned, stress test results could be taken out of context or misreported in public media. This could lead members to faulty conclusions about their credit union's current health, and cause a run on deposits—one of the worst-case scenarios that stress testing is intended to avoid.

The same fundamental reasons why NCUA does not publicize CAMEL Codes would apply to publicizing stress test results: Both CAMEL Codes and stress tests are supervisory tools. Both are designed to require credit unions to take certain actions in order to strengthen safety and soundness. Similarly, NCUA does not require credit unions to publicly release results from asset-liability management modeling, liquidity planning, or interest rate risk shock tests. These tests are designed as internal exercises to ensure that credit unions are prepared for a wide variety of ''what if'' scenarios.

For credit unions that may be approved by NCUA to conduct their own stress tests after three years, publicizing the results could put even more pressure on the credit unions to make sure they always show positive results. In some cases, credit unions might choose to alter their assumptions rather than increase capital. Such an action would subvert the purpose of this rule: To ensure that the largest credit unions take proactive steps to increase capital in advance of the worst-case scenario.

Accordingly, the Board has determined that public disclosure is not appropriate during the first several years of stress test implementation. However, when NCUA next reviews Part 702 as part of its ongoing three-year rotation, the Board reserves the right to take a separate action on whether or not to publicly disclose the stress test results.

E. Process Overview

The proposed rule contained a table setting out the timeframes of various requirements. Under the proposed rule, and as shown in that table, covered credit unions were required to submit their capital plans to NCUA by March 31 of each year. It provided that NCUA would notify the credit union of its acceptance or rejection of the plan by June 30 and, in the case of a rejection, allowed the credit union 30 days to resubmit its plan. Several commenters stated that 30 days was insufficient. The Board agrees, and the final rule provides 90 days for resubmission of a rejected plan. In order to accommodate this change, however, the final rule requires initial submission of the plan by February 28 and an NCUA response within 90 days. NCUA believes the slightly shorter time frame for initial submission will not be burdensome as capital planning is an ongoing process that occurs on an annual cycle.

The proposed rule provided that covered credit unions would be given the results of the NCUA stress tests by May 31. One commenter said that credit unions should be given the stress test results before the capital plan is due. The Board recognizes that credit unions would like to have the stress test results available for the development of their capital plans. However, supervisory stress testing and credit union capital planning have different purposes and are unique exercises. NCUA's supervisory stress test provides an independent assessment of the credit union's capital adequacy. A covered credit union's capital planning process is a sound practice that integrates strategic planning, risk management, and capital assessment.

Capital planning and supervisory stress testing are separate processes. Moreover, the final rule allows for stress testing to be performed by NCUA, or subsequently by the covered credit unions. These processes have independent timelines, so the tables below now show each process separately.

TABLE 1—PROCESS OVERVIEW OF CAPITAL PLANNING REQUIREMENTS WHEN NCUA PERFORMS STRESS TESTS UNDER THIS FINAL RULE

Timeframe	Steps
September 30 *	''As of'' date for covered credit union's capital plan.
by February 28 (of the following year) *	Covered credit union submits capital plan to NCUA.
within 90 days of submission of plan	NCUA accepts or rejects capital plan.

TABLE 1—PROCESS OVERVIEW OF CAPITAL PLANNING REQUIREMENTS WHEN NCUA PERFORMS STRESS TESTS UNDER THIS FINAL RULE—Continued

Timeframe	Steps
within 90 days of NCUA decision to reject plan	Affected covered credit union submits revised capital plan.

* The final rule allows NCUA to direct a covered credit union to formulate its capital plan based on financial data for a date other than the September 30 date in Table 1. NCUA anticipates there may be cases where September 30 data does not appropriately capture the risk of the covered credit union. In this instance, NCUA would specify the alternative capital plan date, and adjust the February 28 deadline for capital plan submissions on a schedule to reflect the change in the ''as of'' date.

TABLE 2—PROCESS OVERVIEW OF NCUA-RUN SUPERVISORY STRESS TEST REQUIREMENTS UNDER THIS FINAL RULE

Timeframe	Steps
September 30**	''As of'' date for NCUA's stress test data
by December 1	NCUA releases scenarios on which it will conduct independent stress tests.
by May 31***	NCUA provides stress test results to covered credit union.
within 90 days of receipt of stress test results (if below required minimum).	Affected covered credit union submits stress test capital enhancement plan.

** As with capital planning, NCUA may direct stress tests of a covered credit union to occur on an alternative ''as of'' date to the September 30 date in Tables 2 and 3, if the September 30 data does not accurately reflect the credit union's risks or financial position. Any such change would prompt corresponding amendments in submission deadlines for NCUA and credit union-run stress tests.

*** NCUA recognizes the first year of stress test implementation poses unique challenges, such as selecting the NCUA-designated vendor, compiling data across multiple covered credit unions, and developing modeling processes that capture the risks within the covered credit unions. The NCUA Board shares commenters' thoughts that the quality of the results is of utmost importance. Therefore, NCUA reserves the right to adjust this date in the first year of implementation if necessary to ensure the accuracy of the results.

TABLE 3—PROCESS OVERVIEW OF CAPITAL PLANNING AND SUPERVISORY STRESS TEST REQUIREMENTS WHEN THE CREDIT UNION PERFORMS STRESS TESTS UNDER THIS FINAL RULE

Timeframe	Steps
by July 31	Covered credit union requests authority to perform stress tests for coming annual cycle.
by August 31	NCUA approves or declines request by credit union to perform stress tests.
September 30**	''As of'' date for NCUA's stress test data.
by December 1	NCUA releases scenarios on which CU will conduct stress tests.
by February 28 (of the following year)	Covered credit union submits capital plan, stress test results and, if applicable, stress test capital enhancement plan to NCUA.
Within 90 days of submission	NCUA accepts or rejects capital plan and, if applicable, stress test capital enhancement plan.
within 90 days of NCUA decision to reject plan	Affected covered credit union submits revised capital plan and, if applicable, stress test capital enhancement plan.

A covered credit union with a stress test enhancement plan accepted by NCUA, following an NCUA-run supervisory stress test, must incorporate this enhancement plan into the credit union's capital plan for the following year.

F. Effective Date

Some commenters urged NCUA to delay implementation of the regulation for a year to enable covered credit unions adequate time to develop and test assumptions, models, and processes and to collect the data. The Board believes that delayed implementation is unnecessary, as credit unions already employ many of the practices involved in stress testing and capital planning. The Board recognizes that implementation may include an element of continuous improvement and that practices will develop and be refined over time.

III. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis of any significant economic impact any regulation may have on a substantial number of small entities (primarily those under $50 million in assets).[6] Because the rule only applies to credit unions with $10 billion or more in assets, it will not have any economic impact on small credit unions.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or increases an existing burden.[7] For purposes of the PRA, a paperwork burden may take the form of a reporting or recordkeeping requirement, both referred to as information collections. The information collection requirements are found in sections 702.503, 702.504, 702.505, and 702.506 of this final rule.

Section 702.503(b) provides a list of mandatory elements to be included in a covered credit union's capital policy.

Section 702.504(a) requires a covered credit union to develop and maintain a capital plan and to submit the plan to NCUA by February 28 of a given year. Section 702.504(a) further requires a covered credit union's board of directors or a designated committee to review and approve the covered credit union's capital plan prior to its submission to NCUA. Section 702.504(b) establishes a list of mandatory elements to be included in the capital plan.

Section 702.505(d) provides that within 90 calendar days of receipt of a notice of rejection by NCUA of a covered credit union's capital plan, under section 702.505(c), the covered credit union must update and re-submit its capital plan to NCUA.

Section 702.506(f) requires a covered credit union to provide any relevant

[6] 5 U.S.C. 603(a).

[7] 44 U.S.C. 3507(d); 5 CFR part 1320.

qualitative or quantitative information requested by NCUA to conduct or analyze the stress test.

Section 702.506(h) provides that within 90 days of receipt of a notice that a covered credit union does not have the ability to maintain the required stress test capital ratio, the covered credit union must submit a stress test capital enhancement plan showing how it will meet that requirement.

In the proposed rule's PRA discussion, NCUA estimated that the initial paperwork burden for each covered credit union was 500 hours. One commenter stated that this estimate was low. The paperwork burdens of this final rule are substantially similar to those in the proposed rule. NCUA has reevaluated the initial paperwork burden, however, and determined it to be 750 hours.

Summary of Burden

As of December 31, 2013, there were four FICUs with assets of $10 billion or more.

	Number of respondents	Annual frequency	Hourly estimate	Total hours
Initial Paperwork Burden:				
Initial Report	4	1	750	3,000
Ongoing Paperwork Burden:				
Annual Report	4	1	250	1,000

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The final rule applies to federal credit unions and to two federally insured, state-chartered credit unions, each with assets over $10 billion. By law, these state-chartered institutions are already subject to numerous provisions of NCUA's rules, based on the agency's role as the insurer of member share accounts and the significant interest NCUA has in the safety and soundness of their operations. Given the limited reach of the final rule on state-chartered credit unions, NCUA does not believe the rule will 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. NCUA has, therefore, determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

D. Assessment of Federal Regulations and Policies on Families

NCUA has determined that this final rule will not affect family well-being within the meaning of § 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

E. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)[8] provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by section 551 of the APA.[9] The Office of Management and Budget has determined that this rule is not a ''major rule'' for purposes of SBREFA.

List of Subjects in 12 CFR Part 702

Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on April 24, 2014.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the National Credit Union Administration amends part 702 as follows:

PART 702—CAPITAL ADEQUACY

■ 1. The authority citation for part 702 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1790d.

■ 2. Revise the heading of part 702 to read as set forth above.

■ 3. Add subpart E to read as follows:

Subpart E—Capital Planning and Stress Testing

702.501 Authority, purpose, and reservation of authority.
702.502 Definitions.
702.503 Capital policy.
702.504 Capital planning.
702.505 NCUA action on capital plans.
702.506 Annual supervisory stress testing.

Subpart E—Capital Planning and Stress Testing

§ 702.501 Authority, purpose, and reservation of authority.

(a) *Authority.* This subpart is issued by the National Credit Union Administration (NCUA).

(b) *Purpose.* This subpart requires covered credit unions to develop and maintain capital plans and describes stress testing requirements and actions on covered credit union capital plans.

(c) *Reservation of authority.* Notwithstanding any other provisions of this subpart, NCUA may modify some or all of the requirements of this subpart. Any exercise of authority under this section by NCUA will be in writing and will consider the financial condition, size, complexity, risk profile, scope of operations, and level of capital of the covered credit union, in addition to any other relevant factors. Nothing in this subpart limits the authority of NCUA under any other provision of law or regulation to take supervisory or enforcement action, including action to address unsafe and unsound practices or conditions, or violations of law or regulation.

§ 702.502 Definitions.

For purposes of this subpart—

Adverse scenario means a scenario that is more adverse than that associated with the baseline scenario.

Baseline scenario means a scenario that reflects the consensus views of the economic and financial outlook.

Capital plan means a written presentation of a covered credit union's capital planning strategies and capital adequacy process that includes the mandatory elements set forth in this subpart.

Covered credit union means a federally insured credit union whose assets were $10 billion or more on March 31 of the current calendar year.

Planning horizon means the period of 3 years over which capital planning projections extend.

Pre-provision net revenue means the sum of net interest income and non-interest income, less expenses, before adjusting for loss provisions.

Provision for loan and lease losses means the provision for loan and lease losses as reported by the covered credit union on its Call Report.

[8] Public Law 104–121, 110 Stat. 857 (1996).

[9] 5 U.S.C. 551.

Reverse stress test means a test that defines severely unfavorable outcomes and then identifies events or scenarios that lead to these outcomes. Examples of severely unfavorable outcomes are breaching regulatory capital, failing to meet obligations, or being unable to continue independent operations.

Scenarios are those sets of conditions that affect the U.S. economy or the financial condition of a covered credit union that serve as the basis for stress testing, including, but not limited to, NCUA-established baseline, adverse, and severely adverse scenarios.

Sensitivity testing means testing the relationship between specific variables, parameters, and inputs and their impacts on analytical results.

Severely adverse scenario means a scenario that overall is more severe than that associated with the adverse scenario.

Stress test means the process to assess the potential impact of expected and stressed economic conditions on the consolidated earnings, losses, and capital of a covered credit union over the planning horizon, taking into account the current state of the covered credit union and the covered credit union's risks, exposures, strategies, and activities.

Stress test capital means net worth (less assistance provided under Section 208 of the Federal Credit Union Act, subordinated debt included in net worth, and NCUSIF deposit) under stress test scenarios.

Stress test capital ratio means a covered credit union's stress test capital divided by its total consolidated assets less NCUSIF deposit.

§ 702.503 Capital policy.

(a) *General requirements.* The extent and sophistication of a covered credit union's governance over its capital planning and analysis process must align with the extent and sophistication of that process. The process must be consistent with the financial condition, size, complexity, risk profile, scope of operations, and level of capital of the covered credit union. The ultimate responsibility for governance over a covered credit union's capital planning and analysis process rests with the credit union's board of directors. Senior management must establish a comprehensive, integrated, and effective process that fits into the broader risk management of the credit union. Senior management responsible for capital planning and analysis must provide regular reports on capital planning and analysis to the credit union's board of directors (or a designated committee of the board).

(b) *Mandatory elements.* A covered credit union's board of directors (or a designated committee of the board) must review and approve a capital policy, along with procedures to implement it. The capital policy must:

(1) State goals and limits for capital levels and risk exposure.

(2) Establish requirements for reviewing and reporting capital levels and breaches of capital limits, with contingency plans for remedying any breaches.

(3) State the governance over the capital analysis process, including all the activities that contribute to the analysis;

(4) Specify capital analysis roles and responsibilities, including controls over external resources used for any part of capital analysis (such as vendors and data providers);

(5) Specify the internal controls that govern capital planning, including review by internal audit, control of changes in capital planning procedures, and required documentation;

(6) Describe the frequency with which capital analyses will be conducted;

(7) State how capital analysis results are used and by whom; and

(8) Be reviewed at least annually and updated as necessary to ensure that it remains current with changes in market conditions, credit union products and strategies, credit union risk exposures and activities, the credit union's established risk appetite, and industry practices.

§ 702.504 Capital planning.

(a) *Annual capital planning.* (1) A covered credit union must develop and maintain a capital plan and submit this plan to NCUA each year by February 28, or such later date as directed by NCUA. The plan must be based on the credit union's financial data as of September 30 of the immediately preceding previous calendar year, or such other date as directed by NCUA. NCUA will assess whether the capital planning and analysis process is sufficiently robust in determining whether to accept a credit union's capital plan.

(2) A covered credit union's board of directors (or a designated committee of the board) must at least annually, and prior to submission of the capital plan under paragraph (a)(1) of this section:

(i) Review the credit union's process for assessing capital adequacy;

(ii) Ensure that any deficiencies in the credit union's process for assessing capital adequacy are appropriately remedied; and

(iii) Approve the credit union's capital plan.

(b) *Mandatory elements.* A capital plan must contain at least the following elements:

(1) A quarterly assessment of the expected sources and levels of stress test capital over the planning horizon that reflects the covered credit union's financial state, size, complexity, risk profile, scope of operations, and existing level of capital, assuming both expected and unfavorable conditions, including:

(i) Estimates of projected revenues, losses, reserves, and pro forma capital levels, over each quarter of the planning horizon under expected and unfavorable conditions; and

(ii) A detailed description of the credit union's process for assessing capital adequacy;

(2) A discussion of how the credit union will, under expected and unfavorable conditions, maintain stress test capital commensurate with all of its risks, including reputational, strategic, legal, and compliance risks;

(3) A discussion of how the credit union will, under expected and unfavorable conditions, maintain ready access to funding, meet its obligations to all creditors and other counterparties, and continue to serve as an intermediary for its members;

(4) If the credit union conducts its own stress test under § 702.506(c), a discussion of how the credit union will maintain a stress test capital ratio of 5 percent or more under baseline, adverse, and severely adverse conditions in each quarter of the 9-quarter horizon;

(5) A discussion of any expected changes to the credit union's business plan that are likely to have a material impact on the credit union's capital adequacy and liquidity; and

(6) A program to:

(i) Conduct sensitivity testing to analyze the effect on the credit union's stress test capital of changes in variables, parameters, and inputs used by the credit union in preparing its capital plan;

(ii) Conduct reverse stress testing to identify events and circumstances that cause severely unfavorable outcomes for the credit union; and

(iii) Analyze the impact of credit risk and interest rate risk to capital under unfavorable economic conditions, both separately and in combination with each other.

§ 702.505 NCUA action on capital plans.

(a) *Timing.* NCUA will notify the covered credit union of the acceptance or rejection of its capital plan within 90 calendar days of the date of the plan's submission.

(b) *Grounds for rejection of capital plan.* NCUA may reject a capital plan if it determines that:

(1) The covered credit union has material unresolved supervisory issues associated with its capital planning process;

(2) The capital analysis underlying the covered credit union's capital plan, or the covered credit union's methodologies for reviewing the robustness of its capital adequacy, are not reasonable or appropriate;

(3) Data utilized for the capital analysis is insufficiently detailed to capture the risks of the covered credit union, or the data lacks integrity;

(4) The plan does not meet all of the requirements of § 702.504;

(5) NCUA finds unacceptable weakness in the capital plan, the capital planning analysis, or any critical system or process supporting capital analysis; or

(6) The covered credit union's capital planning process constitutes an unsafe or unsound practice, or would violate any law, regulation, NCUA order, directive, or any condition imposed by, or written agreement with, NCUA. In determining whether a capital plan would constitute an unsafe or unsound practice, NCUA considers whether the covered credit union is and would remain in sound financial condition after giving effect to the capital plan.

(c) *Notification in writing.* NCUA will notify the credit union in writing of the reasons for a decision to reject a capital plan.

(d) *Re-submission of a capital plan.* If NCUA rejects a credit union's capital plan, the credit union must update and resubmit an acceptable capital plan to NCUA within 90 calendar days of the rejection. The resubmitted capital plan must at a minimum address:

(1) NCUA-noted deficiencies in the credit union's original capital plan; and

(2) Remediation plans for unresolved supervisory issues contributing to the rejection of the credit union's original capital plan.

(e) *Supervisory actions.* Any covered credit union operating without a capital plan accepted by NCUA may be subject to supervisory actions on the part of NCUA.

(f) *Consultation on proposed action.* Before taking any action under this section on the capital plan of a federally insured, state-chartered credit union, NCUA will consult and work cooperatively with the appropriate State official.

§ 702.506 Annual supervisory stress testing.

(a) *General requirements.* The supervisory stress tests consist of baseline, adverse, and severely adverse scenarios, which NCUA will provide by December 1 of a calendar year. The tests will be based on the covered credit union's financial data as of September 30 of that year, or such other date as directed by NCUA. The tests will take into account all relevant exposures and activities of a credit union to evaluate its ability to absorb losses in specified scenarios over a 9-quarter horizon. The minimum stress test capital ratio is 5 percent.

(b) *NCUA-run tests.* Except as provided in paragraph (c) of this section, NCUA will conduct the tests described in this section.

(c) *Credit union-run tests under NCUA supervision.* After NCUA has completed three consecutive supervisory stress tests, a covered credit union may, with NCUA approval, conduct the tests described in this section. A covered credit union must submit its request to NCUA to conduct its own stress test by July 31 for the following annual cycle. NCUA will approve or decline the credit union's request by August 31. The credit union must include the results of the tests in the capital plan it submits under § 702.504. NCUA reserves the ability to conduct the tests described in this section on any covered credit union at any time. Where both NCUA and a covered credit union have conducted the tests, the results of NCUA's tests will determine whether the covered credit union has met the requirements of this section.

(d) *Newly covered credit union.* A credit union that becomes a covered credit union after the effective date of this regulation must have three NCUA-run stress tests before it can seek NCUA approval to conduct credit union-run stress tests.

(e) *Potential impact on capital.* In conducting a stress test under this subpart, during each quarter of the stress test horizon, NCUA or the covered credit union will estimate the following for each scenario:

(1) Losses, pre-provision net revenues, loan and lease loss provisions, and net income; and

(2) The potential impact on the stress test capital ratio, incorporating the effects of any capital action over the 9-quarter stress test horizon and maintenance of an allowance for loan losses appropriate for credit exposures throughout the horizon. NCUA or the covered credit union will conduct the stress test without assuming any risk mitigation actions on the part of the covered credit union, except those existing and identified as part of the covered credit union's balance sheet, or off-balance sheet positions, such as asset sales or derivatives positions, on the date of the stress test.

(f) *Information collection.* Upon request, the covered credit union must provide NCUA with any relevant qualitative or quantitative information requested by NCUA pertinent to the stress test under this section.

(g) *Stress test results.* NCUA will provide each covered credit union with the results of the stress test by May 31 of the year following the effective testing date. A credit union conducting its own stress test must provide NCUA the results of its stress test with its capital plan by February 28 of the year following the effective testing date.

(h) *Supervisory actions.* If NCUA-run stress tests show that a covered credit union does not have the ability to maintain a stress test capital ratio of 5 percent or more under expected and stressed conditions in each quarter of the 9-quarter horizon, the credit union must provide NCUA, within 90 days of receipt of the stress test results, a stress test capital enhancement plan showing how it will meet that target. If the credit union-run stress tests show that it does not have the ability to maintain a stress test capital ratio of 5 percent or more under expected and stressed conditions in each quarter of the 9-quarter horizon, the credit union must incorporate a stress test capital enhancement plan into its capital plan. Any affected credit union operating without a stress test capital enhancement plan accepted by NCUA may be subject to supervisory actions on the part of NCUA.

(i) *Consultation on proposed action.* Before taking any action under this section against a federally insured, state-chartered credit union, NCUA will consult and work cooperatively with the appropriate State official.

[FR Doc. 2014–09814 Filed 4–29–14; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30958; Amdt. No. 513]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for

certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, May 29, 2014.

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on April 25, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, May 29, 2014.

■ 1. The authority citation for part 95 continues to read as follows:

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

PART 95—[AMENDED]

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINT

[Amendment 513 effective date, May 29, 2014]

FROM	TO	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes			
§ 95.3200 RNAV Route T200 Is Amended To Delete			
FOOTHILLS, GA VORTAC	RICHE, SC FIX	4800	8000
#EASTBOUND EXPECT 5000			
WESTBOUND EXPECT 6000			
RICHE, SC FIX	FLORENCE, SC VORTAC	2500	8000
#EASTBOUND EXPECT 5000			
WESTBOUND EXPECT 6000			
§ 95.3201 RNAV Route T201			
Is Amended by Adding:			
MEVAE, SC WP	TRUEX, SC WP	2200	7000
TRUEX, SC WP	FEGNO, NC WP	2400	7000
FEGNO, NC WP	NUROE, NC WP	2700	7000
NUROE, NC WP	BORTZ, NC WP	3900	7000
Is Amended To Delete:			
COLUMBIA, SC VORTAC	LOCAS, NC FIX	2500	7000
#NORTHBOUND EXPECT 5000			
SOUTHBOUND EXPECT 6000			
LOCAS, NC FIX	JOTTA, NC FIX	4400	7000
#NORTHBOUND EXPECT 5000			
SOUTHBOUND EXPECT 6000			
§ 95.3202 RNAV Route T202			
Is Amended by Adding:			

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINT—Continued

[Amendment 513 effective date, May 29, 2014]

FROM	TO	MEA	MAA
GURSH, SC WP	AWRYT, SC WP	2400	8000
AWRYT, SC WP	RICHE, SC FIX	2400	8000
GANTS, NC FIX	ZADEL, NC WP	2700	8000
Is Amended To Read in Part:			
HUSTN, NC FIX	FEGNO, NC WP	2500	8000
FEGNO, NC WP	GANTS, NC FIX	2600	8000
§ 95.3203 RNAV Route T203			
Is Amended by Adding:			
ANDYS, SC FIX	AWRYT, SC WP	2400	17500
AWRYT, SC WP	ROUTH, NC WP	2800	17500
ROUTH, NC WP	FADOS, NC WP	3400	17500
FADOS, NC WP	OREAD, NC WP	3500	17500
Is Amended To Delete:			
COLUMBIA, SC VORTAC	LOCKS, SC FIX	2500	7000
#NORTHBOUND EXPECT 6000			
SOUTHBOUND EXPECT 7000			
LOCKS, SC FIX	BARRETTS MOUNTAIN, NC VOR/DME	4900	7000
#NORTHBOUND EXPECT 6000			
SOUTHBOUND EXPECT 7000			
BARRETTS MOUNTAIN, NC VOR/DME	PULASKI, VA VORTAC	6000	7000
#NORTHBOUND EXPECT 6000			
SOUTHBOUND EXPECT 7000			
§ 95.3206 RNAV Route T206 Is Added To Read			
ENADE, NC WP	FADOS, NC WP	3000	17500
FADOS, NC WP	GOTHS, NC WP	3400	17500
GOTHS, NC WP	NUROE, NC WP	3400	17500
NUROE, NC WP	ZADEL, NC WP	3000	17500
§ 95.3214 RNAV Route T214 Is Added To Read			
OREAD, NC WP	BORTZ, NC WP	3500	17500
BORTZ, NC WP	THMSN, NC WP	3400	17500
THMSN, NC WP	ZADEL, NC WP	2400	17500
ZADEL, NC WP	ORPEE, NC WP	2700	17500

FROM	TO	MEA
§ 95.6001 VICTOR Routes-U.S. **§ 95.6044 VOR FEDERAL AIRWAY V44 Is Amended To Read in Part**		
PAWLING, NY VOR/DME	*ATHOS, NY FIX	3100
*8000—MCA ATHOS, NY FIX, N BND		
GROUP, NY FIX	*ALBANY, NY VORTAC	**6000
*6000—MCA ALBANY, NY VORTAC, S BND		
**2800—GNSS MEA		
§ 95.6123 VOR FEDERAL AIRWAY V123 Is Amended To Read in Part		
CARMEL, NY VOR/DME	CASSH, NY FIX	3000
CASSH, NY FIX	*WIGAN, NY FIX	3100
*8000—MCA WIGAN, NY FIX, N BND		
GROUP, NY FIX	*ALBANY, NY VORTAC	**6000
*6000—MCA ALBANY, NY VORTAC, S BND		
**2800—GNSS MEA		
§ 95.6157 VOR FEDERAL AIRWAY V157 Is Amended To Read in Part		
KINGSTON, NY VOR/DME	*WIGAN, NY FIX	3100
*8000—MCA WIGAN, NY FIX, N BND		
GROUP, NY FIX	*ALBANY, NY VORTAC	**6000
*6000—MCA ALBANY, NY VORTAC, S BND		
**2800—GNSS MEA		
§ 95.6405 VOR FEDERAL AIRWAY V405 Is Amended To Read in Part		
CARMEL, NY VOR/DME	CASSH, NY FIX	3000
CASSH, NY FIX	PAWLING, NY VOR/DME	3100

FROM	TO	MEA
§ 95.6468 VOR FEDERAL AIRWAY V468 Is Amended To Read in Part		
*BATTLE GROUND, WA VORTAC	TROTS, WA FIX	**10000
*5300—MCA BATTLE GROUND, WA VORTAC, NE BND		
**7200—MOCA		
**8000—GNSS MEA		
*SWANY, WA FIX	HITCH, WA FIX	**8500
*11500—MCA SWANY, WA FIX, SW BND		
**6800—MOCA		
**7000—GNSS MEA		
HITCH, WA FIX	YAKIMA, WA VORTAC	
	SW BND	*8500
	NE BND	*5000
*4400—MOCA		
*5000—GNSS MEA		
GLEED, WA FIX	ELLENSBURG, WA VORTAC	6000

[FR Doc. 2014–09904 Filed 4–29–14; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30953; Amdt. No. 3586]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective April 30, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of

immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

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

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

** * * Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/1/2014	IN	Fort Wayne	Fort Wayne Intl	4/5491	03/14/14	LOC BC RWY 14, Amdt 15.
5/29/2014	AK	Cold Bay	Cold Bay	4/0223	03/18/14	ILS OR LOC/DME RWY 15, Amdt 18A.
5/29/2014	CA	Redlands	Redlands Muni	4/1556	03/18/14	GPS A, Orig.
5/29/2014	WA	Richland	Richland	4/1709	03/14/14	RNAV (GPS) Y RWY 19, Amdt 1.
5/29/2014	WA	Richland	Richland	4/1710	03/14/14	RNAV (GPS) Z RWY 19, Orig.
5/29/2014	WA	Richland	Richland	4/1711	03/14/14	LOC RWY 19, Amdt 8.
5/29/2014	CA	Los Angeles	Los Angeles Intl	4/1716	03/21/14	RNAV (RNP) Z RWY 7L, Orig-B.
5/29/2014	CA	Oxnard	Oxnard	4/2241	03/18/14	RNAV (GPS) RWY 7, Amdt 1.
5/29/2014	CA	San Diego	Brown Field Muni	4/2242	03/18/14	RNAV (GPS) RWY 8L, Amdt 1.
5/29/2014	OH	Cambridge	Cambridge Muni	4/2278	03/18/14	RNAV (GPS) RWY 4, Orig.
5/29/2014	OH	Cambridge	Cambridge Muni	4/2279	03/18/14	RNAV (GPS) RWY 22, Orig.
5/29/2014	OH	Cambridge	Cambridge Muni	4/2281	03/18/14	LOC/DME RWY 22, Amdt 1A.
5/29/2014	CA	Upland	Cable	4/2341	03/18/14	RNAV (GPS) RWY 6, Amdt 1.
5/29/2014	GA	Camilla	Camilla-Mitchell County.	4/2342	03/18/14	RNAV (GPS) RWY 26, Amdt 1A.
5/29/2014	AL	Dothan	Dothan Rgnl	4/2345	03/18/14	RNAV (GPS) RWY 18, Amdt 2.
5/29/2014	PA	Dubois	Dubois Rgnl	4/2352	03/18/14	ILS OR LOC RWY 25, Amdt 9A.
5/29/2014	ID	Driggs	Driggs-Reed Memorial	4/2358	03/18/14	RNAV (GPS) RWY 3, Amdt 1.
5/29/2014	TX	Caldwell	Caldwell Muni	4/2378	03/18/14	RNAV (GPS) RWY 15, Orig.
5/29/2014	AR	Bentonville	Bentonville Muni/Louise M Thaden Field.	4/2410	03/14/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	AR	Bentonville	Bentonville Muni/Louise M Thaden Field.	4/2411	03/14/14	RNAV (GPS) RWY 18, Amdt 1.
5/29/2014	IA	Cedar Rapids	The Eastern Iowa	4/2506	03/14/14	ILS OR LOC RWY 27, Amdt 6C.
5/29/2014	AR	Manila	Manila Muni	4/2507	03/14/14	RNAV (GPS) RWY 18, Amdt 1.
5/29/2014	AR	Nashville	Howard County	4/2508	03/14/14	RNAV (GPS) RWY 19, Orig.
5/29/2014	AR	Nashville	Howard County	4/2509	03/14/14	RNAV (GPS) RWY 1, Orig.
5/29/2014	AR	Fayetteville	Drake Field	4/2511	03/18/14	RNAV (GPS) RWY 16, Amdt 1.
5/29/2014	AK	Yakutat	Yakutat	4/2529	03/21/14	Takeoff Minimums and Obstacle DP, Amdt 5.
5/29/2014	AR	Huntsville	Huntsville Muni	4/2772	03/18/14	RNAV (GPS) RWY 12, Orig.
5/29/2014	AR	Huntsville	Huntsville Muni	4/2775	03/18/14	RNAV (GPS) RWY 30, Orig.
5/29/2014	AR	Jonesboro	Jonesboro Muni	4/2778	03/18/14	RNAV (GPS) RWY 5, Amdt 1.
5/29/2014	AR	Jonesboro	Jonesboro Muni	4/2779	03/18/14	RNAV (GPS) RWY 31, Amdt 1.
5/29/2014	AR	Jonesboro	Jonesboro Muni	4/2780	03/18/14	RNAV (GPS) RWY 23, Amdt 1.
5/29/2014	AR	Jonesboro	Jonesboro Muni	4/2781	03/18/14	ILS OR LOC RWY 23, Amdt 2.
5/29/2014	IA	Burlington	Southeast Iowa Rgnl	4/2795	03/14/14	RNAV (GPS) RWY 12, Amdt 1.
5/29/2014	IA	Perry	Perry Muni	4/2798	03/14/14	RNAV (GPS) RWY 32, Amdt 1.
5/29/2014	IA	Perry	Perry Muni	4/2799	03/14/14	RNAV (GPS) RWY 14, Orig.
5/29/2014	AR	Newport	Newport Muni	4/2800	03/14/14	VOR/DME RWY 18, Amdt 4.
5/29/2014	AR	Huntsville	Huntsville Muni	4/2804	03/18/14	VOR/DME RWY 12, Amdt 2.
5/29/2014	AR	Pine Bluff	Grider Field	4/2909	03/14/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	AR	Pine Bluff	Grider Field	4/2910	03/14/14	RNAV (GPS) RWY 18, Amdt 1.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/29/2014	IA	Monticello	Monticello Rgnl	4/2911	03/14/14	RNAV (GPS) RWY 15, Amdt 1B.
5/29/2014	AR	Little Rock	Bill And Hillary Clinton National/Adams Field.	4/2912	03/18/14	ILS OR LOC RWY 4R, Amdt 2B.
5/29/2014	AR	Little Rock	Bill And Hillary Clinton National/Adams Field.	4/2913	03/18/14	RNAV (GPS) RWY 4R, Amdt 1B.
5/29/2014	AR	Dumas	Billy Free Muni	4/2914	03/14/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	AR	Dumas	Billy Free Muni	4/2915	03/14/14	VOR/DME RWY 36, Amdt 3A.
5/29/2014	AR	Camden	Harrell Field	4/2916	03/18/14	VOR/DME RWY 1, Amdt 10.
5/29/2014	AR	Camden	Harrell Field	4/2917	03/18/14	RNAV (GPS) RWY 1, Amdt 1.
5/29/2014	IA	Osceola	Osceola Muni	4/2918	03/14/14	RNAV (GPS) RWY 36, Orig.
5/29/2014	IA	Osceola	Osceola Muni	4/2919	03/14/14	RNAV (GPS) RWY 18, Orig.
5/29/2014	IA	Ottumwa	Ottumwa Rgnl	4/2920	03/14/14	ILS OR LOC RWY 31, Amdt 5C.
5/29/2014	CO	Montrose	Montrose Rgnl	4/3006	03/18/14	ILS OR LOC/DME RWY 17, Amdt 2A.
5/29/2014	NC	Jacksonville	Albert J Ellis	4/3031	03/18/14	NDB RWY 5, Amdt 8A.
5/29/2014	NC	Jacksonville	Albert J Ellis	4/3032	03/18/14	ILS OR LOC RWY 5, Amdt 9.
5/29/2014	NC	Jacksonville	Albert J Ellis	4/3033	03/18/14	RNAV (GPS) RWY 5, Amdt 1A.
5/29/2014	MN	Albert Lea	Albert Lea Muni	4/3062	03/18/14	RNAV (GPS) RWY 17, Amdt 2.
5/29/2014	MN	Albert Lea	Albert Lea Muni	4/3063	03/18/14	RNAV (GPS) RWY 35, Amdt 1.
5/29/2014	MN	Albert Lea	Albert Lea Muni	4/3064	03/18/14	VOR/DME RWY 35, Amdt 1.
5/29/2014	MN	Albert Lea	Albert Lea Muni	4/3065	03/18/14	VOR RWY 17, Amdt 1.
5/29/2014	CA	Apple Valley	Apple Valley	4/3470	03/18/14	RNAV (GPS) Y RWY 18, Amdt 1A.
5/29/2014	CA	Apple Valley	Apple Valley	4/3471	03/18/14	RNAV (GPS) Z RWY 18, Orig-A.
5/29/2014	ID	Rexburg	Rexburg-Madison County.	4/3480	03/21/14	VOR RWY 35, Amdt 4.
5/29/2014	ID	Rexburg	Rexburg-Madison County.	4/3481	03/21/14	RNAV (GPS) RWY 35, Amdt 1A.
5/29/2014	IL	Springfield	Abraham Lincoln Capital.	4/3548	03/18/14	RNAV (GPS) RWY 22, Orig-A.
5/29/2014	IL	Springfield	Abraham Lincoln Capital.	4/3549	03/18/14	ILS OR LOC RWY 22, Amdt 9A.
5/29/2014	IL	Springfield	Abraham Lincoln Capital.	4/3550	03/18/14	VOR/DME RWY 22, Orig-B.
5/29/2014	WA	Bellingham	Bellingham Intl	4/3750	03/18/14	RNAV (GPS) Y RWY 34, Amdt 1A.
5/29/2014	WA	Bellingham	Bellingham Intl	4/3751	03/18/14	ILS RWY 16 (SA CAT I), Amdt 7A.
5/29/2014	WA	Bellingham	Bellingham Intl	4/3752	03/18/14	RNAV (GPS) Y RWY 16, Amdt 2A.
5/29/2014	WA	Bellingham	Bellingham Intl	4/3753	03/18/14	ILS OR LOC RWY 16, Amdt 7A.
5/29/2014	WA	Bellingham	Bellingham Intl	4/3754	03/18/14	RNAV (RNP) Z RWY 34, Orig.
5/29/2014	WA	Bellingham	Bellingham Intl	4/3755	03/18/14	RNAV (RNP) Z RWY 16, Orig.
5/29/2014	IA	Greenfield	Greenfield Muni	4/4095	03/20/14	RNAV (GPS) RWY 25, Orig.
5/29/2014	CQ	Rota Island	Benjamin Taisacan Mangiona Intl.	4/4153	03/18/14	RNAV (GPS) RWY 9, Amdt 1.
5/29/2014	IA	Carroll	Arthur N Neu	4/4273	03/18/14	RNAV (GPS) RWY 13, Amdt 1A.
5/29/2014	IA	Carroll	Arthur N Neu	4/4274	03/18/14	RNAV (GPS) RWY 31, Amdt 1A.
5/29/2014	WV	Williamson	Appalachian Rgnl	4/4325	03/25/14	RNAV (GPS) RWY 8, Orig-A.
5/29/2014	WV	Williamson	Appalachian Rgnl	4/4326	03/25/14	RNAV (GPS) RWY 26, Orig-A.
5/29/2014	CO	Longmont	Vance Brand	4/4384	03/21/14	VOR/DME A, Amdt 2.
5/29/2014	WY	Guernsey	Camp Guernsey	4/4413	03/18/14	NDB RWY 32, Amdt 1A.
5/29/2014	WY	Guernsey	Camp Guernsey	4/4416	03/18/14	RNAV (GPS) RWY 32, Orig-A.
5/29/2014	AR	Little Rock	Bill And Hillary Clinton National/Adams Field.	4/4551	03/18/14	RNAV (GPS) RWY 4L, Amdt 1B.
5/29/2014	AR	Little Rock	Bill And Hillary Clinton National/Adams Field.	4/4552	03/18/14	ILS OR LOC RWY 4L, Amdt 25E.
5/29/2014	AR	Little Rock	Bill And Hillary Clinton National/Adams Field.	4/4553	03/18/14	RNAV (GPS) RWY 36, Orig-A.
5/29/2014	CO	Denver	Rocky Mountain Metropolitan.	4/4748	03/18/14	VOR/DME RWY 29 L/R, Orig-C.
5/29/2014	IA	Ankeny	Ankeny Rgnl	4/4856	03/18/14	ILS OR LOC RWY 36, Amdt 2.
5/29/2014	IA	Ankeny	Ankeny Rgnl	4/4857	03/18/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	IA	Ankeny	Ankeny Rgnl	4/4858	03/18/14	RNAV (GPS) RWY 18, Amdt 1.
5/29/2014	IA	Atlantic	Atlantic Muni	4/4859	03/14/14	RNAV (GPS) RWY 20, Amdt 1.
5/29/2014	IA	Atlantic	Atlantic Muni	4/4860	03/14/14	RNAV (GPS) RWY 2, Amdt 1.
5/29/2014	AR	Melbourne	Melbourne Muni—John E Miller Field.	4/4862	03/14/14	RNAV (GPS) RWY 21, Amdt 1.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/29/2014	AR	Monticello	Monticello Muni/Ellis Field.	4/4863	03/14/14	RNAV (GPS) RWY 3, Amdt 1A.
5/29/2014	FL	West Palm Beach	Palm Beach Intl	4/5008	03/25/14	ILS OR LOC RWY 10L, Amdt 26A.
5/29/2014	FL	West Palm Beach	Palm Beach Intl	4/5012	03/25/14	RNAV (RNP) Z RWY 10L, Amdt 1.
5/29/2014	FL	West Palm Beach	Palm Beach Intl	4/5022	03/25/14	RNAV (GPS) Y RWY 10L, Amdt 3.
5/29/2014	FL	Titusville	Arthur Dunn Air Park	4/5025	03/25/14	RNAV (GPS) RWY 33, Orig.
5/29/2014	FL	Titusville	Arthur Dunn Air Park	4/5026	03/25/14	RNAV (GPS) RWY 15, Orig.
5/29/2014	NC	Whiteville	Columbus County Muni.	4/5027	03/25/14	NDB RWY 6, Amdt 5A.
5/29/2014	NC	Whiteville	Columbus County Muni.	4/5029	03/25/14	RNAV (GPS) RWY 6, Orig-A.
5/29/2014	CA	Oxnard	Oxnard	4/5091	03/18/14	VOR RWY 25, Amdt 10.
5/29/2014	CA	Oxnard	Oxnard	4/5092	03/18/14	ILS OR LOC RWY 25, Amdt 13.
5/29/2014	CA	Oxnard	Oxnard	4/5093	03/18/14	RNAV (GPS) RWY 25, Amdt 1.
5/29/2014	CA	Tracy	Tracy Muni	4/5440	03/25/14	RNAV (GPS) RWY 30, Orig.
5/29/2014	CA	Tracy	Tracy Muni	4/5441	03/25/14	RNAV (GPS) RWY 12, Amdt 1.
5/29/2014	AZ	Nogales	Nogales Intl	4/5686	03/21/14	NDB OR GPS C, Amdt 2B.
5/29/2014	IA	Guthrie Center	Guthrie County Rgnl	4/5836	03/18/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	IA	Hampton	Hampton Muni	4/5843	03/18/14	RNAV (GPS) RWY 35, Amdt 1.
5/29/2014	AZ	Nogales	Nogales Intl	4/6181	03/21/14	VOR OR GPS A, Amdt 3A.
5/29/2014	AZ	Nogales	Nogales Intl	4/6182	03/21/14	VOR/DME OR GPS B, Amdt 2A.
5/29/2014	IA	Boone	Boone Muni	4/6497	03/17/14	RNAV (GPS) RWY 15, Amdt 1.
5/29/2014	IA	Le Mars	Le Mars Muni	4/6548	03/18/14	VOR/DME RWY 36, Amdt 4.
5/29/2014	IA	Le Mars	Le Mars Muni	4/6549	03/18/14	RNAV (GPS) RWY 18, Amdt 1.
5/29/2014	OR	Portland	Portland-Troutdale	4/6550	03/21/14	NDB OR GPS A, Amdt 8A.
5/29/2014	IA	Le Mars	Le Mars Muni	4/6551	03/18/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	IL	Bloomington/Normal	Central Il Rgnl Arpt At Bloomington-Normal.	4/6555	03/18/14	ILS OR LOC RWY 29, Amdt 10A.
5/29/2014	IL	Bloomington/Normal	Central Il Rgnl Arpt At Bloomington-Normal.	4/6557	03/18/14	LOC BC RWY 11, Amdt 10.
5/29/2014	IA	Pocahontas	Pocahontas Muni	4/6558	03/18/14	RNAV (GPS) RWY 30, Orig-A.
5/29/2014	AK	Selawik	Selawik	4/6559	03/21/14	VOR RWY 4, Amdt 1.
5/29/2014	AK	Selawik	Selawik	4/6560	03/21/14	VOR RWY 22, Amdt 1.
5/29/2014	IA	Pocahontas	Pocahontas Muni	4/6561	03/18/14	VOR/DME RWY 30, Amdt 4.
5/29/2014	ND	Bismarck	Bismarck Muni	4/6562	03/18/14	ILS OR LOC RWY 13, Amdt 3.
5/29/2014	ND	Bismarck	Bismarck Muni	4/6565	03/18/14	ILS OR LOC RWY 31, Amdt 33A.
5/29/2014	IA	Mason City	Mason City Muni	4/6566	03/18/14	RNAV (GPS) RWY 30, Amdt 1.
5/29/2014	IA	Mason City	Mason City Muni	4/6567	03/18/14	LOC/DME BC RWY 18, Amdt 7.
5/29/2014	IA	Mason City	Mason City Muni	4/6568	03/18/14	RNAV (GPS) RWY 18, Amdt 2.
5/29/2014	IA	Mason City	Mason City Muni	4/6569	03/18/14	VOR/DME RWY 18, Amdt 5.
5/29/2014	MN	Ely	Ely Muni	4/6570	03/18/14	RNAV (GPS) RWY 12, Amdt 1.
5/29/2014	IA	Eagle Grove	Eagle Grove Muni	4/6571	03/18/14	RNAV (GPS) RWY 13, Amdt 1.
5/29/2014	IA	Eagle Grove	Eagle Grove Muni	4/6572	03/18/14	RNAV (GPS) RWY 31, Amdt 2.
5/29/2014	AK	Selawik	Selawik	4/6573	03/21/14	Takeoff Minimums and Obstacle DP, Amdt 1.
5/29/2014	IA	Chariton	Chariton Muni	4/6575	03/17/14	RNAV (GPS) RWY 17, Amdt 1.
5/29/2014	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	4/6576	03/18/14	RNAV (GPS) RWY 35, Orig-A.
5/29/2014	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	4/6578	03/18/14	ILS OR LOC/DME RWY 35, Orig-A.
5/29/2014	KS	Washington	Washington County Veteran's Memorial.	4/6588	03/18/14	RNAV (GPS) RWY 17, Orig.
5/29/2014	IA	Creston	Creston Muni	4/6589	03/18/14	RNAV (GPS) RWY 16, Amdt 1A.
5/29/2014	IA	Creston	Creston Muni	4/6591	03/18/14	RNAV (GPS) RWY 34, Amdt 1.
5/29/2014	IA	Clinton	Clinton Muni	4/6631	03/18/14	ILS OR LOC RWY 3, Amdt 5.
5/29/2014	IA	Clinton	Clinton Muni	4/6632	03/18/14	RNAV (GPS) RWY 32, Amdt 1.
5/29/2014	TX	Devine	Devine Muni	4/6636	03/18/14	NDB RWY 35, Amdt 3.
5/29/2014	IA	Maquoketa	Maquoketa Muni	4/6638	03/18/14	RNAV (GPS) RWY 33, Amdt 1.
5/29/2014	IA	Davenport	Davenport Muni	4/6669	03/18/14	RNAV (GPS) RWY 33, Amdt 1B.
5/29/2014	IA	Davenport	Davenport Muni	4/6670	03/18/14	RNAV (GPS) RWY 15, Amdt 2A.
5/29/2014	IA	Davenport	Davenport Muni	4/6671	03/18/14	RNAV (GPS) RWY 3, Amdt 1B.
5/29/2014	IA	Davenport	Davenport Muni	4/6672	03/18/14	RNAV (GPS) RWY 21, Amdt 1C.
5/29/2014	NE	Chadron	Chadron Muni	4/6682	03/18/14	RNAV (GPS) RWY 2, Amdt 1.
5/29/2014	NE	Chadron	Chadron Muni	4/6683	03/18/14	ILS OR LOC RWY 2, Amdt 2A.
5/29/2014	MO	St Louis	Lambert-St Louis Intl	4/6684	03/18/14	RNAV (RNP) Z RWY 30L, Orig.
5/29/2014	MO	St Louis	Lambert-St Louis Intl	4/6685	03/18/14	ILS OR LOC RWY 12R, Amdt 22.
5/29/2014	MO	St Louis	Lambert-St Louis Intl	4/6686	03/18/14	RNAV (RNP) Z RWY 12R, Orig.
5/29/2014	IL	Centralia	Centralia Muni	4/6770	03/18/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	IL	Belleville	Scott AFB/MidAmerica	4/6780	03/20/14	RNAV (GPS) RWY 14R, Orig-C.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/29/2014	IA	Greenfield	Greenfield Muni	4/6785	03/20/14	RNAV (GPS) RWY 7, Orig.
5/29/2014	IL	Belleville	Scott AFB/MidAmerica	4/6789	03/20/14	TACAN RWY 14R, Amdt 1.
5/29/2014	IL	Belleville	Scott AFB/MidAmerica	4/6880	03/20/14	ILS OR LOC RWY 14R, Orig-D.
5/29/2014	TX	Brownsville	Brownsville/South Padre Island Intl.	4/7056	03/20/14	RNAV (GPS) RWY 17, Orig.
5/29/2014	IL	Chicago/Prospect Heights/Wheeling.	Chicago Executive	4/7057	03/20/14	RNAV (GPS) RWY 16, Amdt 1A.
5/29/2014	IL	Chicago/Aurora	Aurora Muni	4/7058	03/20/14	RNAV (GPS) RWY 15, Orig-A.
5/29/2014	IL	Chicago/Rockford	Chicago/Rockford Intl	4/7059	03/20/14	RNAV (GPS) RWY 7, Amdt 1A.
5/29/2014	GA	Atlanta	Atlanta South Rgnl	4/8685	03/25/14	RNAV (GPS) RWY 6, Amdt 1A.
5/29/2014	GA	Atlanta	Atlanta South Rgnl	4/8686	03/25/14	RNAV (GPS) RWY 24, Amdt 1.
5/29/2014	NJ	Atlantic City	Atlantic City Intl	4/8687	03/25/14	RNAV (GPS) RWY 22 Amdt 4.
5/29/2014	NJ	Atlantic City	Atlantic City Intl	4/8688	03/25/14	VOR/DME RWY 22, Amdt 6A.
5/29/2014	NJ	Atlantic City	Atlantic City Intl	4/8689	03/25/14	RNAV (GPS) RWY 4, Amdt 2A.
5/29/2014	ME	Auburn/Lewiston	Auburn/Lewiston Muni	4/8799	03/25/14	ILS OR LOC RWY 4, Amdt 10C.
5/29/2014	AL	Auburn	Auburn University Rgnl	4/8800	03/25/14	RNAV (GPS) RWY 36, Amdt 2.
5/29/2014	AL	Auburn	Auburn University Rgnl	4/8801	03/25/14	ILS OR LOC RWY 36, Amdt 2.
5/29/2014	AL	Auburn	Auburn University Rgnl	4/8803	03/25/14	RNAV (GPS) RWY 29, Amdt 1.
5/29/2014	AL	Auburn	Auburn University Rgnl	4/8805	03/25/14	VOR RWY 29 Amdt, 11.
5/29/2014	AL	Atmore	Atmore Muni	4/8806	03/25/14	RNAV (GPS) RWY 18, Amdt 1.
5/29/2014	AL	Atmore	Atmore Muni	4/8810	03/25/14	RNAV (GPS) RWY 36, Amdt 1.
5/29/2014	PA	Williamsport	Williamsport Rgnl	4/8851	03/25/14	RNAV (GPS) RWY 30, Orig.
5/29/2014	PA	Williamsport	Williamsport Rgnl	4/8853	03/25/14	RNAV (GPS) RWY 9, Orig.
5/29/2014	PA	Williamsport	Williamsport Rgnl	4/8863	03/25/14	RNAV (GPS) RWY 12, Orig.
5/29/2014	AL	Auburn	Auburn University Rgnl	4/9191	03/25/14	RNAV (GPS) RWY 11, Amdt 1.
5/29/2014	AL	Auburn	Auburn University Rgnl	4/9198	03/25/14	RNAV (GPS) RWY 18, Amdt 1.

[FR Doc. 2014–09632 Filed 4–29–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30955; Amdt. No. 3588]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective April 30, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC on April 11, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

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

** * * Effective Upon Publication*

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/29/2014	AK	Cold Bay	Cold Bay	4/0223	3/18/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	IA	Burlington	Southeast Iowa Rgnl	4/2795	3/14/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	ID	Rexburg	Rexburg-Madison County.	4/3481	3/21/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	GA	Atlanta	Atlanta South Rgnl	4/8685	3/25/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	NJ	Atlantic City	Atlantic City Intl	4/8687	03/25/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	NJ	Atlantic City	Atlantic City Intl	4/8688	03/25/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	NJ	Atlantic City	Atlantic City Intl	4/8689	03/25/14	This NOTAM, published in TL 14–10, is hereby rescinded in its entirety.
5/29/2014	IA	Davenport	Davenport Muni	4/0413	03/27/14	ILS OR LOC RWY 15, Amdt 1A.
5/29/2014	AK	Cold Bay	Cold Bay	4/1812	04/04/14	ILS OR LOC/DME RWY 15, Amdt 18.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/4062	04/04/14	ILS OR LOC RWY 15L, Amdt 3.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/4063	04/04/14	RNAV (GPS) RWY 15L, Amdt 3.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/29/2014	TN	Pulaski	Abernathy Field	4/4341	03/27/14	Takeoff Minimums and (Obstacle) DP, Amdt 4.
5/29/2014	KS	Wichita	Wichita Mid-Continent	4/4711	04/04/14	Takeoff Minimums and (Obstacle) DP, Orig.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5466	04/04/14	RNAV (RNP) Z RWY 10, Amdt 2A.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5467	04/04/14	RNAV (GPS) Y RWY 10, Amdt 3.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5469	04/04/14	ILS OR LOC RWY 10, ILS RWY 10 (SA CAT I), ILS RWY 10 (CAT II & III), Amdt 21A.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5472	04/04/14	RNAV (GPS) RWY 33R, Amdt 3.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5475	04/04/14	ILS OR LOC RWY 33R, Amdt 2B.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5478	04/04/14	VOR/DME RWY 33L, Amdt 3.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5479	04/04/14	RNAV (RNP) Z RWY 33L, Amdt 2.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5481	04/04/14	ILS OR LOC RWY 33L, Amdt 11.
5/29/2014	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	4/5482	04/04/14	RNAV (GPS) Y RWY 33L, Amdt 3.
5/29/2014	MT	Conrad	Conrad	4/6353	04/04/14	NDB OR GPS RWY 24, Amdt 4B.
5/29/2014	TX	Brownsville	Brownsville/South Padre Island Intl.	4/7391	04/04/14	LOC BC RWY 31L, Amdt 11D.
5/29/2014	TX	Big Spring	Big Spring Mc Mahon-Wrinkle.	4/7392	04/04/14	RNAV (GPS) RWY 24, Orig.
5/29/2014	DC	Washington	Ronald Reagan Washington National.	4/8680	03/31/14	COPTER ILS OR LOC/DME RWY 1, Amdt 1.
5/29/2014	DC	Washington	Ronald Reagan Washington National.	4/8681	03/31/14	RNAV (RNP) RWY 1, Amdt 1.
5/29/2014	DC	Washington	Ronald Reagan Washington National.	4/8682	03/31/14	ILS OR LOC/DME RWY 1, ILS RWY 1 (SA CAT I), ILS RWY 1 (CAT II), Amdt 41.
5/29/2014	DC	Washington	Ronald Reagan Washington National.	4/8683	03/31/14	VOR/DME RWY 1, Amdt 14.
5/29/2014	DC	Washington	Ronald Reagan Washington National.	4/8684	03/31/14	RNAV (RNP) RWY 19, Amdt 1.
5/29/2014	NC	Raleigh/Durham	Raleigh-Durham Intl	4/8690	03/27/14	ILS OR LOC RWY 5R, ILS RWY 5R (SA CAT I & II), Amdt 28.
5/29/2014	NC	Raleigh/Durham	Raleigh-Durham Intl	4/8691	03/27/14	RNAV (GPS) Y RWY 5R, Amdt 2.
5/29/2014	NC	Raleigh/Durham	Raleigh-Durham Intl	4/8692	03/27/14	RNAV (RNP) Z RWY 5L, Amdt 2.
5/29/2014	NC	Raleigh/Durham	Raleigh-Durham Intl	4/8693	03/27/14	RNAV (RNP) Z RWY 5R, Amdt 2.
5/29/2014	NC	Raleigh/Durham	Raleigh-Durham Intl	4/8694	03/27/14	RNAV (RNP) Z RWY 23R, Amdt 2.
5/29/2014	NC	Raleigh/Durham	Raleigh-Durham Intl	4/8695	03/27/14	RNAV (RNP) Z RWY 23L, Amdt 2.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8891	03/28/14	RNAV (GPS) RWY 17, Amdt 3.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8892	03/28/14	RNAV (RNP) Z RWY 9R, Orig-B.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8893	03/28/14	ILS RWY 27R (SA CAT I & II), Amdt 10E.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8894	03/28/14	ILS OR LOC/DME RWY 27R, Amdt 10E.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8895	03/28/14	RNAV (GPS) RWY 26, Amdt 1.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8896	03/28/14	ILS OR LOC RWY 26, Amdt 4.
5/29/2014	PA	Philadelphia	Philadelphia Intl	4/8897	03/28/14	RNAV (RNP) Z RWY 9L, Orig-B.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9602	04/04/14	ILS OR LOC RWY 33L, ILS RWY 33L (SA CAT I), ILS RWY 33L (CAT II & III), Amdt 5A.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9604	04/04/14	RNAV (GPS) RWY 22L, Amdt 1.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9605	04/04/14	VOR/DME RWY 27, Amdt 2C.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9606	04/04/14	RNAV (GPS) RWY 32, Orig-C.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9607	04/04/14	VOR/DME RWY 15R, Amdt 2C.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9608	04/04/14	ILS OR LOC RWY 4R, ILS RWY 4R (SA CAT I), ILS RWY 4R (CAT II & III), Amdt 10.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9609	04/04/14	RNAV (GPS) RWY 4R, Amdt 1.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9610	04/04/14	ILS OR LOC RWY 27, Amdt 2A.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9611	04/04/14	ILS OR LOC RWY 22L, Amdt 8.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9612	04/04/14	RNAV (GPS) RWY 15R, Amdt 1A.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9614	04/04/14	ILS OR LOC/DME RWY 15R, Amdt 1C.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9617	04/04/14	VOR/DME A, Amdt 1.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9618	04/04/14	RNAV (GPS) RWY 33L, Amdt 2.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9619	04/04/14	VOR/DME RWY 33L, Amdt 2D.
5/29/2014	MA	Boston	General Edward Lawrence Logan Intl.	4/9621	04/04/14	RNAV (GPS) RWY 27, Orig-B.
5/29/2014	MA	Westfield/Springfield	Westfield-Barnes Rgnl	4/9648	03/28/14	RNAV (GPS) RWY 20, Amdt 1A.
5/29/2014	KY	Williamsburg	Williamsburg-Whitley County.	4/9649	03/28/14	RNAV (GPS) RWY 2, Amdt 2.
5/29/2014	VT	Bennington	William H. Morse State	4/9650	03/28/14	VOR RWY 13, Amdt 1.
5/29/2014	PA	Wilkes-Barre/Scranton	Wilkes-Barre/Scranton Intl.	4/9651	03/28/14	RNAV (GPS) RWY 22, Amdt 1.
5/29/2014	PA	Wilkes-Barre/Scranton	Wilkes-Barre/Scranton Intl.	4/9652	03/28/14	RNAV (GPS) RWY 4, Amdt 1.
5/29/2014	NE	Ord	Evelyn Sharp Field	4/9653	04/04/14	NDB RWY 13, Amdt 5.
5/29/2014	PA	Wilkes-Barre/Scranton	Wilkes-Barre/Scranton Intl.	4/9654	03/28/14	ILS OR LOC/DME RWY 4, Amdt 37.
5/29/2014	PA	Wilkes-Barre/Scranton	Wilkes-Barre/Scranton Intl.	4/9655	03/28/14	ILS OR LOC/DME RWY 22, Amdt 8.
5/29/2014	PA	Wilkes-Barre	Wilkes-Barre Wyoming Valley.	4/9656	03/31/14	RNAV (GPS) RWY 7, Orig.
5/29/2014	MA	Westfield/Springfield	Westfield-Barnes Rgnl	4/9657	03/28/14	ILS OR LOC RWY 20, Amdt 7A.
5/29/2014	NE	Ord	Evelyn Sharp Field	4/9659	04/04/14	RNAV (GPS) Z RWY 31, Orig.
5/29/2014	PA	Wilkes-Barre	Wilkes-Barre Wyoming Valley.	4/9660	03/31/14	RNAV (GPS) RWY 25, Orig-A.
5/29/2014	NE	Ord	Evelyn Sharp Field	4/9665	04/04/14	RNAV (GPS) RWY 13, Orig.
5/29/2014	NE	Ord	Evelyn Sharp Field	4/9666	04/04/14	RNAV (GPS) Y RWY 31, Orig.
5/29/2014	NE	Broken Bow	Broken Bow Muni/ Keith Glaze Fld.	4/9667	03/28/14	VOR RWY 14, Amdt 4A.
5/29/2014	NE	Broken Bow	Broken Bow Muni/ Keith Glaze Fld.	4/9668	03/28/14	VOR/DME RWY 32, Orig-A.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9985	03/28/14	RNAV (GPS) Z RWY 10L, Amdt 3.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9986	03/28/14	RNAV (RNP) Z RWY 28R, Amdt 1.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9987	03/28/14	RNAV (RNP) Y RWY 10L, Amdt 1.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9988	03/28/14	ILS OR LOC RWY 10L, Amdt 23.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9989	03/28/14	RNAV (GPS) Y RWY 28R, Amdt 3B.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9998	03/28/14	VOR RWY 28R, Amdt 13.
5/29/2014	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	4/9999	03/28/14	ILS OR LOC RWY 28R, Amdt 10.

[FR Doc. 2014–09629 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30952; Amdt. No. 3585]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective April 30, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on March 28, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14,

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 1 MAY 2014

Palm Coast, FL, Flagler County, Takeoff Minimums and Obstacle DP, Amdt 1
Hailey, ID, Friedman Memorial, Takeoff Minimums and Obstacle DP, Amdt 2
Russellville, KY, Russellville-Logan County, RNAV (GPS) RWY 6, Orig

Effective 29 MAY 2014

Pilot Point, AK, Pilot Point, RNAV (GPS) RWY 7, Orig-B
Pilot Point, AK, Pilot Point, RNAV (GPS) RWY 25, Orig-B
Kremmling, CO, Mc Elroy Airfield, GPS RWY 27, Orig-A, CANCELED
Kremmling, CO, Mc Elroy Airfield, RNAV (GPS)-B, Orig
Kremmling, CO, Mc Elroy Airfield, VOR/DME–A, Amdt 3
Nashville, GA, Berrien County, Takeoff Minimums and Obstacle DP, Amdt 1
Nantucket, MA, Nantucket Memorial, RNAV (GPS) RWY 33, Amdt 1
Mandan, ND, Mandan Muni, RADAR–1, Amdt 5
Mandan, ND, Mandan Muni, RNAV (GPS) RWY 13, Orig
Mandan, ND, Mandan Muni, RNAV (GPS) RWY 31, Orig
Mandan, ND, Mandan Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Mandan, ND, Mandan Muni, VOR–A, Amdt 2
Albuquerque, NM, Albuquerque Intl Sunport, RNAV (RNP) Z RWY 3, Amdt 1
Rochester, NY, Greater Rochester Intl, ILS or LOC RWY 4, ILS RWY 4 (SA CAT I), ILS RWY 4 (CAT II), Amdt 21
Rochester, NY, Greater Rochester Intl, ILS or LOC RWY 22, Amdt 8
Rochester, NY, Greater Rochester Intl, ILS or LOC RWY 28, Amdt 31
Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 4, Amdt 2
Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 7, Amdt 1
Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 10, Amdt 1
Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 22, Amdt 2
Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 25, Amdt 1
Rochester, NY, Greater Rochester Intl, RNAV (GPS) RWY 28, Amdt 2
Rochester, NY, Greater Rochester Intl, VOR RWY 4, Amdt 12
Rochester, NY, Greater Rochester Intl, VOR/DME RWY 4, Amdt 4
Corpus Christi, TX, Corpus Christi Intl, RNAV (GPS) Y RWY 36, Amdt 2
Houston, TX, George Bush Intercontinental/Houston, RNAV (GPS) Z RWY 8R, Amdt 4
Houston, TX, George Bush Intercontinental/Houston, RNAV (RNP) Y RWY 9, Orig
Houston, TX, George Bush Intercontinental/Houston, RNAV (RNP) Y RWY 26L, Orig
Houston, TX, George Bush Intercontinental/Houston, RNAV (RNP) Y RWY 26R, Orig

[FR Doc. 2014–09622 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30954; Amdt. No. 3587]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective April 30, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 2014.

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

For Examination—

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

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

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

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

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

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

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

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

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

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not

use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on April 11, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 29 MAY 2014

Brevig Mission, AK, Brevig Mission, BREVIG ONE Graphic DP
Brevig Mission, AK, Brevig Mission, RNAV (GPS) RWY 12, Orig
Brevig Mission, AK, Brevig Mission, RNAV (GPS) RWY 30, Orig
Brevig Mission, AK, Brevig Mission, Takeoff Minimums and Obstacle DP, Orig
Clayton, AL, Clayton Muni, RNAV (GPS) RWY 9, Orig
Clayton, AL, Clayton Muni, RNAV (GPS) RWY 27, Amdt 1
Clayton, AL, Clayton Muni, VOR/DME RWY 27, Amdt 2, CANCELED
Mobile, AL, Mobile Rgnl, ILS OR LOC RWY 15, Amdt 31A
Mobile, AL, Mobile Rgnl, ILS OR LOC RWY 33, Amdt 7A
Mobile, AL, Mobile Rgnl, NDB RWY 15, Amdt 3A
Mobile, AL, Mobile Rgnl, RADAR–1, Amdt 5A
Mobile, AL, Mobile Rgnl, RNAV (GPS) RWY 15, Amdt 2A
Mobile, AL, Mobile Rgnl, RNAV (GPS) RWY 33, Amdt 2A
Mobile, AL, Mobile Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1A
Mobile, AL, Mobile Rgnl, VOR OR TACAN–A, Amdt 2A
Colt, AR, Delta Regional Airport, RNAV (GPS) RWY 18, Orig
Colt, AR, Delta Regional Airport, RNAV (GPS) RWY 36, Orig
Colt, AR, Delta Regional Airport, Takeoff Minimums and Obstacle DP, Orig
Phoenix, AZ, Phoenix Sky Harbor Intl, ILS OR LOC RWY 26, Orig-F
Colorado Springs, CO, City of Colorado Springs Muni, RNAV (GPS) Y RWY 35R, Amdt 3A
Willimantic, CT, Windham, Takeoff Minimums and Obstacle DP, Amdt 6
Windsor Locks, CT, Bradley Intl, RNAV (GPS) RWY 15, AMDT 2A
Windsor Locks, CT, Bradley Intl, RNAV (RNP) Z RWY 15, Orig-B, CANCELED
Arcadia, FL, Arcadia Muni, RNAV (GPS)-A, Orig
Arcadia, FL, Arcadia Muni, RNAV (GPS)-B, Orig
Arcadia, FL, Arcadia Muni, Takeoff Minimums and Obstacle DP, Orig
Fort Pierce, FL, St Lucie County Intl, ILS OR LOC RWY 10R, Amdt 4
Fort Pierce, FL, St Lucie County Intl, RNAV (GPS) RWY 10R, Amdt 2
Titusville, FL, Space Coast Rgnl, RNAV (GPS) RWY 9, Amdt 1
Titusville, FL, Space Coast Rgnl, RNAV (GPS) Z RWY 9, Orig, CANCELED
Eastman, GA, Heart of Georgia Rgnl, ILS OR LOC RWY 2, Amdt 2
Eastman, GA, Heart of Georgia Rgnl, NDB RWY 2, Amdt 3
Eastman, GA, Heart of Georgia Rgnl, RNAV (GPS) RWY 2, Amdt 2
Eastman, GA, Heart of Georgia Rgnl, RNAV (GPS) RWY 20, Amdt 2
Kaunakakai, HI, Molokai, KAUNAKAKAI ONE Graphic DP
Kaunakakai, HI, Molokai, RNAV (GPS)-B, Amdt 1
Kaunakakai, HI, Molokai, Takeoff Minimums and Obstacle DP, Amdt 6
Anthony, KS, Anthony Muni, RNAV (GPS) RWY 18, Amdt 1
Norridgewock, ME, Central Maine Arpt of Norridgewock, Takeoff Minimums and Obstacle DP, Amdt 4
Princeton, ME, Princeton Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Rangeley, ME, Rangeley Lake, Takeoff Minimums and Obstacle DP, Amdt 1
Columbus/W Point/Starkville, MS, Golden Triangle Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Williamston, NC, Martin County, RNAV (GPS) RWY 3, Amdt 1
Williamston, NC, Martin County, RNAV (GPS) RWY 21, Amdt 1
Rochester, NH, Skyhaven, NDB–B, Amdt 2, CANCELED

Pittstown, NJ, Alexandria, Takeoff Minimums and Obstacle DP, Amdt 2
Teterboro, NJ, Teterboro, RNAV (GPS) X RWY 6, Amdt 1A
Sydney, NY, Sidney Muni, Takeoff Minimums and Obstacle DP, Amdt 5
Dayton, OH, James M Cox Dayton Intl, RNAV (GPS) Z RWY 6L, Amdt 1B
Dayton, OH, James M Cox Dayton Intl, RNAV (GPS) Z RWY 24R, Amdt 1B
Dayton, OH, James M Cox Dayton Intl, RNAV (RNP) Y RWY 6L, Orig
Dayton, OH, James M Cox Dayton Intl, RNAV (RNP) Y RWY 24R, Orig
Newport, OR, Newport Muni, Takeoff Minimums and Obstacle DP, Amdt 2A
Corpus Christi, TX, Corpus Christi Intl, RNAV (RNP) Z RWY 31, Orig-C
El Paso, TX, Horizon, Takeoff Minimums and Obstacle DP, Orig, CANCELED
El Paso, TX, Horizon, VOR/DME OR GPS–A, Amdt 4C, CANCELED
Houston, TX, George Bush Intercontinental/Houston, GLS RWY 8L, Amdt 1
Houston, TX, George Bush Intercontinental/Houston, GLS RWY 8R, Amdt 1
Houston, TX, George Bush Intercontinental/Houston, GLS RWY 9, Amdt 1
Houston, TX, George Bush Intercontinental/Houston, GLS RWY 26L, Amdt 1
Houston, TX, George Bush Intercontinental/Houston, GLS RWY 26R, Amdt 1
Houston, TX, George Bush Intercontinental/Houston, GLS RWY 27, Amdt 1
Norfolk, VA, Norfolk Intl, Takeoff Minimums and Obstacle DP, Amdt 1
Christiansted, VI, Henry E Rohlsen, Takeoff Minimums and Obstacle DP, Amdt 9
Yakima, WA, Yakima Air Terminal/McAllister Field, RNAV (RNP) RWY 9, Orig-A
Yakima, WA, Yakima Air Terminal/McAllister Field, RNAV (RNP) Z RWY 9, Orig, CANCELED

[FR Doc. 2014–09636 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9660]

RIN 1545–BL31

Information Reporting of Minimum Essential Coverage; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9660) that were published in the **Federal Register** on Monday, March 10, 2014 (79 FR 13220). The final regulations provide guidance to providers of minimum essential health coverage that are subject to the information reporting requirements of section 6055 of the Internal Revenue Code.

DATES: This correction is effective April 30, 2014 and applicable March 10, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Braden, at (202) 317–7008 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9660) that are the subject of this correction is under section 6055 of the Internal Revenue Code.

Need for Correction

As published, the final and temporary regulations (TD 9660) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 1.6055–1 [Corrected]

■ **Par. 2.** In paragraph (c)(2)(i)(A) the language ''(f)(4)(i)'' is removed and the language ''(f)(2)(i)'' added in its place.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2014–09796 Filed 4–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 301, and 602

[TD 9660]

RIN 1545–BL31

Information Reporting of Minimum Essential Coverage; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations; correction.

SUMMARY: This document contains corrections to final regulations (TD 9660) that were published in the **Federal Register** on Monday, March 10, 2014 (79 FR 13220). The final regulations provide guidance to providers of minimum essential health coverage that are subject to the information reporting requirements of section 6055 of the Internal Revenue Code.

DATES: This correction is effective April 30, 2014 and applicable March 10, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Braden, at (202) 317–7008 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9660) that are the subject of this correction is under section 6055 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9660) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the final regulations (TD 9660), that are the subject of FR Doc. 2014–05051, are corrected as follows:

1. On page 13220, second column, in the preamble, under the caption **FOR FURTHER INFORMATION CONTACT**, first line, the language ''Andrew Braden, (202) 317–4718 (not a'' is corrected to read ''Andrew Braden, (202) 317–7008 (not a''.

2. On page 13221, third column, in the preamble, the seventh line of the second full paragraph, the language ''that that the plan sponsor of a self-'' is corrected to read ''that the plan sponsor of a self-''.

3. On page 13222, third column, in the preamble, the first line from the top of the page, the language ''section 5000A individual responsibility'' is corrected to read ''section 5000A individual shared responsibility''.

4. On page 13222, third column, in the preamble, the seventh line from the top of the page, the language ''name and TIN combination enable the'' is corrected to read ''name and TIN combination enables the''.

5. On page 13223, second column, in the preamble, the entire second full paragraph, the language ''For example, a reporting entity that makes an unsuccessful initial solicitation for a TIN in December 2014 must make a second solicitation by December 31, 2015. Assuming that request is also unsuccessful, the reporting entity would not be penalized if its section 6055 reporting submitted in early 2016 reported a date of birth in place of TIN for the individual in question. One additional solicitation must be made by December 31, 2016, to have acted in a responsible manner.'' Is corrected to read ''For example, a reporting entity that makes an unsuccessful initial solicitation for a TIN in December 2015 must make the first annual solicitation by January 31, 2016. The second annual solicitation must be made by December 31, 2016, to have acted in a responsible manner. Assuming that request is also unsuccessful, the reporting entity would not be penalized if its section 6055 reporting submitted in early 2017 reported a date of birth in place of TIN for the individual in question.''.

6. On page 13224, second column, in the preamble, the second line of the first full paragraph, the language ''determining whether the 250 return'' is corrected to read ''determining whether the 250-return''.

7. On page 13224, second column, in the preamble, the sixth line of the first full paragraph, the language ''and W–2, that apply the 250 return'' is corrected to read ''and W–2, that apply the 250-return''.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2014–09795 Filed 4–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0110]

RIN 1625–AA08

Special Local Regulation; Low Country Splash, Wando River, Cooper River, and Charleston Harbor; Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the waters of the Wando River, Cooper River, and Charleston Harbor in Charleston, SC during the Low Country Splash in Charleston, SC, on May 24, 2014. This special local regulation is necessary to ensure the safety of participants, spectators, and the general public during the event. The special local regulation will temporarily restrict vessel traffic in a portion of the Wando River and Charleston Harbor, preventing non-participant vessels from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective on May 24, 2014, and will be enforced from 7:00 a.m. until 9:00 a.m.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2014–0110 and are available online by going to *http://www.regulations.gov,* inserting USCG–2014–0110 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Sector Charleston Office of Waterways Management, Coast Guard; telephone 843–740–3184, email *christopher.l.ruleman@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On March 21, 2014, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulation; Low Country Splash, Wando River, Cooper River, and Charleston Harbor, Charleston, SC in the **Federal Register** (76 FR 246). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to insure safety of life on navigable waters of the United States during the Low Country Splash.

C. Discussion of Comments, Changes and the Final Rule

On Saturday, May 24, 2014, the Low Country Splash is scheduled to take place on the waters of the Wando River, Cooper River, and Charleston Harbor. The race will commence at Daniel Island Pier, transit south in the Wando River, crossing the navigational channel at Hobcaw Point and continuing South into Charleston Harbor. The race will finish at Charleston Harbor Resort Marina. The event consists of a large number of swimmers. There will be safety vessels preceding the participating swimmers, and following the last participating swimmers. This event poses significant risks to participants, spectators, and the boating public because of the large number of swimmers and recreational vessels that are expected in the area of the event. The special local regulation is necessary to ensure the safety of participants, spectators, and vessels from the hazards associated with the event.

The special local regulation will designate a temporary regulated area on the Wando River, Cooper River, and Charleston Harbor in Charleston, South Carolina. The special local regulation will be enforced from 7:00 a.m. until 9:00 a.m. on May 24, 2014. Persons and vessels may not enter, transit through, anchor in, or remain within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through,

anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. This rule may have some impact on the public, but these potential impacts will be minimal for the following reasons: (1) The rule will be in effect for only two hours; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the buffer zones without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the effective period; (3) advance notification will be made to the local maritime community via broadcast notice to mariners.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion The Wando River, Cooper River, and Charleston Harbor from 7:00 a.m. until 9:00 a.m. on May 24, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a

category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade. An environmental analysis checklist and a Categorical Exclusion Determination were completed for this event in previous years. Since this event has remained materially unchanged from the time of the prior determinations, a new environmental analysis checklist and Categorical Exclusion Determination were not completed for 2014. The previously completed environmental analysis checklist and Categorical Exclusion Determination can be found in docket folder for USCG–2013–0052 at *www.regulations.gov*. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07–0110 to read as follows:

§ 100.T07–0110 Special Local Regulations; Low Country Splash, Wando River, Cooper River, and Charleston Harbor, Charleston, SC.

(a) *Regulated Areas.* The following regulated area is established as a special local regulation. All waters within a moving zone, beginning at Daniel Island Pier in approximate position 32°51′20″ N, 079°54′06″ W, South along the coast of Daniel Island, across the Wando River to Hobcaw Yacht Club, in approximate position 32°49′20″ N, 079°53′49″ W, South along the coast of Mt. Pleasant, S.C., to Charleston Harbor Resort Marina, in approximate position 32°47′20″ N, 079°54′39″ W. There will be a temporary Channel Closer from 0730 to 0815 on May 24, 2014 between Wando River Terminal Buoy 3 (LLNR 3305), and Wando River Terminal Buoy 5 (LLNR 3315). The zone will at all times extend 75 yards both in front of the lead safety vessel preceding the first race participants; 75 yards behind the safety vessel trailing the last race participants; and at all times extending 100 yards on either side of participating race and safety vessels. Information regarding the identity of the lead safety vessel and the last safety vessel will be provided 2 days prior to the race via broadcast notice to mariners and marine safety information bulletins.

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

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated areas unless otherwise authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated areas may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Effective Date.* This rule is effective on May 24, 2014, and will be enforced from 7:00 a.m. to 9:00 a.m.

Dated: April 14, 2014.

R.R. Rodriguez,

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

[FR Doc. 2014–09853 Filed 4–29–14; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2012–1]

Copyright Office Fees: Registration, Recordation, and Related Services; Special Services; Licensing Division Services; FOIA Services; Correction

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule; correction.

SUMMARY: On March 24, 2014, the United States Copyright Office published a final rule concerning fees for Office services. The fee for a particular service did not change, but was inadvertently omitted from the schedule of fees in the final rule. The office hereby corrects that omission.

DATES: Effective on May 1, 2014.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights or Chris Weston, Attorney-Advisor, Office of the General Counsel, at the U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8350.

SUPPLEMENTARY INFORMATION: On March 24, 2014, the Copyright Office published a final rule in the **Federal Register** (79 FR 15910) replacing the current Copyright Office fee schedule with a new one to take effect on May 1, 2014. Among other things, this rule revised 37 CFR 201.3(c)(9) so that the fee for ''Registration of a correction or amplification to a claim'' increased from $100 to $130. Although the existing fee schedule applies the referenced fee to both Forms CA and DC, the fee increase applies only to Form CA; Form DC was inadvertently omitted from the schedule. This correction continues the fee for Form DC of $100, adding it to the new schedule as set forth in § 201.3(c)(9).

Accordingly, in the final rule FR Doc. 2014–6293 published on March 24, 2014 (79 FR 15910), the Office makes the following correction. On page 15918, in the ''Registration, recordation, and related services'' table, § 201.3(c)(9) is corrected to read as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(c) * * *

Registration, recordation and related services	Fees ($)
* * * * *	
(9) Registration of a correction or amplification to a claim.	
(Form CA)	$130
(Form DC)	100
* * * * *	

* * * * *

Dated: April 21, 2014.

Maria A. Pallante,

Register of Copyrights.

Approved By:

James H. Billington,

Librarian of Congress.

[FR Doc. 2014–09822 Filed 4–29–14; 8:45 am]

BILLING CODE 1410–30–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2014–2; Order No. 2061]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is eliminating a requirement that the Postal Service prepare the annual cost and revenue analysis report in an alternative format. The reason for the change is that the alternative format's usefulness as an analytical tool has been overtaken by developments since passage of postal reform legislation in 2006. Adoption of this change means the Postal Service will prepare and submit only one version of this report.

DATES: *Effective* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

73 FR 53324, September 15, 2008
74 FR 20834 May 5, 2009
78 FR 70904 November 27, 2013

Table of Contents

I. Introduction
II. Proposal
III. Ordering Paragraphs

I. Introduction

On November 21, 2013, the Commission established this rulemaking docket to evaluate the Postal Service's petition [1] to eliminate that part of 39 CFR 3050.14 requiring the production and submission of an Alternate CRA (Cost and Revenue Analysis Report) as part of the Postal Service's Annual Compliance Report (ACR).[2]

Rule 3050.14 establishes the format for the CRA which reports costs, revenues, volumes, contribution, and other information reflecting the classification structure in the Mail Classification Schedule (MCS). 39 CFR 3050.14. The rule also requires an alternative, more disaggregated format (Alternate CRA) capable of reflecting the classification structure in effect prior to the adoption of the Postal Accountability and Enhancement Act (PAEA). *Id.* The Postal Service proposes striking the second sentence of rule 3050.14.

This order grants the Petition and, accordingly, amends rule 3050.14.[3]

II. Proposal

A. Postal Service Proposal

In support of its proposal, the Postal Service states that since passage of the PAEA, mail classifications have been combined and data systems no longer gather data for many of the Alternate CRA categories. Current data systems cannot always track data by the pre-PAEA categories, particularly cost data for many categories in the Alternate CRA. For example, the current methodology does not separate First-Class Package Service into Single-Piece and Presort parcels. Revenue, Pieces, and Weight (RPW) volumes are used and unit costs are assumed to be identical, which is not intuitive and not supported by actual data. Petition at 3.

According to the Postal Service, methods to estimate the data for the Alternate CRA were developed by disaggregating existing mail categories in order to reassemble the pre-PAEA classification results in estimation methodologies that vary by category. *Id.* As a result, the aggregation of cost data may not always match those developed via different estimation techniques, and data for some categories may not exist at all. *Id.* at 3–4.

The Postal Service further states that public and non-public versions of the Alternate CRA were filed initially, but as more parts of products have shifted to competitive products, of necessity only a non-public version has been filed. *Id.* at 2. Otherwise, a comparison of the market dominant information in the CRA with that in the Alternate CRA would make it possible to derive information about competitive products. For instance, the revenue, costs, and volume of First-Class Package Service and Lightweight Parcel Select in the Alternate CRA could be discerned when returned to and combined with existing data for First-Class Mail and Standard Mail. Also, the Alternate CRA has separate lines for negotiated service agreements (NSAs) that isolate the NSA data for First-Class Package Service. *Id.*

The Postal Service points out that the Alternate CRA provided a bridge for maintaining trend data through the transition so that no pre-PAEA categories were omitted and the integrity of the data reporting was maintained. *Id.* at 4. The Postal Service asserts that usefulness of the Alternate CRA is questionable because the information reported is the result of ratio analysis and guesstimates. *Id.* The Postal Service argues that the report is no longer relevant. *Id.*

The Postal Service also claims that the burden to produce the Alternate CRA is substantial and dependent on completion of all other ACR work. *Id.* at 4–5. The Postal Service is concerned that the relatively weak quality of the Alternate CRA material may reflect upon the quality of other ACR material. *Id.* at 5.

B. Public Representative Comments

Only the Public Representative filed comments.[4] The Public Representative points out that the CRA involves separating the Postal Service's accrued costs reported in its general ledger into cost segments which are further segregated into cost pools and distributed to products based on factors derived from data collection systems. PR Comments at 2–3. The Public Representative asserts that the Commission has noted the Alternate CRA format provided a helpful reference point as product lists were frequently refined in the first few years after passage of the PAEA. *Id.* at 3. As products are combined or morphed into new products, the link between

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Eliminate the Requirement for an Alternative Format CRA Report, November 15, 2013, at 1 (Petition).

[2] Order No. 1891, Notice of Petition for the Initiation of a Proceeding to Eliminate the Alternative Format CRA Report, November 21, 2013 (Notice).

[3] The Petition also requested a waiver of the requirement to file the FY 2013 Alternate CRA Report if the Commission anticipated that it might not be able to complete the rulemaking prior to the time by which preparation of the FY 2013 ACR was to be finalized. On December 18, 2013, the Commission granted the waiver request in order to fully evaluate amendment of Rule 3050.14 and any comments of interested persons. Order No. 1913, Order Granting Waiver of Filing FY 2013 Alternate CRA, December 18, 2013.

[4] Initial Comments of the Public Representative, January 7, 2014 (PR Comments). The order establishing this rulemaking provided for comments by interested parties no later than January 9, 2014 and reply comments no later than January 23, 2014. Notice at 4. No reply comments were filed.

historical and current classification is stretched and ultimately broken, making invalid the use of the initial factors to distribute costs. *Id.* The Public Representative notes that the Commission foresaw this possibility and allowed products with volumes insufficient to estimate costs to be footnoted with the reasons supporting the lack of a suitable proxy. However, the Public Representative notes that after 7 years, the reclassification of categories of products has not stabilized and has continued in fiscal years 2012 and 2013.

The Public Representative supports eliminating the Alternate CRA as having outlived its initial usefulness, but is concerned that the changing MCS will disrupt continuity of the data to calculate trends and analyze aberrations. *Id.* at 4. The Public Representative urges the Commission to consider whether the MCS remains in a state of flux and then decide upon the usefulness of the Alternate CRA in the longer run. *Id.*

C. Commission Analysis

Commission Order No. 104, which established the proposed rules for data reporting, noted that the Alternate CRA proposal should help ensure analytical consistency over time and give the Commission and interested parties the ability to track trends in the financial data and make it easier to identify and analyze anomalies.[5] The order also stated that the Alternate CRA should provide a particularly helpful reference point if the product lists under the PAEA undergo frequent refinement in the first few years of the new regulatory regime. *Id.* at 17.

In adopting rule 3050.14, the Commission noted that the purpose of the Alternate CRA was to report data in a way that can serve as building blocks to facilitate analysis of trends in postal finances and operations.[6]

The first filing of the Alternate CRA, both public and non-public versions, was included in the FY 2009 ACR. Beginning with the FY 2012 ACR, the Postal Service only filed a non-public version of the Alternate CRA, noting that the transfer of multiple market dominant products to the competitive product list would make it possible to use the Alternate CRA to derive information about competitive products.[7]

As noted above, the Postal Service cites several different reasons for the elimination of the Alternate CRA, including the inability of the data systems, especially the cost data systems, to develop data for several categories in the Alternate CRA listing, use of creative disaggregation of existing categories and classifications to reassemble the pre-PAEA classifications, and the substantial burden on the Postal Service to produce the Alternate CRA at the end of the ACR preparation time. *See* Petition at 3–5.

The Public Representative agrees that the existing lines between the historical and the current mail classifications are stretched thin and have probably reached their breaking point. PR Comments at 3. She recommends the Alternate CRA's elimination, noting that the format has outlived its usefulness but also cautions that, as the MCS continues to change, the ability to calculate trends and analyze aberrations is threatened. *Id.* at 4.

As more changes are made to mail classifications, the more difficult it is to realign volumes, revenues, and costs from the pre- and post-PAEA product offerings. In Order No. 104, the Commission recognized that there could be obstacles in disaggregating information and allowed the Postal Service to footnote where those obstacles might be. Order No. 104 at 17. The Commission also implied that there may be a finite time for the presentation of the Alternate CRA, indicating that the report would be useful for the first several years under the PAEA. *Id.* at 16.

As the Postal Service notes, the Alternate CRA served as a means for maintaining mail classification/rate category trend data during the transition to post-PAEA reporting requirements. Petition at 4. Over time, the increasing number of mail classification changes and product transfers has rendered the utility of Alternate CRA reported data problematic.[8] The Postal Service contends that the data reported are ''increasingly the result of ratio analyses, guesstimates and splits tied to shares from seven years ago.'' *Id.* at 4. Accordingly, the Postal Service argues that the Alternate CRA is no longer relevant. *Id.*

The Commission agrees. The relationship between pre- and post-PAEA rate categories and products has become tenuous at best. As a consequence, as argued by the Postal Service and the Public Representative, the Alternate CRA's usefulness as an analytical tool has been eclipsed. Therefore, the Commission will no longer require it to be filed with the ACR. Rule 3050.14 is modified accordingly.

III. Ordering Paragraphs

It is ordered:

1. The Postal Service's Petition is granted as set forth in the body of this order.

2. The Commission adopts the amendment to part 3050 of title 39, CFR that follows the Secretary's signature.

3. The amendment is effective 30 days after publication of this order in the **Federal Register**.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

List of Subjects in 39 CFR Part 3050

Administrative practice and procedure, Postal Service, Recordkeeping and reporting requirements.

By the Commission.

Shoshana M. Grove,

Secretary.

For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission amends 39 CFR part 3050 as follows:

PART 3050—PERIODIC REPORTING

■ 1. The authority citation for part 3050 continues to read as follows:

Authority: 39 U.S.C. 503, 3651, 3652, 3653.

■ 2. Section 3050.14 is revised to read as follows:

§ 3050.14 Format of the Postal Service's section 3652 report.

The Postal Service's Cost and Revenue Analysis (CRA) report shall be presented in a format reflecting the classification structure in the Mail Classification Schedule.

[FR Doc. 2014–09770 Filed 4–29–14; 8:45 am]

BILLING CODE 7710–FW–P

[5] Docket No. RM2008–4, Notice of Proposed Rulemaking Prescribing Form and Content of Periodic Reports, August 22, 2008, at 16–17 (Order No. 104).

[6] Docket No. RM2008–4, Notice of Final Rule Prescribing Form and Content of Periodic Reports, April 16, 2009, at 24–25 (Order No. 203).

[7] Docket No. ACR2012, Library Reference USPS–FY12–9, at 87.

[8] The transfer of market dominant products to the competitive product list also caused the Postal Service to eliminate the public version of the Alternate CRA to preserve the confidentiality of competitive product data. *Id.* at 2. Questions about the relevance of the data reported aside, this development further diminishes the utility of the Alternate CRA.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0206; FRL–9908–93–Region 5]

Approval and Promulgation of Implementation Plans; Wisconsin; Nitrogen Oxide Combustion Turbine Alternative Control Requirements for the Milwaukee-Racine Former Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On February 24, 2014, the Wisconsin Department of Natural Resources (WDNR) submitted revisions to its nitrogen oxide (NO_X) combustion turbine rule for the Milwaukee-Racine former nonattainment area. This revision is contained in ''2013 Wisconsin Act 91—Senate Bill 371'' which allows alternative NO_X emission requirements for simple cycle combustion turbines that undergo a modification on or after February 1, 2001, if dry low NO_X combustion is not technically or economically feasible. This revision is approvable because it provides for alternative NO_X requirements subject to Environmental Protection Agency (EPA) approval on a case-by-case basis and therefore satisfies the reasonably available control technology (RACT) requirements of the Clean Air Act (CAA).

DATES: This direct final rule will be effective June 30, 2014, unless EPA receives adverse comments by May 30, 2014. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–RO5–OAR–2014–0206, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: aburano.douglas@epa.gov.*
3. *Fax:* (312) 408–2279.
4. *Mail:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2014–0206. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. We recommend that you telephone Steven Rosenthal, Environmental Engineer, at (312) 886–6052 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Environmental Engineer, Attainment Planning & Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052, *rosenthal.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. What is the background for this action?
II. What are Wisconsin's NO_X rule revisions and what is EPA's analysis of the revisions?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is the background for this action?

The WDNR established a stationary source NO_X control program in 2000 to meet rate-of-progress (ROP) requirements that are applicable to the Milwaukee-Racine former nonattainment area under the 1990 1-hr ozone national ambient air quality standard (NAAQS). The entire NO_X control program consists of emission limits for new sources, existing sources, and existing sources that undergo a major modification. These NO_X control requirements are set forth in chapter NR 428, Wisconsin Administrative Code (NR 428). EPA approved this NO_X control program as part of Wisconsin's ozone State implementation plan (SIP) on November 13, 2001, 66 FR 56931. Also, EPA approved RACT requirements, set forth in NR 428.22(1)(g)1.a and b., on March 24, 2010, 75 FR 14116.

The Milwaukee-Racine former nonattainment area was designated attainment for the 1997 8-hr ozone NAAQS on February 9, 2012, 77 FR 6739. As part of the designation to attainment, a maintenance plan was required that showed daily NO_X emissions will not exceed levels consistent with attainment. The NR 428 ROP and RACT requirements, among other requirements, are part of this maintenance plan.

Under the current SIP approved NR 428 NO_X control program, existing simple cycle combustion turbines larger than 84 megawatts (MW) that undergo a major modification after February 2001 must meet the emission limitations set forth in s. NR 428.04(2)(g)1.a. and 2.a. This provision sets NO_X emission limits of 12 or 25 parts per million dry volume (ppmdv) at 15% oxygen (O_2), on a 30-

day rolling basis, when firing natural gas or distillate oil, respectively.

II. What are Wisconsin's NO_X rule revisions and what is EPA's analysis of the revisions?

The WDNR originally set the NO_X emission limitations for combustion turbines in NR 428.04(2)(g)1.a. and 2.a. based on the assumption that dry low NO_X (DLN) combustion technology was both feasible and available for new and modified combustion turbines. As previously stated, the emission limitations in NR 428.04(2)(g)1.a. and 2.a. apply to simple cycle combustion turbines that are larger than 84 MW and undergo a major modification. There are only four existing combustion turbines in the Milwaukee-Racine former nonattainment area that may meet these criteria. These combustion turbines are the model 11N turbines that were manufactured by ASEA Brown-Boveri (ABB) and operated by We Energies at its Paris generating facility.

In 2008, the WDNR conducted a best available control technology (BACT) assessment for a set of ABB 11N combustion turbines operated by We Energies at its Concord facility. This BACT analysis is applicable to the NR 428 and alternative emission requirements as it applies to the same model combustion turbine. In performing this top-down BACT control analysis, selective catalytic reduction (SCR) was the most effective control technology considered. However, the WDNR determined that SCR was not cost-effective for BACT as the cost would likely exceed 8,236 dollars per ton of controlled NO_X. The analysis also noted that the cost would likely be even higher due to intermittent operating profiles and high flue gas temperatures associated with simple cycle combustion turbines. After excluding SCR, the analysis showed that the next best available technology is DLN combustion technology. In this case, the WDNR determined that DLN was not commercially available for the ABB 11N simple cycle combustion turbines. After SCR and DLN, the Concord BACT analysis indicates that the next best technology for the 11N ABB combustion turbines is water injection. Therefore water injection was determined by the WDNR to be BACT for the Concord simple cycle combustion turbines. Thus, the best control technology available that is consistent with the intent of NR 428 in meeting ROP and RACT requirements is water injection for those simple cycle combustion turbines for which DLN is not available.

The Wisconsin Legislature enacted Wisconsin statute s. 285.27 (3m) on December 13, 2013 to establish different emission requirements for simple cycle combustion turbines that are modified and that do not have the necessary DLN combustion control technology available. Under the proposed requirement, the affected combustion turbines must operate water injection and meet NO_X emission limits of 25 or 65 ppmdv at 15% O_2, on a 30-day rolling basis, when firing natural gas or distillate oil, respectively. The emission limitations originally applicable under NR 428 for modified combustion turbines and the alternative requirements enacted under s. 285.27 (3m), Wis. Stats., are compared in Table 1.

TABLE 1—NO_X EMISSION REQUIREMENTS FOR SIMPLE CYCLE COMBUSTION TURBINE >84 MW THAT UNDERGO A MAJOR MODIFICATION

	NR 428 Emission limits	s. 285.27 (3m) Wis. Stats. alternative requirements
Emission Limitations: [1].		
Natural Gas	12	25.
Distillate Oil	25	65.
Technology Requirement	None Specified	Operation of Water Injection.

[1] Emission limitations in parts per million dry volume @15% O_2 on a 30-day rolling basis.

In order to be subject to the alternative requirements under s. 285.27 (3m), Wis. Stats., the owner/operator of the combustion turbine must satisfactorily demonstrate that equipping the turbine with a DLN combustion system is not technologically or economically feasible or that a DLN combustion system is not commercially available from the manufacturer of the combustion turbine and the owner/operator must obtain a written confirmation of this demonstration from EPA.

Based on the use of water injection NO_X control technology, s. 285.27 (3m), Wis. Stats. sets forth emission limitations of 25 or 65 ppmdv at 15% O_2, on a 30-day rolling basis, when firing natural gas or distillate oil, respectively. These emissions limitations are appropriate for two reasons. First, these emission limits are consistent with the Concord combustion turbines BACT emission limits. Second, these are the same emission limitations for using water injection in meeting RACT requirements under the NR 428 control program. These RACT requirements are set forth in NR 428.22(1)(g)1.a. and b., Wis. Adm. Code, and were approved by the WDNR and EPA on March 24, 2010, 75 FR 14116.

The alternative emission requirements established in s. 285.27 (3m), Wis. Stats., will not increase allowable NO_X emission rates above current levels for the affected combustion turbines. This determination is based on looking at the ROP and RACT emission limitations for simple cycle combustion turbines under the NR 428 NO_X control program. As shown in Table 2, the alternative emission limits in s. 285.27 (3m), Wis. Stats. are significantly more stringent than the ROP emission limitations and are equivalent to the applicable NO_X RACT emission limitations. The combustion turbines in question at the Paris facility have been subject to the NO_X RACT emission limitations since May 2009. Therefore, as shown in Table 2, the alternative emission limitations do not relax current allowable emission requirements.

TABLE 2—COMPARISON OF EXISTING COMBUSTION TURBINE AND ALTERNATIVE NO_X EMISSION LIMITS

	Emission limitations @ 15% O_2 on a 30-day rolling basis		
	Effective 2001 NR 428 ROP Limits [1]	Effective 2009 NR 428 RACT Limits [2]	s. 285.27 (3m) Wis. Stats. Alternative Limits
Natural Gas	75	25	25
Distillate Oil	110	65	65

[1] ROP emission limitations for existing simple cycle combustion turbines larger than 85 MW are set forth in NR 428.05(3)(d)1. and 2., Wis. Adm. Code.
[2] RACT emission limitations for existing simple cycle combustion turbines larger than 85 MW are set forth in NR 428.22(1)(g)1.a. and b., Wis. Adm. Code.

In conclusion, the WDNR established more stringent NO_X emission limits for simple cycle combustion turbines in the Milwaukee-Racine former nonattainment area that undergo a major modification than for other existing simple cycle combustion turbines, but subsequently determined that these more stringent limits are not feasible for the four existing combustion turbines to which these limits will likely apply. The Wisconsin legislature adopted s. 285.27 (3m), which became effective on December 15, 2013, to allow these units to meet the existing RACT limits instead of the more stringent limits, if EPA agrees in writing that equipping these turbines with a DLN combustion system is not technologically or that economically feasible or a DLN combustion system is not commercially available from the manufacturer of the combustion turbine.

III. What action is EPA taking?

For the reasons stated above, EPA is approving Section 1. 285.27(3m), into Wisconsin's NO_X SIP.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective June 30, 2014 without further notice unless we receive relevant adverse written comments by May 30, 2014. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision is severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective June 30, 2014.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of

such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Reporting and recordkeeping requirements.

Dated: March 20, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2570 is amended by adding paragraph (c)(131) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(131) On February 24, 2014, the Wisconsin Department of Natural Resources submitted revisions to its nitrogen oxide (NO_X) combustion turbine rule for the Milwaukee-Racine former nonattainment area. This revision is contained in ''2013 Wisconsin Act 91—Senate Bill 371'' which allows alternative NO_X emission requirements for simple cycle combustion turbines, that undergo a modification on or after February 1, 2001, if dry low NO_X combustion is not technically or economically feasible. This revision is approvable because it provides for alternative NO_X requirements subject to EPA approval on a case-by-case basis and therefore satisfies the reasonably available control technology (RACT) requirements of the Clean Air Act (Act).

(i) *Incorporation by reference.* Wisconsin statute, Section 285.27 (3m), Exemption from Standards for Certain Combustion Turbines, as revised by 2013 Wisconsin Act 91 enacted December 13, 2013. (A copy of 2013 Wisconsin Act 91 is attached to Section 285.27(3m) to verify the enactment date.)

[FR Doc. 2014–09724 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0002; FRL–9910–06–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regional Haze State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is reissuing its final limited approval of the Pennsylvania State Implementation Plan (SIP) to implement the regional haze program for the first planning period through 2018. EPA originally finalized a limited approval of the Pennsylvania regional haze SIP on July 13, 2012. In response to a petition for review of that final action in the United States Court of Appeals for the Third Circuit, EPA successfully moved for a voluntary remand, without vacatur, to more adequately respond to certain public comments. EPA is providing new responses to those comments in this rulemaking notice.

DATES: This final rule is effective on May 30, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0002. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the Commonwealth's submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Asrah Khadr, U.S. EPA, Region 3, (215) 814–2071, or by email at *khadr.asrah@epa.gov*.

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

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I. Background
II. Public Comments and EPA Responses
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I. Background

On January 26, 2012, EPA proposed a limited approval of the Pennsylvania regional haze SIP as meeting most of the applicable requirements of sections 169A and 169B of the Clean Air Act (CAA) and EPA's implementing regulations at 40 CFR 51.308–309 (Regional Haze Rule) and 40 CFR 51, appendix Y (BART Guidelines). 77 FR 3984. In that same action, EPA proposed to approve the Pennsylvania regional haze SIP as meeting the infrastructure requirements of section 110(a)(2) of the CAA relating to visibility protection for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) and the 1997 and 2006 fine particulate matter ($PM_{2.5}$) NAAQS. EPA received several adverse comments on its proposed limited approval, including comments from Earthjustice on behalf of Sierra Club, the National Parks Conservation Association, and the Clean Air Council.

In a separate but related action, EPA had previously proposed a limited disapproval of the Pennsylvania regional haze SIP for relying on the Clean Air Interstate Rule (CAIR) [1] to satisfy the best available retrofit technology (BART) requirement for emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X) from Pennsylvania's BART-eligible electric generating units (EGUs). 76 FR 82219. In that same action, EPA proposed a Federal Implementation Plan (FIP) that replaced Pennsylvania's reliance on CAIR with reliance on the Cross-State Air Pollution Rule (CSAPR).[2]

[1] CAIR required certain states, including Pennsylvania, to reduce emissions of SO_2 and NO_X that significantly contribute to downwind nonattainment of the 1997 NAAQS for ozone and $PM_{2.5}$. 70 FR 25162 (May 12, 2005).

[2] EPA promulgated CSAPR (76 FR 48208, August 8, 2011) as a replacement to CAIR in response to the United States Court of Appeals for the District of Columbia Circuit's decision in *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

On June 7, 2012, EPA finalized the limited disapproval of the Pennsylvania regional haze SIP for relying on CAIR and the FIP relying on CSAPR. 77 FR 33642. On July 13, 2012, EPA finalized the limited approval of the Pennsylvania regional haze SIP and approved the Pennsylvania regional haze SIP as meeting the infrastructure requirements of section 110(a)(2) relating to visibility protection for the 1997 8-hour ozone NAAQS and the 1997 and 2006 $PM_{2.5}$ NAAQS. 77 FR 41279.

Following these actions, the DC Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *cert. granted* 133 U.S. 2,857 (2013), vacating CSAPR and keeping CAIR in place pending EPA's promulgation of a valid replacement rule for CSAPR. EPA believes that the United States Supreme Court's decision in *EME Homer City* will impact the reasoning that formed the basis for EPA's limited disapproval of the Pennsylvania regional haze SIP and expects to propose an appropriate action regarding the limited disapproval upon final resolution of that case.

On September 11, 2012, the aforementioned public interest groups filed a petition for review of EPA's final limited approval of the Pennsylvania regional haze SIP in the Third Circuit. *See Nat'l Parks Conservation Ass'n, et al.* v. *EPA,* No. 12–3534 (3d Cir. Sept. 11, 2012). In response to the petition, EPA moved the court for a voluntary remand of the final limited approval, without vacatur, so that EPA could provide a more detailed and complete response to some of the petitioners' adverse comments. *See* Motion for Voluntary Remand at 3, *Nat'l Parks Conservation Ass'n, et al.* v. *EPA,* No. 12–3534 (3d Cir. Sept. 27, 2013). On October 22, 2013, the court granted EPA's motion for a voluntary remand without vacatur.

II. Public Comments and EPA Responses

EPA received several comments on our January 6, 2012 proposed limited approval of the Pennsylvania regional haze SIP. Commenters included the U.S. Forest Service, the National Park Service, the State of New Jersey Department of Environmental Protection, GenOn Energy, Inc., a private citizen, and Earthjustice (on behalf of Sierra Club, the National Parks Conservation Association, and the Clean Air Council). As EPA explained in the motion for voluntary remand, EPA does not intend to readdress Earthjustice's comments relating to CAIR/CSAPR issues.[3] Consistent with this representation, EPA does not readdress these comments in this rulemaking notice. In addition to comments from Earthjustice, we are also responding to significant comments from the National Park Service and the State of New Jersey Department of Environmental Protection in this rulemaking notice. EPA believes that the previous responses to all other significant comments were adequate. Please refer to the July 13, 2012 **Federal Register** rulemaking notice for these comment summaries and responses. 77 FR 41279.

BART Determinations for EGUs and Non-EGUs

Comment: One commenter raised a number of concerns with Pennsylvania's BART determinations for both EGUs and non-EGUs. Some of these concerns focused on the overall level of detail, structure, analysis, and supporting documentation that Pennsylvania provided in its BART analyses, while other concerns targeted specific technical deficiencies in Pennsylvania's cost-effectiveness estimates and visibility modeling. For EGUs, the commenter criticized Pennsylvania for rejecting fabric filter baghouses, which are generally considered to be the most stringent control technology available for particulate matter (PM) emissions. The commenter went into considerable detail pointing out various shortcomings and errors in Pennsylvania's PM BART analyses that allegedly resulted in grossly inflated costs and underestimated visibility benefits for baghouses. In regards to Pennsylvania's cost calculations, the commenter alleged that: (1) Baseline emission estimates were unrealistic and unsupported; (2) supporting data for the cost calculations was not available for public review and comment; (3) lack of data made it impossible to know whether the overnight cost method was followed as required by the Cost Control Manual and BART Guidelines; (4) remaining useful lives of the sources were unsupported; and (5) control efficiencies for the control options analyzed were arbitrarily low and unsupported. To account for these deficiencies, the commenter hired a contractor to recalculate the cost-effectiveness of fabric filter baghouses for two of the EGUs—Homer City Unit 2 and Hatfield's Ferry Unit 2. The commenter found that the installation of baghouses at these units would be cost-effective at $2,245 per ton and $2,745 per ton, respectively.

This commenter also alleged that Pennsylvania's source-specific BART determinations contained ''systemic deficiencies.'' These deficiencies include: (1) Missing source-specific design information, such as megawatt rating of boilers and exhaust gas flow rates and composition, which prevented accurate costing; (2) improper use of the dollars per deciview ($/dv) metric as a cutpoint in making BART determinations, contrary to EPA guidance and EPA's statements in other regional haze actions; (3) lack of clear cost and visibility thresholds for determining when controls will be required or rejected; (4) failure to consider cumulative visibility impacts at all five Class I areas impacted by Pennsylvania sources; and (5) failure to follow the five-step BART process as outlined in the BART Guidelines, including the omission of available control options in Step 1, a lack of feasibility demonstrations in Step 2, a lack of control-effectiveness ranking in Step 3, and a summary dismissal of energy and non-air quality environmental impacts in Step 4.

Another commenter took issue with Pennsylvania's cost analyses for several non-EGUs, including cement kilns and a pulp and paper mill. This commenter explained that selective non-catalytic reduction (SNCR) has become the norm for controlling NO_X emissions from cement kilns year-round, and that EPA should require a minimum of 35 percent NO_X reduction on a 30-day rolling basis at all kilns. This commenter also disagreed with Pennsylvania's cost analysis for the P.H. Glatfelter Company (Glatfelter) pulp and paper mill. The commenter argued that Pennsylvania overestimated the costs of wet scrubbers by deviating from the Control Cost Manual in several ways. As a result of these deviations, the commenter found that the cost-effectiveness of wet scrubbers was only $1,204 per ton instead of the $1,667 per ton estimated by Pennsylvania. In light of this lower cost and the visibility benefits of controls, the commenter concluded that EPA should disapprove Pennsylvania's BART determination for Glatfelter and require a 90 percent efficient wet scrubber.

Finally, multiple commenters raised concerns with Pennsylvania's consideration of the visibility factor for multiple BART-eligible sources. These commenters argued that Pennsylvania failed to consider the cumulative visibility impact at multiple Class I areas when evaluating potential control alternatives and disputed Pennsylvania's decision that such an analysis was unwarranted. The

[3] *See* Motion at 11 n.6.

commenters also criticized Pennsylvania's reliance on the $/dv metric, alleging that the use of such a metric would not be meaningful if it did not take into account the visibility improvement at multiple Class I areas. In addition, the commenters argued that Pennsylvania should have established an objective criteria for determining the acceptability of a given control technology's visibility improvement.

Response: In its regional haze SIP, Pennsylvania identified 34 BART-eligible sources. Consistent with the Mid-Atlantic Northeast Visibility Union (MANE–VU) protocol, Pennsylvania did not limit its BART analyses to those sources that it first determined ''might reasonably be anticipated to cause or contribute to'' visibility impairment in a Class I area based on air quality modeling. *See* section 169(b)(2)(A). Rather, Pennsylvania considered the appropriateness of BART controls at each BART-eligible source in Pennsylvania.[4] EPA notes that in most other states, BART reviews were undertaken only for those BART-eligible sources shown to have a greater than 0.5 deciview (dv) impact on a Class I area, the maximum threshold for this screening analysis. Of Pennsylvania's 34 BART-eligible sources, the regional haze SIP indicates that 26 had visibility impacts of less than 0.5 dv on any Class I area. EPA notes that in most states, the consideration of controls would have ended at this point in the analysis. Pennsylvania, however, considered whether additional controls would be appropriate for all 26 of these BART-eligible sources, regardless of whether or not the source by itself ''cause[s] or contribute[s]'' to visibility impairment.

Based on EPA's assessment of the information in Pennsylvania's BART analyses, EPA has concluded that many of the comments criticizing Pennsylvania's BART determinations are correct. Because of its approach to BART, Pennsylvania considered the appropriateness of BART controls at a large number of sources. But for almost all of these sources, the Pennsylvania regional haze SIP contains very limited information describing Pennsylvania's analyses and consideration of the BART factors. Pennsylvania considered various control strategies and developed estimates of the costs of controls, but the cursory information available in the record does not allow for an assessment of how these numbers were derived or whether Pennsylvania's analyses were reasonably done. Similarly, it is difficult to assess the estimates of the improvements in visibility associated with various controls given the limited information in the SIP as to the assumptions relied on in the modeling and the summary nature of the results provided. EPA also agrees with the commenters that, in considering the visibility improvement expected from the use of controls, Pennsylvania should have taken into account the visibility impacts at all impacted Class I areas rather than focusing solely on the benefits at the most impacted area. Similarly, EPA agrees with the commenters that Pennsylvania's reliance on the $/dv metric was flawed for multiple reasons.

Although Pennsylvania should have provided a more thorough and detailed analysis of costs and visibility impacts in its regional haze SIP, the information that Pennsylvania did provide has led EPA to conclude that Pennsylvania's ultimate BART determinations were nevertheless reasonable. First, based on the cost estimates for other BART sources in other states, EPA has concluded that Pennsylvania's cost numbers appear to be generally consistent for such controls, at least for purposes of screening type analyses. Where Pennsylvania estimated the costs of controls to be in the tens of thousands or hundreds of thousands of dollars per ton of pollutant removed, Pennsylvania's conclusions that such controls are not cost-effective seem reasonable, even assuming that the true cost of controls are likely less than what Pennsylvania estimated. EPA agrees with the commenters, however, that many of the controls under consideration were likely cost-effective measures. Unfortunately, where controls were estimated to be more cost-effective, EPA cannot assess the extent to which Pennsylvania's analyses are reasonable estimates for purposes of making a BART determination. When the other key BART factor—visibility—is taken into account, however, an overall picture emerges that supports Pennsylvania's BART determinations.

As noted earlier, Pennsylvania reviewed each of its BART-eligible sources regardless of whether they cause or contribute to visibility impairment under the test in the BART Guidelines. Given the magnitude of the source-specific impacts of these 26 BART-eligible sources, it is not surprising that Pennsylvania concluded that additional controls were not warranted. The visibility benefits of controls for this large subset of Pennsylvania's BART-eligible sources were generally estimated to be only in the hundredths of a deciview. For example, Pennsylvania estimated that SO_2 controls at the two kilns at Lafarge Corporation's Whitehall Plant would result in 0.044 and 0.035 dv of improvement at Brigantine National Wildlife Refuge in New Jersey, the most impacted Class I area. No State has required BART controls where the benefits of control were in this range, and EPA does not consider Pennsylvania's control determinations to be unreasonable given these visibility numbers. Taking into account the visibility impacts at multiple Class I areas would not have affected the reasonableness of Pennsylvania's conclusion that the benefit of controls would have little or no impact on improving visibility given the magnitude of the visibility results shown at the most impacted area.

Of the 26 facilities with visibility impacts less than 0.5 dv at any Class I area, the only source where the BART factors suggest that Pennsylvania reasonably could have come to a different conclusion is the Glatfelter pulp and paper production facility. Unlike the other 26 sources, where either the costs of control were unreasonable or the visibility benefits minimal, or both, Pennsylvania estimated the costs of SO_2 controls at Glatfelter to fall within a range that is generally considered highly cost-effective. Further, these controls would result in 0.219 dv of improvement at Shenandoah National Park, the most impacted Class I area. In its comments, the National Park Service argued that Pennsylvania had overestimated the costs of SO_2 controls, but regardless of whether the costs were $1,667 per ton, as estimated by Pennsylvania, or $1,204 per ton, as estimated by the National Park Service, the costs of installing a venturi scrubber (the SO_2 controls under consideration) falls within a range that is generally considered very reasonable. The National Park Service also provided additional information regarding the visibility improvements to be expected at Brigantine National Wildlife Refuge (0.218 dv) and noted that Dolly Sods and Otter Creek Wilderness Areas had visibility impacts ''about half'' those at Shenandoah and Brigantine. EPA notes, however, that if Pennsylvania had chosen to screen out sources with impacts of less than 0.5 dv, it would not have been required to undertake a BART analysis for this source at all. For this reason, EPA is not disapproving Pennsylvania's conclusion that BART controls should not be required at this source.

Of the remaining eight BART-eligible sources, there is no information in the

[4] As Pennsylvania relied on CAIR to meet the BART requirements for SO_2 and NO_X, Pennsylvania was only required to determine whether its BART-eligible EGUs should be required to install BART controls for direct emissions of PM.

Pennsylvania regional haze SIP regarding the sources' baseline visibility impacts for four of the sources—Allegheny Energy Supply's Mitchell Power Station, PPL Generation LLC's Brunner Island, Sunoco Chemicals' Frankford Plant, and Sunoco, Inc.'s petroleum refining facility. Pennsylvania did consider the visibility benefits associated with the installation of controls at these facilities, however, and determined that on balance, the costs of controls were not justified by the expected minimal visibility impacts. At these four facilities, the greatest improvement in visibility was estimated to be 0.076 dv from the installation of selective catalytic reduction (SCR) at the Frankford Plant (at $40,495 per ton). As the visibility benefits of controls were in the hundredths or thousandths of a deciview, EPA does not consider Pennsylvania's BART determinations to be unreasonable for these four sources, for the same reasons as explained earlier.

The remaining four BART-eligible sources were each estimated to have visibility impacts above 0.5 dv at a Class I area. These facilities are Lehigh Cement's Evansville Cement Plant (Lehigh/Evansville), PPL Generation LLC's Martins Creek Generating Station (Martins Creek), ConocoPhillips' Trainer Refinery, and Sunoco's Marcus Hook Refinery. Sunoco's Marcus Hook Refinery has shut down, however, and has surrendered its Title V operating permit. Therefore, the question of appropriate BART controls for this source is now moot.

Pennsylvania's regional haze SIP indicates that both Lehigh/Evansville and Martins Creek are each estimated to have impacts of just over 0.6 dv at a Class I area. For Lehigh/Evansville, Pennsylvania found that NO_X emissions from Kilns 1 and 2 are responsible for the preponderance of the visibility impacts, and considered both the costs and visibility benefits of a range of NO_X and SO_2 controls. While certain of the controls under consideration were cost-effective, the visibility benefits were between 0.005 and 0.040 dv. Although Pennsylvania considered only the most impacted Class I area, taking into account the visibility impacts at multiple Class I areas would not have changed Pennsylvania's conclusion that no additional controls were justified given the magnitude of impacts at the most impacted area. For Martins Creek, an EGU, Pennsylvania considered only PM controls in light of the fact that it is relying on CAIR as an alternative to BART for SO_2 and NO_X. Its cost analysis indicated that emission controls for PM were over $100,000 per ton, while visibility benefits ranged from 0.037 dv at Brigantine to 0.022 dv at Lye Brook. Consequently, EPA believes that Pennsylvania's conclusion that BART was no additional control was reasonable for this source as well.

The last of the remaining BART-eligible sources is ConocoPhillips' Trainer Refinery, which was found to have a 1.104 dv impact at Brigantine. This impact was due largely to emissions from two units, a CO boiler (CO1) and a platformer feed heater (Unit 738). Pennsylvania noted that CO1 is subject to a Federal consent decree that requires the installation of a wet scrubber and enhanced SNCR to address SO_2 and NO_X emissions, respectively. Pennsylvania also noted that the unit's PM emissions are subject to a new source performance standard (NSPS) PM limit of 0.5 pounds per 1000 pounds of coke burned. Pennsylvania concluded that no additional retrofit controls were feasible for this unit. EPA disagrees with this conclusion. Notably, EPA believes that SCR is likely a feasible control option for NO_X emissions and should have been analyzed. Nevertheless, it is highly unlikely that Pennsylvania would have found SCR to be cost-effective given that SNCR has already been installed on CO1. Therefore, while Pennsylvania should have performed an analysis of SCR, EPA cannot conclude that Pennsylvania's determination that no further controls are warranted, was unreasonable. For Unit 738, Pennsylvania considered several possible SO_2, NO_X, and PM control options. Although Pennsylvania did not provide an adequate explanation as to why certain of the SO_2 and PM controls were not feasible or provide supporting information for its cost analyses, EPA notes that the visibility impacts from Unit 738 for these two pollutants were estimated to be 0.000 dv and 0.001 dv respectively at the most impacted Class I area. Given this, EPA cannot conclude that Pennsylvania was unreasonable in finding that no further SO_2 or PM controls were needed for this unit. The visibility impacts from Unit 738 for NO_X were estimated to be 0.159 dv. Pennsylvania determined that the most effective control, SCR in combination with ultra low-NO_X burners, would cost over $70,000 per ton of NO_X removed. The less costly but less effective use of ultra low NO_X burners alone was estimated to cost of $16,042 per ton, with a visibility benefit of 0.025 dv. Even assuming that the cost of the burners was significantly less, EPA again does not disagree with Pennsylvania's conclusion that these controls are unwarranted for BART.

EPA has closely reviewed Pennsylvania's BART determinations and concluded that Pennsylvania's ultimate conclusions were not unreasonable, largely based on the expected minimal impacts on visibility, but also taking into account the very high costs of some controls. In other cases, changes in operating status or the existence of enforceable provisions requiring the installation of stringent new controls have convinced EPA that disapproving Pennsylvania's regional haze SIP would result in no meaningful changes to Pennsylvania's ultimate control determinations. As a result, notwithstanding the large number of errors in Pennsylvania's BART determinations, EPA is re-finalizing the limited approval of the Commonwealth's regional haze SIP.

PM BART Emission Limits for EGUs

Comment: One commenter asserted that Pennsylvania improperly set the PM BART emission limits at every EGU source at 0.1 pound per million British thermal units (lb/MMBtu). The commenter explained that 0.1 lb/MMBtu, the emission limit currently included in all of the EGUs' operating permits, is based on 40-year old technology that does not satisfy the minimum statutory requirements of BART. The commenter argued that 0.1 lb/MMBtu is substantially higher than limits accepted as BART elsewhere, as well as limits established as best available control technology (BACT). The commenter asserted that BACT limits are relevant for BART purposes because BACT is also derived by a five-step process and must demonstrate achievable emission reductions. The commenter criticized Pennsylvania for not considering BACT technologies and associated emission limits in its BART analyses. The commenter then provided a substantial list of PM emission limits that have been established as either BACT or BART by other states and permitting authorities. The commenter explained that these lower limits could be met by both electrostatic precipitators (ESPs) and fabric filter baghouses and concluded that Pennsylvania's failure to adopt such lower limits as PM BART for its EGUs was arbitrary and unlawful. Finally, the commenter pointed out that the BART Guidelines provide that maximum achievable control technology (MACT) for control of hazardous air pollutants should be taken into account in determining BART. The commenter asserted that EPA could not lawfully or rationally approve Pennsylvania's PM BART limits because they are less stringent than the 0.03 lb/MMBtu

emission limit that EPA recently established as MACT for existing sources in the final Mercury and Air Toxics Standards (MATS) Rule.

Response: EPA disagrees with the commenter that Pennsylvania's PM BART emission limits for EGUs must be disapproved. EPA acknowledges that BART is defined as ''as an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility.'' 40 CFR 51.301. Consequently, once a state has selected a control technology that represents BART, the state must then complete the BART analysis by selecting an emission limit that represents the emission-reduction capabilities of that control technology. While other BART limits should be examined when determining the effectiveness of the chosen control option, BART ultimately remains a site-specific, case-by-case determination. Moreover, while BACT limits may prove useful in identifying the appropriate emission limit for BART, EPA disagree that BACT levels of control can automatically be presumed ''achievable'' for BART purposes. Whereas BACT applies to new and modified sources, BART only applies to retrofits for older sources. Thus, there may be instances where a source installing BART cannot achieve the level of reductions that would be possible at an entirely new source.

Here, Pennsylvania determined that PM BART for most of the subject-to-BART EGUs [5] was their existing permitted emission limits of 0.1 lb/MMBtu, which can be achieved by the existing ESPs. While EPA agrees with the commenter that Pennsylvania ideally should have examined whether 0.1 lb/MMBtu actually reflects the ''degree of reduction achievable'' for the particular ESP at each facility, EPA thinks that Pennsylvania's failure to do so was not fatal in this instance for several reasons. First and most importantly, the impact of tightening the EGUs' PM emission limits would be minimal from a visibility perspective. As explained in detail earlier, the modeling included in the Pennsylvania regional haze SIP clearly showed that the EGUs' PM emissions were responsible for a minimal portion of the visibility impairment at the affected Class I areas.

Second, many of the Pennsylvania EGUs have retired or put in motion plans to retire or to convert to cleaner burning fuels since Pennsylvania conducted its BART determinations. For example, in October 2013, First Energy's Hatfield's Ferry and Mitchell generating stations were retired. NRG Energy's Portland generating station will cease combusting coal in June 2014 and plans to retire in early 2015. NRG Energy's New Castle generating station has submitted an application to Pennsylvania to convert to natural gas as a fuel source prior to the MATS compliance deadline of 2015. Moreover, many of the EGUs have recently installed new pollution controls to comply with other CAA requirements that further limit PM emissions. Pennsylvania has issued a plan approval for construction of a baghouse and dry scrubber for Units 1 and 2 at Homer City, which also includes a new PM emission limit of 0.05 lb/MMBtu for each unit. These recent developments have made the stringency of Pennsylvania's PM BART limits a moot issue for many facilities.

Finally, as the commenter notes, the aforementioned MATS Rule will limit PM emissions at each of the Pennsylvania EGUs to 0.03 lb/MMBtu by 2015. While EPA disagrees with the commenter that EPA must disapprove Pennsylvania's PM BART emission limits for EGUs due to the pending implementation of MATS, the fact remains that MATS will imminently supersede BART as the required level of PM control at Pennsylvania's EGUs, largely mooting the issue. Disapproving Pennsylvania's PM BART limits due to MATS would be inappropriate, however, because EPA cannot require states to predict future requirements at the time they are developing their SIPs. EPA proposed MATS on May 13, 2011 (76 FR 24976) and promulgated the final version of MATS on February 16, 2012 (77 FR 9304), well after Pennsylvania developed its regional haze SIP and made the relevant BART determinations. Furthermore, EPA proposed its limited approval of Pennsylvania's regional haze SIP on January 26, 2012, a full three weeks before MATS was finalized. EPA also revised MATS on April 24, 2013 (78 FR 24073). While the BART Guidelines indicate that states may rely on previously issued MACT standards for purposes of BART, they do not require states to revise BART determinations *ex post facto* when EPA subsequently establishes new MACT standards. For all of these reasons, EPA believes that the limits of 0.1 lb/MMBtu are sufficiently reasonable for PM BART at the Pennsylvania EGUs and can be approved. Where appropriate, however, EPA expects Pennsylvania to revisit the issue in the next regional haze implementation period.

Comment: One commenter argued that Pennsylvania's PM BART emission limits are invalid because they are expressed as total filterable PM. The commenter argued that EPA must disapprove the limits and set separate emission limits for filterable coarse particulate matter (PM_{10}) and $PM_{2.5}$, as well as condensable PM. Alternatively, EPA could set emission limits for the individual pollutants that form condensable PM, such as sulfuric acid mist.

Response: EPA disagrees that Pennsylvania was required to set separate emission limits for filterable PM_{10} and $PM_{2.5}$ and condensable PM. While the BART Guidelines do instruct states to consider both PM_{10} and $PM_{2.5}$ when determining whether sources cause or contribute to visibility impairment, the BART Guidelines are silent as to how PM emission limits should be expressed, so long as they are enforceable, continuous, and contain appropriate averaging times, compliance verification procedures, and recordkeeping requirements. In practical terms, the function of a BART emission limit is to ensure that the technology selected as BART, or another technology that is at least as effective, is installed and properly operated. For the EGUs in Pennsylvania, the Commonwealth selected the existing ESPs as BART for filterable PM emissions. An emission limit that restricts total filterable PM will, by definition, restrict emissions of both filterable PM_{10} and $PM_{2.5}$ because these are subsets of total filterable PM. Thus, EPA believes that it is unnecessary for states to set separate emission limits for filterable PM_{10} and $PM_{2.5}$ in order to ensure that the existing ESPs are properly operated and that both coarse and fine particulates are adequately controlled. In regards to condensable PM, when emitted from coal-fired EGUs, these emissions are composed almost entirely of inorganic sulfates that are controlled by scrubbers or dry sorbent injection, not by ESPs or fabric filter baghouses. Consequently, EPA believes that Pennsylvania's

[5] Instead of setting an output-based PM emission limit for GenOn Energy's Cheswick generating station, Pennsylvania capped PM emissions at 361 tons per year (tpy). However, as EPA has previously stated, Pennsylvania appears to have set the PM BART limit for Cheswick in error. 77 FR 41279, 41283 (July 13, 2012). Pennsylvania has submitted a SIP revision to EPA that includes a revised PM BART emission limit for Cheswick to address this concern which EPA intends to act upon expeditiously. *See* Letter to Shawn M. Garvin, Regional Administrator, EPA, from E. Christopher Abruzzo, Secretary, Pennsylvania Department of Environmental Protection (March 25, 2014), *available at http://www.dep.state.pa.us/dep/deputate/airwaste/aq/plans/plans/cheswick/Transmittal_Letter_to_EPA.pdf.*

reliance on CAIR/CSAPR for SO_2 BART is sufficient to ensure that condensable PM emissions will be controlled.

Long-Term Strategy

Comment: Several commenters stated that Pennsylvania, in consultation with other states within MANE–VU, committed to include a low-sulfur fuel strategy as part of its long-term strategy to reduce emissions. These commenters noted that, as of February 2012, Pennsylvania had proposed, but not yet adopted, a low-sulfur fuel rule. Because Pennsylvania's low-sulfur fuel rule had not been finalized at the time of EPA's proposed limited approval of Pennsylvania's regional haze SIP, the commenters concluded that Pennsylvania had not taken all of the measures necessary to obtain its share of the emission reductions needed to meet the reasonable progress goals (RPGs) for downwind Class I areas. One of these commenters recommended that EPA condition its approval of the Pennsylvania regional haze SIP on the implementation of the low-sulfur fuel strategy in Pennsylvania. Another commenter criticized EPA for proposing to substitute SO_2 reductions from EGUs and non-EGUs for reductions from a low-sulfur fuel rule, noting that the substitution resulted in a 5,702 ton shortfall. This commenter explained that because New Jersey relied on reductions from Pennsylvania's low sulfur fuel strategy in demonstrating reasonable progress at Brigantine Wilderness Area, an EPA approval would jeopardize New Jersey's ability to meet its regional haze commitments. A third commenter expressed concern that the emission reductions Pennsylvania needs to meet the RPGs for downwind Class I areas are not enforceable in the SIP. This commenter argued that finalizing an approval of Pennsylvania's long-term strategy would be inconsistent with other EPA actions that have acknowledged that all reductions modeled in setting the RPGs must be enforceable.

Response: EPA disagrees that Pennsylvania has failed to obtain its share of emission reductions that it committed to in the state consultation process. Pennsylvania participated fully in the MANE–VU consultation process, which resulted in a course of action for all participating states to reduce emissions to collectively meet the RPGs in the MANE–VU region.[6] The MANE–VU ''Ask'' provided the MANE–VU states, including Pennsylvania, with up to ten years ''to pursue adoption and implementation of reasonable and cost-effective NO_X and SO_2 emissions reduction measures, as appropriate and necessary.'' In its regional haze SIP, Pennsylvania stated that it ''will pursue these measures, as appropriate and necessary, and in five years at the time of Pennsylvania's first periodic SIP report, expects to report on progress toward adoption of these measures by 2018.'' With respect to the low-sulfur fuel strategy, the MANE–VU Ask established two sets of goals, one for the ''inner zone'' states of the MANE–VU region (Delaware, New Jersey, New York, and Pennsylvania, or portions thereof) and one goal for the ''outer zone'' states. The ''inner zone'' goals contained more aggressive compliance schedules and sulfur content limits than the ''outer zone'' goals. Nevertheless, states in the ''inner zone'' could choose to comply with the ''outer zone'' goals if they experienced supply disruption issues, and the ''Ask'' effectively provided all states until 2018 to complete the implementation of their low-sulfur fuel strategies. Consistent with this approach, Pennsylvania indicated in its regional haze SIP that, ''[b]ased on supply concerns, Pennsylvania will pursue a strategy that will not be less stringent than the outer zone strategy and would meet the sulfur content emission limits listed above by 2018.'' Therefore, EPA disagrees with the commenter that Pennsylvania was required to finalize its low-sulfur fuel rule by 2012. The agreed-upon timeframe in the ''Ask'' provided up to ten years for adoption and implementation of the various measures.

After EPA previously finalized the limited approval of the Pennsylvania regional haze SIP, Pennsylvania submitted a SIP revision to EPA that included a low-sulfur fuel rule that met the ''outer zone''-strategy requirements. EPA proposed to approve this SIP revision on February 20, 2014. 79 FR 9701. EPA notes that Pennsylvania's low-sulfur fuel rule does not require that the sulfur content of distillate oil be reduced to 15 parts per million (ppm) by 2018, as anticipated by the MANE–VU ''Ask.'' However, for ''outer zone'' states, the implementation of this requirement was dependent upon supply availability.[7] Moreover, as EPA explained in detail in the technical support document (TSD)[8] that accompanied our July 13, 2012 final rule, Pennsylvania has secured an additional 23,051 tons in SO_2 reductions that were not anticipated at the time of the MANE–VU ''Ask.'' When these reductions are considered in combination with reductions that will result from Pennsylvania's low-sulfur fuel rule, EPA believes that a 15 ppm limit on distillate oil is no longer ''appropriate and necessary'' to achieve the goals of the MANE–VU ''Ask'' during the first planning period ending in 2018. Furthermore, EPA does not believe that Pennsylvania will experience a shortfall in emission reductions or that approval of the Pennsylvania regional haze SIP will prevent New Jersey from making reasonable progress at Brigantine. Finally, while EPA agrees with the third commenter that all reductions should be enforceable in the SIP itself, EPA believes that the proposed approval of Pennsylvania's low-sulfur fuel rule SIP revision largely addresses this concern. Moreover, EPA expects Pennsylvania to review all of its emission reductions in its five-year progress report, at which time the additional reductions highlighted in our TSD can be included in the SIP as enforceable requirements as well. Consequently, EPA believes that the Pennsylvania regional haze SIP includes all measures necessary at this time to obtain its share of the emission reductions needed to meet the RPGs of downwind states and therefore has met the requirements of 40 CFR 51.308(d)(3)(ii).

Comment: One commenter asserted that EPA must disapprove the Pennsylvania regional haze SIP because it failed to include a long-term strategy with a detailed retirement discussion. The commenter argued that the Pennsylvania regional haze SIP was inadequate because it contained no discussion of changes in energy and other markets and their likely effect on EGUs and non-EGUs. The commenter concluded that EPA must require a retirement discussion that provides a ''realistic picture of future emissions from BART-subject sources.''

Response: EPA disagrees with the commenter that the Pennsylvania regional haze SIP must be disapproved for failure to include a retirement discussion in the long-term strategy. Pennsylvania considered the factors listed in 40 CFR 51.308(d)(3)(v) when developing its long-term strategy, as

[6] *See* ''Statement of the Mid-Atlantic/Northeast Visibility Union (MANE–VU) Concerning a Course of Action within MANE–VU toward Assuring Reasonable Progress'' (January 20, 2007), also known as the MANE–VU ''Ask,'' in Appendix M of the Pennsylvania regional haze SIP.

[7] Pennsylvania regional haze SIP, Appendix M (requiring ''outer zone'' states ''to further reduce the sulfur content of distillate oil to 15 ppm by 2018, depending on supply availability'').

[8] *See* ''Technical Support Document (TSD) for the Pennsylvania Regional Haze State Implementation Plan—Mid Atlantic and Northeast Visibility Union (MANE–VU) 'Asks' Reasonable Progress Goals'' (January 17, 2012).

described in detail in our January 26, 2012 proposal. Pennsylvania included source retirement and replacement schedules as part of the emissions inventory that it used to project future conditions and provide a realistic estimate of future visibility impairing emissions from the identified sources. At the time that Pennsylvania's analyses were completed, they were based on the best information available. The projected inventories for 2018 account for post-2002 emissions reductions from promulgated and proposed federal, state, local, and site-specific control programs. Pennsylvania developed its long-term strategy in coordination with the MANE–VU, identifying the emissions units within Pennsylvania that have the largest impacts on visibility at the MANE–VU Class I areas, estimating emissions reductions for 2018, based on all controls required under Federal and state regulations for the 2002–2018 period (including BART), and comparing projected visibility improvement with the uniform rate of progress for the MANE–VU Class I areas. Pennsylvania's long-term strategy includes measures needed to achieve its share of emissions reductions agreed upon through the consultation process with Class I area states and includes enforceable emissions limitations, compliance schedules, and other measures necessary to achieve the RPGs established by MANE–VU for the Class I areas.

These projections can be expected to change as additional information regarding future conditions becomes available. For example, new sources may be built, existing sources may shut down or modify production in response to changed economic circumstances, and facilities may change their emissions characteristics as they install control equipment to comply with new rules. To address these situations, the Regional Haze Rule calls for a five-year progress review after submittal of the initial regional haze SIP. *See* 40 CFR 51.308(g). The purpose of this progress review is to assess the effectiveness of emissions management strategies in meeting RPGs and to provide an assessment of whether current implementation strategies are sufficient for the state or affected states to meet their RPGs. If a state concludes, based on its assessment, that the RPGs for a Class I area will not be met, the Regional Haze Rule requires the state to take appropriate action. *See* 40 CFR 52.308(h). The nature of the appropriate action will depend on the basis for the state's conclusion that the current strategies are insufficient to meet the RPGs. Pennsylvania specifically committed to follow this process in its long-term strategy.[9]

III. Summary of Final Action

EPA is re-finalizing its limited approval of the Pennsylvania regional haze SIP, which was submitted on December 20, 2010 to address regional haze for the first implementation period. EPA is issuing a limited approval of the Pennsylvania regional haze SIP because, overall, the Pennsylvania SIP will be stronger and more protective of the environment with the implementation, Federal approval, and enforceability of its measures than it would without those measures. EPA has already finalized a limited disapproval of the Pennsylvania regional haze SIP in a separate rulemaking. *See* 77 FR 33642.

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action finalizing the limited approval of the Pennsylvania Regional Haze SIP may

[9] Pennsylvania also stated in its regional haze SIP that retirement and replacement would be managed in conformance with existing SIP requirements pertaining to new source review.

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

List of Subjects in 40 CFR Part 52

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

Dated: April 11, 2014.

W.C. Early,

Acting, Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart NN—Pennsylvania

■ 2. In § 52.2020, the table in paragraph (e)(1) is amended by revising the entry for ''Regional Haze Plan'' to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Regional Haze Plan	Statewide	12/20/10 12/20/10	7/13/12, 77 FR 41279 4/30/14 *[Insert page number where the document begins]*.	§ 52.2042; Limited Approval. Reissuing of Limited Approval.
*	*	*	*	*

* * * * *

[FR Doc. 2014–09726 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 168

[EPA–HQ–OPP–2009–0607; FRL–9909–82]

RIN 2070–AJ53

Labeling of Pesticide Products and Devices for Export

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is amending the regulations that pertain to labeling of pesticide products and devices intended solely for export. This action will allow placement of the required information on collateral labeling attached to the shipping container of such products rather than on the immediate package of each individual product in such a shipment. This restores provisions that previously allowed exporters to use labeling attached to, or accompanying, the product shipping container of the export pesticide at all times when shipped or held for shipment in the United States.

DATES: This direct final rule is effective July 29, 2014.

Written adverse comments must be received on or before May 30, 2014. If EPA receives adverse comment, EPA will withdraw this direct final rule before its effective date.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0607, 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: Kathryn Boyle, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–6304; email address: *boyle.kathryn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action affect me?

You may be potentially affected by this action if you export a pesticide product, a pesticide device, or an active ingredient used in producing a pesticide. The following North American Industrial Classification System (NAICS) code category 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, but are not limited to: Pesticide and other agricultural chemical manufacturing (NAICS code 325320), e.g., pesticide manufacturing, insecticide manufacturing, herbicide manufacturing, and fungicide manufacturing.

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

This action is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a), to carry out the provisions of FIFRA section 17(a), 7 U.S.C. 136o(a).

C. What action is the Agency taking?

EPA is revising the regulations that pertain to labeling of pesticide products and devices intended solely for export. This action will allow placement of the required information on collateral labeling attached to a shipping container of such products rather than on the label of each individual product in such a shipment.

D. What are the impacts of this action?

There are no costs associated with this action, and the benefits provided are related to avoiding potential costs. Without these labeling provisions, registrants would be required to place

export-related labeling on the immediate package of each individual pesticide product in a shipping container that is intended solely for export. According to stakeholders, the inability to use the labeling method allowed under the previous regulations could significantly increase their costs and create trade barriers.

II. What are the direct final rule procedures?

EPA is issuing a direct final rule, which means that the effective date of this direct final rule is July 29, 2014.

If EPA receives written adverse comments on or before May 30, 2014, EPA will withdraw the direct final rule before its effective date; issue a proposed rule to seek public comment on the issue(s) raised by the adverse comments received, provide a 30-day period for public comment on that issue; and then issue a new final rule.

III. Background

A. Summary of the 2011 Proposed Rule

On April 6, 2011 (76 FR 18995) (FRL–8862–2), EPA issued a notice of proposed rulemaking (NPRM) titled, ''Regulation to Clarify Labeling of Pesticides for Export.'' EPA proposed to clarify, restructure, and add specificity to labeling regulations for the export of unregistered pesticide products and devices. In that NPRM, EPA proposed to explicitly require labeling to accompany the unregistered export pesticide product or device at all times, even when such products are being shipped between registered establishments operated by the same producer.

B. Public Comments on the NPRM

The public comment period for the April 6, 2011, NPRM closed on June 6, 2011, and six sets of comments were submitted. Two of the commenters pointed out several inconsistencies in the use of the terms ''label,'' ''labeling,'' and ''supplemental labeling'' in the proposal. One of those commenters also urged ''that all labeling requirements should be in compliance with existing regulations under 40 CFR 156.'' The comments are available in the docket under docket ID number EPA–HQ–OPP–2009–0607.

EPA analyzed the comments and prepared a response to comments document, which is available in the docket under document number EPA–HQ–OPP–2009–0607–0016. As part of analyzing the comment on inconsistencies in the use of the terms ''label,'' ''labeling,'' and ''supplemental labeling,'' EPA referred to the FIFRA definitions of ''label'' and ''labeling.'' FIFRA section 2(p)(1) defines label as ''the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.'' Under FIFRA section 2(p)(2), labeling is a more inclusive term which includes labels as well as ''all other written, printed, or graphic matter'' that accompanies the product at any time, or to which reference is made on a label or in literature accompanying the pesticide or device. Because the two terms are not interchangeable, EPA agreed that inconsistent use could create confusion. Thus, as EPA began to write the regulatory text for the final rule, the Agency carefully evaluated the regulatory text for possibly confusing uses of the terms ''label'' and ''labeling.''

During that evaluation, and bearing in mind the comment that ''all labeling requirements should be in compliance with existing regulations under 40 CFR 156,'' EPA analyzed proposed § 168.66(b). This section specified that ''the required label information may be fully met by'' and then provided several examples of ways to provide the required label information. One of the examples referred to ''supplemental labeling.'' At that time, EPA determined to provide a reference to the existing label regulations in 40 CFR part 156, instead of providing examples of ways to meet the required label information. Specifically, EPA referred to 40 CFR 156.10(a)(4), which is titled ''Placement of Label,'' believing that provision would provide appropriate and accurate information.

C. The 2013 Final Rule

The final rule titled ''Labeling of Pesticide Products and Devices for Export; Clarification of Requirements'' published on January 18, 2013 (78 FR 4073) (FRL–9360–8). The rule was effective on March 19, 2013, with a compliance date of January 21, 2014.

IV. This Direct Final Rule

Industry stakeholders subsequently brought to the Agency's attention their concern that removing the term ''supplemental labeling'' resulted in the removal of a provision stating that such supplemental labeling can be attached to a shipping container holding export pesticides or devices rather than to each individual product container in a shipment. They stated that the inability of registrants to use ''supplemental labeling'' in that manner could create trade barriers and increase costs. The purpose of this direct final rule is to address those concerns.

EPA now believes that the term ''supplemental labeling'' is not the appropriate term to describe the material or documentation used to meet the requirements of the export labeling rules. To more accurately describe the materials other than ''labels'' that are acceptable for meeting these requirements, EPA believes that a better term is ''collateral labeling.'' EPA has already described collateral labeling in the Label Review Manual (LRM), page 3–2 (see *http://www.epa.gov/oppfead1/labeling/lrm/chap-03.pdf*) as follows:

> Bulletins, leaflets, circulars, brochures, data sheets, flyers or other written, printed or graphic matter which are referred to on the label or which are to accompany the product are known in Agency practice as ''collateral labeling.'' Such labeling is subject to applicable requirements of FIFRA and the Agency's regulations.

Accordingly, in this direct final rule EPA is using the term ''collateral labeling'' in restoring the ability of exporters to comply with export labeling requirements through materials that are not attached to each individual export product's immediate container. EPA is revising existing 40 CFR 168.66 to remove the reference to 40 CFR 156.10(a)(4), and to restore the inadvertently eliminated provisions that allowed exporters to use such collateral labeling attached to, or accompanying, the product shipping container of the export pesticide at all times when shipped or held for shipment in the United States. EPA will also restructure 40 CFR part 168, subpart D, by moving the text in § 168.68 and some of the text in § 168.66 to new § 168.65.

V. FIFRA Review Requirements

In accordance with FIFRA section 25(a), EPA submitted the draft direct final rule to the Secretary of Agriculture (USDA), the FIFRA Scientific Advisory Panel (SAP), and appropriate Congressional Committees. On February 10, 2014, the FIFRA SAP waived its review of this direct final rule because the changes ''are administrative in nature and do not contain scientific issues that require the SAP's consideration.'' On March 12, 2014, USDA waived review of this direct final rule, because this action merely ''corrects the regulatory text.''

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This direct final rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and was not, therefore, submitted to the Office of

Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA regulations in title 40 of the CFR, after appearing in the **Federal Register** , are listed in 40 CFR part 9, and included on the related collection instrument or form, as applicable.

The information collection requirements associated with reporting under 40 CFR part 168 have already been approved by OMB pursuant to PRA under OMB control number 2070–0027 (EPA ICR No. 0161). This direct final rule is not expected to involve an increase in information collection activities and there are no additional burdens imposed by this direct final rule that requires additional review or approval by OMB.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, the impact of concern is any significant adverse economic impact on small entities, because the primary purpose of a final regulatory flexibility analysis is to identify and address regulatory alternatives that ''minimize the significant economic impact on small entities'' 5 U.S.C. 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule has no net burden effect on the small entities subject to the rule. As indicated previously, EPA is restoring a provision that was inadvertently removed from the regulation. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local or tribal governments, because no State, local, or tribal government is known to produce, transport, formulate, package, or export unregistered pesticide products or devices. As indicated previously, EPA is restoring a provision that was inadvertently removed from the regulation. As such, the action will have a net affect on producers, transporters, formulators, packagers, and exporters of unregistered pesticide products and devices intended solely for export.

E. Executive Order 13132: Federalism

This action will not have substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications because it is expected to only affect producers, transporters, formulators, packagers, and exporters of unregistered pesticide products and devices. Since no Indian tribal government is known to produce, transport, formulate, package, or export unregistered pesticide products or devices, this action has no tribal implications. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000) do not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use.

I. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. As such, this action does not entail special considerations of environmental justice-related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

VII. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 168

Environmental protection, Administrative practice and procedure, Advertising, Exports, Labeling, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 24, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I is amended as follows:

PART 168—[AMENDED]

■ 1. The authority citation for part 168 continues to read as follows:

Authority: 7 U.S.C. 136–136y.

■ 2. Revise the heading for subpart D to part 168 to read as follows:

Subpart D—Procedures for Exporting Pesticides

■ 3. Add § 168.65 to subpart D to read as follows:

§ 168.65 Applicability.

(a) This subpart describes the labeling requirements applicable to pesticide products and devices that are intended solely for export from the United States

under the provisions of FIFRA section 17(a).

(b) This subpart applies to all export pesticide products and export pesticide devices that are exported for any purpose, including research.

(c) Export pesticide products and export pesticide devices are also subject to requirements for pesticide production reporting, recordkeeping and inspection and purchaser acknowledgement provisions that can be found in the following parts:

(1) Pesticide production reporting requirements under FIFRA section 7 are located in part 167 of this chapter (as referenced in § 168.85(b)).

(2) Recordkeeping and inspection requirements under FIFRA section 8 are located in part 169 of this chapter (as referenced in § 168.85(a)).

(3) Purchaser acknowledgement statement provisions under FIFRA section 17(a) are located in § 168.75.

■ 4. Revise § 168.66 to read as follows:

§ 168.66 Labeling of pesticide products and devices for export.

Any label and labeling information requirements in §§ 168.69, 168.70, and 168.71 that are not met fully on the product label attached to the immediate product container may be met by collateral labeling that is either:

(a) Attached to the immediate product (container label); or

(b) Attached to or accompanies the shipping container of the export pesticide or export device at all times when it is shipped or held for shipment in the United States.

§ 168.68 [Removed and Reserved]

■ 5. Remove and reserve § 168.68.

■ 6. Revise § 168.69(a) to read as follows:

§ 168.69 Registered export pesticide products.

(a) Each export pesticide product that is registered under FIFRA section 3 or FIFRA section 24(c) must bear labeling approved by EPA for its registration or collateral labeling in compliance with § 168.66.

* * * * *

■ 7. Revise § 168.70(b) to read as follows:

§ 168.70 Unregistered export pesticide products.

* * * * *

(b) Each unregistered export pesticide product must bear labeling that complies with all requirements of this section or collateral labeling in compliance with § 168.66.

* * * * *

■ 8. Revise § 168.71(a) to read as follows:

§ 168.71 Export pesticide devices.

(a) Each export pesticide device sold or distributed anywhere in the United States must bear labeling that complies with all requirements of this section or collateral labeling in compliance with § 168.66.

* * * * *

[FR Doc. 2014–09843 Filed 4–25–14; 4:15 pm]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Parts 501 and 503

RIN 3072–ZA03

[Docket No. 14–03]

Requests for Testimony by Employees Relating to Official Information and Production of Official Records in Litigation

AGENCY: Federal Maritime Commission.

ACTION: Direct final rule.

SUMMARY: This regulation amends the Commission's provisions for release of public information and related delegation of authority by issuing procedures for requests for testimony by Federal Maritime Commission employees and production of official Commission records in litigation, and delegating responsibility for determinations relating to such procedures to the General Counsel. It generally provides that Commission employees may not appear as witnesses in connection with information acquired in the course of performing official duties, or produce Commission records in litigation, without the consent of the Commission. The intended effect of this regulation is to clarify the Commission's procedures, conserve the ability of the Commission to conduct official business, preserve its employee resources, minimize involvement in matters unrelated to its mission and programs, and maintain its impartiality. This regulation does not apply to Congressional inquiries, Federal court civil proceedings in which the United States is a party, or Freedom of Information Act and Privacy Act requests.

DATES: This rule is effective July 31, 2014 without further action, unless significant adverse comment is received by June 2, 2014. If significant adverse comment is received, the Federal Maritime Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Submit comments to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001 or email non-confidential comments to: *Secretary@fmc.gov* (email comments as attachments preferably in Microsoft Word or PDF).

FOR FURTHER INFORMATION CONTACT:

Karen V. Gregory, Secretary, Federal Maritime Commission, 800 N. Capitol Street NW., Washington, DC 20573–0001, (202) 523–5725, Fax (202) 523–0014, Email: *Secretary@fmc.gov.*

Tyler J. Wood, Deputy General Counsel, Federal Maritime Commission, 800 N. Capitol Street NW., Washington, DC 20573–0001, (202) 523–5740, Fax (202) 523–5738, Email: *GeneralCounsel@fmc.gov.*

SUPPLEMENTARY INFORMATION: At present, Commission regulations do not specify procedures for its employees to respond to subpoenas or produce Commission records in private litigation. In the absence of such procedures, an employee could give testimony or provide records, diverting such employee from performing his/her duties, and potentially creating the appearance that the Commission is taking sides in private litigation. This regulation is intended to address this situation by generally prohibiting both appearances and compliance with subpoenas unless authorized by the Commission, and setting forth procedures for handling such requests. The courts have recognized the authority of Federal agencies set procedures for dealing with such subpoenas. *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951); *see also Truex* v. *Allstate Ins. Co.,* 233 F.R.D. 188, 190 (D.D.C. 2006); *Bobreski* v. *EPA,* 284 F. Supp. 2d 67, 73 (D.D.C. 2003).

This regulation describes procedures by which the Commission will make its employees and records available in response to subpoenas in Federal court civil proceedings in which the United States is not a party. The regulation does not apply to Congressional proceedings, or to Federal court civil proceedings in which the United States is a party. This regulation likewise does not apply to either Freedom of Information Act or Privacy Act requests. This regulation does not restrict the ability of its employees to appear as private citizens on their own time or while in an approved leave status, in proceedings that do not relate to Commission policies and programs.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice and comment are not required and this rule may become

effective after publication in the **Federal Register**. In a direct final rulemaking, an agency publishes a direct final rule in the **Federal Register** along with a statement that the rule will become effective unless the agency receives significant adverse comment within a specified period. The Commission is using a direct final rule for this rulemaking because it expects this regulation to be noncontroversial and because it clarifies the Commission's internal procedures. The Commission recognizes that parties may have information that could impact the Commission's views and intentions with respect to the proposed internal procedures, and the Commission intends to consider any comments filed. The Commission will withdraw the rule if it receives significant adverse comment. Filed comments that are not adverse may be considered for modifications to parts 501 and 503 at a future date. If no significant adverse comment is received, the rule will become effective without additional action.

This direct final rule is not a ''major rule'' under 5 U.S.C. 804(2). Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply.

Further, in accordance with Executive Order 12988 on Civil Justice Reform, the Federal Maritime Commission has determined that this regulation does not unduly burden the judicial system, under *Touhy* v. *Ragen,* 340 U.S. 462, and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

Finally, the Commission has determined that this regulation imposes no new recordkeeping, reporting, or disclosure requirements on members of the public, which would constitute collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

List of Subjects

46 CFR Part 501

Administrative practice and procedure, Authority delegations (Government agencies).

46 CFR Part 503

Administrative practice and procedure, Courts, Government employees.

Accordingly, the Federal Maritime Commission amends 46 CFR parts 501 and 503 to read as follows:

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

■ 1. The authority citation for part 501 continues to read as follows:

Authority: 5 U.S.C. 551–557, 701–706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501–520 and 3501–3520; 46 U.S.C. 301–307, 40101–41309, 42101–42109, 44101–44106; Pub. L. 89–56, 70 Stat. 195; 5 CFR Part 2638; Pub. L. 104–320, 110 Stat. 3870.

■ 2. Amend § 501.5 as follows:

■ a. Remove paragraph (c)(1)(iii)(C) and redesignate paragraphs (c)(1)(iii)(D) through (F) as paragraphs (c)(1)(iii)(C) through (E), respectively.

■ b. Revise paragraph (d)(9) to read as follows:

§ 501.5 Functions of the organizational components of the Federal Maritime Commission.

* * * * *

(d) * * *

(9) Reviews for legal sufficiency all adverse personnel actions, procurement activities, Freedom of Information Act, Privacy Act matters, requests for testimony by employees and production of official records in litigation and other administrative actions.

* * * * *

■ 3. Revise § 501.23 to read as follows:

§ 501.23 Delegation to the General Counsel.

The authority listed in this section is delegated to the General Counsel: authority to classify carriers within the meaning of section 3(8) of the Shipping Act of 1984 (46 U.S.C. 40102(8)), except where a carrier submits a rebuttal statement pursuant to § 565.3(b) of this chapter; and authority to review for legal sufficiency all adverse personnel actions, procurement activities, Freedom of Information Act, Privacy Act matters, requests for testimony by employees and production of official records in litigation and other administrative actions, pursuant to part 503 subpart E—Requests for Testimony by Employees Relating to Official Information and Production of Official Records in Litigation.

PART 503—PUBLIC INFORMATION

■ 4. Revise the authority citation for part 503 to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b, 553; 31 U.S.C. 9701; 46 U.S.C. 301, 304; E.O. 13526 of January 5, 2010 (75 FR 707), sections 5.1(a) and (b).

■ 5. Redesignate subparts E through H as subparts F through I respectively.

■ 6. In newly redesignated subpart F, redesignate §§ 503.41 through 503.43 as §§ 503.48 through 503.50, respectively.

■ 7. Add a new subpart E to read as follows:

Subpart E—Requests for Testimony by Employees Relating to Official Information and Production of Official Records in Litigation

Sec.

503.37 Purpose and scope; definitions.
503.38 General prohibition.
503.39 Factors to be considered in response to demands or requests.
503.40 Service of process and filing requirements.
503.41 Procedure when testimony or production of documents is sought.
503.42 Fees.

Subpart E—Requests for Testimony by Employees Relating to Official Information and Production of Official Records in Litigation

§ 503.37 Purpose and scope; definitions.

(a) This subpart sets forth the procedures to be followed with respect to:

(1) Service of summonses and complaints or other requests or demands directed to the Federal Maritime Commission (Commission) or to any Commission employee or former employee in connection with litigation arising out of or involving the performance of official activities of the Commission; and

(2) The oral or written disclosure, in response to subpoenas, orders, or other requests or demands of judicial or quasi-judicial authority (collectively ''demands''), whether civil or criminal in nature, or in response to requests for depositions, affidavits, admissions, responses to interrogatories, document production, or other litigation-related matters, pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, or applicable state rules (collectively ''requests''), of any material contained in the files of the Commission, any information relating to material contained in the files of the Commission, or any information acquired while the subject of the demand or request is or was an employee of the Commission, as part of the performance of that person's duties or by virtue of that person's official status.

(b) This subpart applies in all litigation in which the United States is not a party.

(c) For purposes of this subpart, the term employee includes:

(1) any current or former Commissioner or employee of the Commission;

(2) any other individual hired through contractual agreement or on behalf of the Commission or who has performed

or is performing services under such agreement for the Commission;

(3) Any individual who served or is serving in any consulting or advisory capacity to the Commission, whether informal or formal.

(d) The Commission authorizes the General Counsel or the General Counsel's designee to make determinations under this section.

(e) For purposes of this subpart, the term litigation encompasses all pre-trial, trial, and post-trial stages of all judicial or administrative actions, hearings, investigations, or similar proceedings before courts, commissions, grand juries, or other judicial or quasi-judicial bodies or tribunals, whether criminal, civil, or administrative in nature. This subpart governs, *inter alia,* responses to requests for discovery, depositions, and other litigation proceedings, as well as responses to informal requests by attorneys or others in situations involving litigation. However, this subpart shall not apply to any claims against the Commission by Federal Maritime Commission employees (present or former), or applicants for Commission employment, for which jurisdiction resides with the U.S. Equal Employment Opportunity Commission; the U.S. Merit Systems Protection Board; the Office of Special Counsel; the Federal Labor Relations Authority; or a labor arbitrator operating under a collective bargaining agreement between the Commission and a labor organization representing Commission employees; or their successor agencies or entities.

(f) For purposes of this subpart, official information means all information of any kind, however stored, that is:

(1) In the custody and control of the Commission;

(2) Relates to information in the custody and control of the Commission; or

(3) Was acquired by Commission contractors, employees, former employees or former contractors as part of their official duties or because of their official status within the Commission while such individuals were employed by or served on behalf of the Commission.

(g) Nothing in this subpart affects disclosure of information under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, the Government in the Sunshine Act, 5 U.S.C. 552b, the Commission's implementing regulations, or pursuant to congressional subpoena.

(h) Nothing in this subpart affects the disclosure of official information to other federal agencies or Department of Justice attorneys in connection with:

(1) Litigation conducted on behalf or in defense of the United States, its agencies, officers, and employees; or

(2) Litigation in which the United States has an interest.

(i) This subpart is intended only to provide guidance for the internal operations of the Commission, and is not intended to, and does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States.

§ 503.38 General prohibition.

(a) No employee or former employee of the Commission shall, in response to a demand or request, produce any material contained in the files of the Commission, or disclose any information relating to or based upon material contained in the files of the Commission, or disclose any information or produce any material acquired as part of the performance of that person's official duties or because of that person's official status, without prior approval of the Commission in accordance with §§ 503.39 and 503.40.

§ 503.39 Factors to be considered in response to demands or requests.

(a) The Commission will determine whether testimony or the production of documents will be authorized according to the following criteria:

(1) Statutory restrictions, as well as any legal objection, exemption, or privilege that may apply;

(2) Relevant legal standards for disclosure of nonpublic information and documents;

(3) Commission rules and regulations;

(4) The public interest;

(5) Minimizing or preventing expenditures of Commission time and resources solely for private purposes.

(6) Minimizing the appearance of improperly favoring one litigant over another;

(7) Minimizing the possibility that the public will misconstrue variances between personal opinions of Commission employees and Commission policy; and

(8) Preserving the integrity of the administrative process.

(b) [Reserved]

§ 503.40 Service of process and filing requirements.

(a) *Service of summonses and complaints.* (1) Except in cases in which the Commission is represented by legal counsel who have entered an appearance or otherwise given notice of their representation, only the General Counsel is authorized to receive and accept subpoenas, or other demands or requests directed to the Commission, or any component thereof, or its employees, or former employees, whether civil or criminal nature, for:

(i) Material, including documents, contained in the files of the Commission;

(ii) Information, including testimony, affidavits, declarations, admissions, responses to interrogatories, or informal statements, relating to material contained in the files of the Commission or which any Commission employee acquired in the course and scope of the performance of his official duties;

(iii) Garnishment or attachment of compensation of current or former employees; or

(iv) The performance or non-performance of any official Commission duty.

(2) All such documents should be delivered or addressed to the General Counsel, Office of the General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573.

(3) In the event that any subpoena, demand, or request is sought to be delivered to a Commission employee (including former employees) other than in the manner prescribed in paragraphs (a)(1) and (2) of this section, such attempted service shall be ineffective. Such employee shall, after consultation with the General Counsel:

(i) Decline to accept the subpoena, demand, or request; or

(ii) Return them to the server under cover of a written communication referring to the procedures prescribed in this part.

(4) Acceptance of such documents by the Office of the General Counsel does not constitute a waiver of any defenses that might otherwise exist with respect to service under the Federal Rules of Civil or Criminal Procedure, or other applicable laws, rules, or regulations.

(b) [Reserved]

§ 503.41 Procedure when testimony or production of documents is sought.

The Commission shall follow the procedures set forth in this part.

(a) If oral testimony is sought by a demand in any case or matter in which the United States is not a party, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or by his attorney, setting forth a summary of the testimony sought and its relevance to the proceeding, must be furnished to the Commission. Any authorization for testimony by a present or former employee of the Commission shall be limited to the

scope of the demand as summarized in such statement.

(b) When information other than oral testimony is sought by a demand, the Commission shall request a summary of the information sought and its relevance to the proceeding.

(c) Permission to testify or to release documents in all cases will be limited to matters outlined in the affidavit or declaration described in § 503.41(a) and (b), or to such matters as deemed appropriate by the Commission. If the Commission, in considering the factors in § 503.39, allows the release of documents or testimony to be given by an employee, arrangements shall be made for the taking of testimony or receipt of documents by the method least disruptive to the employee's official duties. Testimony may, for example, be provided by affidavits, answers to interrogatories, written depositions, or depositions transcribed, recorded, or preserved by any other means allowable by law.

(d) Upon issuance of a final determination to not authorize testimony or release of Commission information by the Commission, the party or the party's counsel seeking testimony or documents may consult or negotiate with the Commission to refine and limit the demand.

§ 503.42 Fees.

(a) *Generally.* The Commission may condition the production of records or appearance for testimony upon advance payment of a reasonable estimate of the costs to the Commission.

(b) *Fees for records.* Fees for producing records will include fees for searching, reviewing, and duplicating records, costs of attorney time spent in reviewing the demand or request, and expenses generated by materials and equipment used to search for, produce, and copy the responsive information. Costs for employee time will be calculated on the basis of the hourly pay of the employee (including all pay, allowance, and benefits). Fees for duplication will be the same as those charged by the Commission in its regulations at subpart F of this part.

(c) *Witness fees.* Fees for attendance by a witness will include fees, expenses, and allowances prescribed by the court's rules. If no such fees are prescribed, witness fees will be determined based upon the rule of the Federal district court closest to the location where the witness will appear. Such fees will include cost of time spent by the witness to prepare for testimony, in travel, and for attendance at the legal proceeding.

(d) *Payment of fees.* The seeking party must pay witness fees for current Commission employees and any records certification fees by submitting to the General Counsel a check or money order for the appropriate amount made payable to the Treasury of the United States. In the case of testimony by former Commission employees, applicable fees must be paid directly to the former employee in accordance with 28 U.S.C. 1821, per diem and mileage, or other applicable statutes.

(e) *Certification (authentication) of copies of records.* The Commission may certify that records are true copies in order to facilitate their use as evidence. If certified records are sought, the request for certified copies shall be made at least 45 days before the date they will be needed. The request should be sent to the General Counsel. Fees for certification will be the same as those charged by the Commission in its regulations at subpart F of this part.

(f) *Waiver or reduction of fees.* The Commission may, upon a showing of reasonable cause, waive or reduce any fees in connection with testimony, production, or certification of records.

(g) *De minimis fees.* Fees will not be assessed if the total charge would be $10.00 or less.

By the Commission.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–09837 Filed 4–29–14; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120717247–3029–02]

RIN 0648–XD231

Reef Fish Fishery of the Gulf of Mexico; 2014 Recreational Accountability Measures for Red Grouper in the Gulf of Mexico

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

ACTION: Temporary rule; accountability measures.

SUMMARY: NMFS implements accountability measures (AMs) for the recreational sector for red grouper in the Gulf of Mexico (Gulf) reef fish fishery for the 2014 fishing year through this temporary rule. Based on the 2013 recreational annual catch limit (ACL) overage, this rule reduces the red grouper bag limit in the Gulf exclusive economic zone (EEZ) from four to three fish (within the current four-fish grouper aggregate bag limit) and reduces the length of the red grouper recreational fishing season in the Gulf EEZ by the amount necessary to ensure landings do not exceed the recreational annual catch target (ACT) for the 2014 fishing year. Therefore, NMFS implements recreational post-season AMs by reducing the bag limit for red grouper in the Gulf EEZ from four to three fish effective at 12:01 a.m., local time, on May 5, 2014, until the recreational sector is projected to meet the recreational ACT. NMFS projects the recreational sector will reach the recreational ACT under the three fish bag limit by September 16, 2014. Therefore, the recreational sector for red grouper in the Gulf EEZ will close at 12:01 a.m., local time, September 16, 2014, through the end of the fishing year, December 31, 2014, unless further notification is published in the **Federal Register**. These actions are necessary to protect the Gulf red grouper resource.

DATES: The bag limit reduction for red grouper in the Gulf EEZ is effective at 12:01 a.m., local time, May 5, 2014, through December 31, 2014. The recreational sector closure for red grouper in the Gulf EEZ is effective at 12:01 a.m., local time, September 16, 2014, until January 1, 2015, unless further notification is published in the **Federal Register**.

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 red grouper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council (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 gutted weight.

The Gulf red grouper recreational ACL is 1,900,000 lb (861,826 kg), and the recreational ACT is 1,730,000 lb (784,715 kg), as specified in 50 CFR 622.41(e)(2)(iv). Red grouper are not overfished, based on the most recent Status of U.S. Fisheries Report to Congress.

In accordance with regulations at 50 CFR 622.41(e)(2)(ii), without regard to

overfished status, if red grouper recreational landings exceed the recreational ACL, then during the following fishing year NMFS will reduce the red grouper bag limit in the Gulf EEZ by one fish and reduce the length of the recreational red grouper fishing season in the Gulf EEZ by the amount necessary to ensure landings do not exceed the recreational ACT in the following fishing year.

NMFS determined that the 2013 recreational landings were 2,392,113 lb (1,085,044 kg), which exceeded the 2013 recreational ACL of 1,900,000 lb (861,826 kg) by 492,113 lb (223,219 kg). Therefore, NMFS implements post-season AMs for the recreational sector for red grouper in the Gulf EEZ for the 2014 fishing year through this temporary rule.

Red grouper are part of the four-fish grouper aggregate bag limit, as specified in 50 CFR 622.38(b)(2). Through this temporary rule, NMFS implements the post-season AM to reduce the 2014 red grouper bag limit in the Gulf EEZ from four to three fish (within the current four-fish grouper aggregate bag limit). This bag limit reduction for red grouper in the Gulf EEZ is effective at 12:01 a.m., local time, on May 5, 2014.

Based on the 2013 recreational ACL overage, this rule also implements the post-season AM to reduce the length of the 2014 recreational red grouper fishing season in the Gulf EEZ by the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT in 2014. Therefore, NMFS will close the recreational sector for red grouper in the Gulf EEZ at 12:01 a.m., local time, September 16, 2014, until January 1, 2015, unless further notification is published in the **Federal Register**. If NMFS determines the red grouper recreational ACL is reached or projected to be reached before September 16, 2014, then NMFS will file a notification with the Office of the **Federal Register** to close the recreational sector as specified in 50 CFR 622.41(e)(2)(i).

During the recreational sector closure, the bag and possession limit for red grouper in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

The recreational sector for red grouper will reopen on January 1, 2015, the beginning of the 2015 recreational fishing season. The 2015 bag limit for red grouper will return to four fish, as specified at 50 CFR 622.38(b)(2), unless AMs are implemented due to a recreational ACL overage in 2014, or the Council takes subsequent regulatory action to adjust the bag limit.

Classification

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

This action is taken under 50 CFR 622.41(e)(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 32 to the FMP (77 FR 6988, February 10, 2012), modified by Amendment 38 to the FMP (78 FR 6218, January 30, 2013), and located at 50 CFR 622.41(e)(2)(ii) authorize the Assistant Administrator, NMFS, to file a notification with the Office of the Federal Register to implement post-season AMs to reduce the bag limit and recreational fishing season for red grouper the year following a fishing year when the recreational ACL is exceeded. The rules establishing the AMs have already been subject to notice and comment and all that remains is to notify the public of the reduced bag limit for red grouper and the reduced recreational fishing season for Gulf red grouper in the 2014 fishing year.

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 red grouper resource. Any delay in notification to the public of the 2014 reduced bag limit and recreational fishing season could result in the recreational ACT or ACL for red grouper being exceeded, which could trigger an in-season AM in 2014 or post-season AMs in 2015.

For the aforementioned reasons, the Assistant Administrator, MFS, 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 25, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–09865 Filed 4–25–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140421359–4359–01]

RIN 0648–BE08

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northern Red Hake Accountability Measure

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

ACTION: Final rule.

SUMMARY: This action reduces the in-season possession limit adjustment trigger for northern red hake beginning in fishing year 2014 due to an annual catch limit overage in 2012. This action also makes some minor corrections and clarifications to the accountability measure regulations. These corrections and clarifications are administrative in nature and will not affect the small-mesh multispecies fishery, possession limits, or how the accountability measures function. This action is required under the provisions of the Northeast Multispecies Fishery Management Plan.

DATES: This action is effective May 1, 2014.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, phone: (978) 281–9177, or *Jason.Berthiaume@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The small-mesh multispecies fishery is managed as a component of the Northeast Multispecies Fishery Management Plan (FMP), using a series of exemptions from the minimum mesh size requirements of the groundfish fishery. There are three species in the small-mesh multispecies fishery, managed as five stocks under the regulations at 50 CFR 648.80 (northern and southern silver hake, northern and southern red hake, and offshore hake). The northern stock areas are generally in the Gulf of Maine and Georges Bank,

and the southern stock areas are in Southern New England and the Mid-Atlantic regions. Silver hake, also known as ''whiting,'' is generally the primary target species of the fishery. Red hake is caught concurrently with whiting and typically sold as bait.

Under the current regulations, once 90 percent of a small-mesh multispecies stock's total allowable landings (TAL) is reached in a given fishing year, NMFS is required to reduce the possession limit for that stock to the prescribed incidental level for the remainder of the fishing year. Further, for accountability measure purposes, if the full annual catch limit (ACL) for that stock is exceeded, NMFS is required to reduce the in-season possession limit adjustment trigger (i.e., the percentage of the TAL of each small-mesh multispecies stock that triggers the reduction in the possession limit) in a subsequent fishing year by 1 percent for each 1 percent by which the ACL was exceeded. In fishing year 2012, the northern red hake ACL was 266 mt and the commercial catch was 386 mt. This equates to an ACL overage of 120 mt; 45 percent above the ACL. Therefore, pursuant to current regulations, this action reduces the trigger from 90 percent to 45 percent of the TAL for this stock. This results in an in-season adjustment trigger equal to 41 mt. Thus, for fishing year 2014, if 45 percent, or 41 mt, of the northern red hake TAL is projected to be reached or exceeded, the possession limit for northern red hake would be reduced from 5,000 lb (2,270 kg) to 400 lb (181.44 kg). The reduced trigger would remain in effect until the New England Fishery Management Council changes it through specifications or a framework action, or unless the ACL is again exceeded, in which case NMFS must further reduce the percentage of the in-season adjustment trigger. None of the catch of other small-mesh multispecies stocks exceeded their respective ACLs in 2012.

This is the first year in which this accountability measure has been triggered. In developing this action, NMFS has discovered that some parts of the Amendment 19 implementing regulations regarding the accountability measures for small-mesh multispecies need to be clarified to better reflect the intent of the Amendment 19. Accordingly, this action clarifies the small-mesh multispecies accountability measure regulations at 648.86 and 648.90. Specifically, this action specifies more clearly the possession limit adjustment trigger for each individual stock of the small-mesh multispecies fishery and how the trigger works. Since this is the first time the possession limit adjustment trigger has had to be reduced, the current regulations only broadly specify the trigger for all small-mesh multispecies stocks. As such, the regulations need to be clarified to specify the triggers for each individual stock since they are being reduced for one stock (northern red hake), but not the other stocks. In addition, since a new section is needed to specify the different possession limit adjustment triggers for each stock, the in-season adjustment accountability measure regulations that cite the possession limit adjustment triggers also need to be adjusted to cite the correct regulations. These clarifications are administrative in nature and do not affect the small-mesh multispecies fishery, possession limits, or how the accountability measures function, outside of what was originally intended in the implementing action and the accountability measures.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive prior notice and opportunity for additional public comment for this action because this would be impracticable, and contrary to the public interest. Allowing for prior notice and public comment is impracticable because this is a non-discretionary action required by provisions of Amendment 19 to the Northeast Multispecies FMP, which was subject to public comment, and it must be in place on or before May 1, 2014. The proposed rule to implement Amendment 19 requested public comment on these measures including the specific accountability measure implemented by this rule, with the understanding that possession limit trigger adjustments would be required if an ACL overage occurred. Based on latest landings data received by NMFS, we have determined that the accountability measure was triggered because the TAL was exceeded, thus it is necessary to publish this rule to reduce the possession limit adjustment trigger for red hake. We received no significant comments on Amendment 19 in opposition to the accountability measures and their implementing procedures. Providing for additional public comment at this time, therefore, would not serve any additional purpose because the public has already had the opportunity to comment on the measures being implemented with this action.

Providing public comment at this time would also be contrary to the public interest because it is imperative to implement the accountability measures at the beginning of the second year following an ACL overage, which is May 1, 2014. Given that the fishery has surpassed its quota in the past, if the AM is not implemented by May 1, there is the potential that the fishery could incur an additional quota overage because fishermen would be unaware of the new reduced trigger level, thereby resulting in curtailed fishing opportunities leading to unnecessary adverse economic consequences for fishermen that participate in this fishery.

Regarding the changes to the implementing regulations regarding the accountability measures for small-mesh multispecies, NMFS makes clarifications to the regulations that do not substantively impact regulated entities. These corrections and clarifications more clearly delineate the different possession limit adjustment triggers for each stock, and revise the in-season adjustment accountability measure regulations to correctly cite the different possession limit adjustment triggers. As such, these corrections and clarifications are administrative in nature and will not affect the small-mesh multispecies fishery, possession limits, or how the accountability measures function.

For these same reasons, there is good cause to waive the 30-day delay in effectiveness requirement pursuant to 5 U.S.C. 553(d). NMFS was unable to prepare this rule in time to allow public comment and implement a final rule before it has to be in place on or before May 1, 2014. Moreover, providing for additional public comment would be impracticable because this is a non-discretionary action required by provisions of Amendment 19 to the Northeast Multispecies FMP, which was subject to public comment. Providing public comment at this time would also be contrary to the public interest because it is imperative to implement the accountability measures at the beginning of the second year following an ACL overage, which is May 1, 2014. Given that the fishery has surpassed its quota in the past, if the AM is not implemented by May 1, there is the potential that the fishery could incur an additional quota overage because fishermen would be unaware of the new reduced trigger level, thereby resulting in curtailed fishing opportunities leading to unnecessary adverse

economic consequences for fishermen that participate in this fishery.

The changes to the implementing regulations regarding the accountability measures for small-mesh multispecies are clarifications and do not substantively impact regulated entities. These corrections and clarifications more clearly delineate the different possession limit adjustment triggers for each stock, and revise the in-season adjustment accountability measure regulations to correctly cite the different possession limit adjustment triggers. As such, these corrections and clarifications are administrative in nature and will not affect the small-mesh multispecies fishery, possession limits, or how the accountability measures function.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply.

This rule is not significant for the purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 24, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.86, paragraph (d)(4) introductory text is revised to read as follows:

§ 648.86 NE Multispecies possession restrictions.

* * * * *

(d) * * *

(4) *In-season adjustment of small-mesh multispecies possession limits.* If the Regional Administrator projects that an in-season adjustment TAL trigger level for any small-mesh multispecies stock, as specified in § 648.90(b)(5)(iii), has been reached or exceeded, the Regional Administrator shall reduce the possession limit of that stock to the incidental level for that stock, as specified in this paragraph (d)(4), for the remainder of the fishing year through notice consistent with the Administrative Procedure Act, unless such a reduction in the possession limit would be expected to prevent the TAL from being reached.

* * * * *

■ 3. In § 648.90, paragraph (b)(5) is revised to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * *

(b) * * *

(5) *Accountability measures for the small-mesh multispecies fishery—(i) In-season adjustment of possession limits.* In-season adjustment accountability measures for the small-mesh multispecies fishery are specified in accordance with the procedures in § 648.86(d)(4).

(ii) *Post-season adjustment for an overage.* If NMFS determines that a small-mesh multispecies ACL was exceeded in a given fishing year, the in-season accountability measure adjustment trigger, as specified in paragraph (b)(5)(iii) of this section, shall be reduced in a subsequent fishing year by 1 percent for each 1 percent by which the ACL was exceeded through notification consistent with the Administrative Procedure Act. For example, if the in-season adjustment trigger is 90 percent, and an ACL is exceeded by 5 percent, the adjustment trigger for the stock whose ACL was exceeded would be reduced to 85 percent for subsequent fishing years.

(iii) *Small-mesh multispecies in-season adjustment triggers.* The small-mesh multispecies in-season accountability measure adjustment triggers are as follow:

Species	In-season adjustment trigger (percent)
Northern Red Hake	45
Northern Silver Hake	90
Southern Red Hake	90
Southern Whiting	90

* * * * *

[FR Doc. 2014–09875 Filed 4–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140106010–4358–02]

RIN 0648–XD069

Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; 2014–2016 Atlantic Deep-Sea Red Crab Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues final specifications for the 2014–2016 Atlantic deep-sea red crab fishery, including an annual catch limit and total allowable landings. This action establishes the allowable 2014–2016 harvest levels and other management measures to achieve the target fishing mortality rate, consistent with the Atlantic Deep-Sea Red Crab Fishery Management Plan.

DATES: The final specifications for the 2014–2016 Atlantic deep-sea red crab fishery are effective May 30, 2014, through February 28, 2017.

ADDRESSES: Copies of the specifications document, including the Amendment 3 Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA) and other supporting documents for the specifications, are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The specifications document is also accessible via the Internet at: *http://www.nero.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, (978) 281–9224.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic deep-sea red crab fishery is managed by the New England Fishery Management Council. Regulations implementing the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) appear at 50 CFR part 648, subparts A and M. The regulations requiring specifications are found at § 648.260.

The FMP requires the Council to recommend the annual catch limit (ACL) and total allowable landings (TAL) that will control the fishing

mortality rate (F) for up to three years. Estimates of stock size, coupled with the target F, allow for a calculation of acceptable biological catch (ABC), which is recommended by the Council's Scientific and Statistical Committee (SSC). The annual review process for red crab requires that the SSC review and make recommendations based on the best available scientific information, including catch/landing statistics, current estimates of fishing mortality, stock abundance, and juvenile recruitment. Based on the recommendations of the SSC, the Council makes a recommendation to the NMFS Regional Administrator.

The Council's recommendations must include supporting documentation concerning the environmental, economic, and social impacts of the recommendations. NMFS is responsible for reviewing these recommendations to assure that they achieve the FMPs objectives, and may modify them if they do not. NMFS then publishes proposed specifications based on the recommendations in the **Federal Register**, and after considering public comment, NMFS publishes final specifications in the **Federal Register**. A proposed rule for this action published in the **Federal Register** on March 11, 2014 (79 FR 13607), and comments were accepted through March 26, 2014.

The FMP was first implemented in October 2002 and was originally managed under a target total allowable catch (TAC) and days-at-sea (DAS) system that allocated DAS equally across the fleet of limited access permitted vessels. Amendment 3 to the FMP removed trip limit restrictions, and replaced the target TAC and DAS allocation with a TAL in order to ensure consistency with the ACL and accountability measure requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Under Amendment 3, the 2011–2013 red crab specifications were set with an ABC equal to the long-term average landings of the directed red crab fishery (3.91 million lb, 1,775 mt), due to the lack of better scientific information on the red crab stock.

Final Specifications

Biological and Management Reference Points

Deep-sea red crab is a data poor stock. Estimates of a sustainable yield are based on the average catch in the fishery. Because discards in the red crab fishery are poorly estimated, the relationship between catch and landings is somewhat uncertain, so average landings are used, adjusted by fishery-independent estimates of the degree of stock depletion since inception of the fishery. This estimate, however, cannot be used for determining MSY or another OFL proxy, so OFL was determined to be unknown. There has not been an update to the red crab assessment and the MSY and the OFL remain unknown.

2014–2016 Catch Limits

The Council's recommendation for the 2014–2016 red crab specifications are based on the results of the most recent peer-reviewed assessment of the red crab fishery carried out by the Data Poor Stocks Working Group in 2009 and recommendations from the SSC. Other information considered included recent landings, landings per unit of effort, port samples, discard information, and economic data that suggest there has been no change in the size of the red crab stock since Amendment 3 was implemented in 2011.

In the absence of a new stock assessment or other information, on August 21, 2013, the Council's SSC recommended the status quo ABC for fishing years 2014–2016 of 1,775 mt for the directed fishery, which is equal to the long-term average landings of the directed red crab fishery for fishing years 2011–2013. The SSC concluded that the historical landings of male red crab and historical discarding practices appear to be sustainable and that an interim ABC based on long-term average landings is safely below an undetermined overfishing threshold and adequately accounts for scientific uncertainty. The Council agreed with this conclusion and recommended a TAL at the same levels as currently in effect under Amendment 3. Therefore, the specifications for the 2014–2016 fishing years are as follows:

	mt	Million lb
MSY	undetermined	
OFL	undetermined	
OY	undetermined	
ABC	1,775	3.91
ACL	1,775	3.91
TAL	1,775	3.91

Comments and Responses

The public comment period for the proposed rule ended on March 26, 2014. No comments were received on the proposed rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Deep-Sea Red Crab FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule is exempt from review under Executive Order 12866.

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

The FRFA included in this final rule was prepared pursuant to 5 U.S.C. 604(a), and incorporates the IRFA and a summary of analyses completed to support the action. A public copy of the EA/RIR/IRFA is available from the Council (see **ADDRESSES**).

The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated here.

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being taken, and the objectives of and legal basis for this final rule are contained in the preambles to the proposed rule and this final rule and are not repeated here.

Summary of Significant Issues Raised in Public Comments

No comments were submitted on the proposed rule. Therefore, none were specific to the IRFA or to the economic impacts of the proposed rule more generally.

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

All of the entities (fishing vessels) affected by this action are considered small entities under the Small Business Administration size standards for small shellfishing businesses (i.e., they have less than $5.0 million in annual gross sales). Therefore, there are no disproportionate effects on small versus large entities.

The participants in the commercial red crab fishery were defined as those vessels issued limited access red crab permits. Information about vessel ownership has been made available for all federal permit holders, which allows for the identification of business entities that comprise multiple fishing vessels. As of December 2013, there are two business entities and four vessels with limited access red crab permits actively operating in the red crab fishery. The total value of landings from all sources from 2010 to 2012 averaged $3.46 million, so all business entities in the harvesting sector can be categorized as small businesses for the purpose of the RFA.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

No additional reporting, recordkeeping, or other compliance requirements are included in this final rule.

Description of the Steps Taken To Minimize Economic Impact on Small Entities

Specification of commercial quota is constrained by the conservation objectives of the FMP, under the authority of the Magnuson-Stevens Act. The 2014–2016 specifications will affect all business entities and four vessels in the directed red crab fishery. However, this rule is not expected to have any impact on the gross or average revenues for the fishery because it does not change the total allowable landings level, which remains 3.91 million lb (1,775 mt). This harvest level is substantially higher than average landings in recent years (3.10 million lb (1,404 mt) from fishing years 2010–2012), and is not expected to constrain landings unless markets for red crab substantially improve or major new markets develop.

Information on costs in the fishery is not readily available and individual vessel profitability cannot be determined directly; therefore, expected changes in gross revenues were used as a proxy for profitability. For the four participating vessels in 2010–2012, average total sales were $865,272 per vessel per year. Because this action will retain current harvest levels, it will not directly constrain or reduce the gross revenues per vessel, nor will it impact the profits of individual vessels. Therefore, it is not necessary to analyze impacts according to the dependence of each vessel in the red crab fishery.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of Federal permits issued for the Atlantic deep-sea red crab fishery.

In addition, copies of this final rule and guide (i.e., permit holder letter) are available upon request, and posted on the Greater Atlantic Regional Fisheries Office's Web site at *www.nero.noaa.gov*.

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

Dated: April 24, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–09893 Filed 4–29–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 83
Wednesday, April 30, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0206; FRL–9908–94–Region 5]

Approval and Promulgation of Implementation Plans; Wisconsin; Nitrogen Oxide Combustion Turbine Alternative Control Requirements for the Milwaukee-Racine Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On February 24, 2014, the Wisconsin Department of Natural Resources (WDNR) submitted revisions to its nitrogen oxide (NO_X) combustion turbine rule for the Milwaukee-Racine area. This revision is contained in ''2013 Wisconsin Act 91—Senate Bill 371'' which allows alternative NO_X emission requirements for simple cycle combustion turbines that undergo a modification on or after February 1, 2001, if dry low NO_X combustion is not technically or economically feasible. This revision is approvable because it provides for alternative NO_X requirements subject to Environmental Protection Agency (EPA) approval on a case-by-case basis and therefore satisfies the reasonably available control technology (RACT) requirements of the Clean Air Act.

DATES: Comments must be received on or before May 30, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2014–0206, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: aburano.douglas@epa.gov*.
3. *Fax:* (312) 408–2279.
4. *Mail:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule that is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6052, *rosenthal.steven@epa.gov*.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule that is located in the Rules section of this **Federal Register**.

Dated: March 20, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014–09723 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 514, and 552

[GSAR Case 2014–G501; Docket No. 2014–0007; Sequence No. 1]

RIN 3090–AJ47

General Services Administration Acquisition Regulation (GSAR); Progressive Awards and Monthly Quantity Allocations

AGENCY: Office of Acquisition Policy, General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove GSAR clause Progressive Awards and Monthly Quantity Allocations.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before June 30, 2014 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2014–G501, Progressive Awards and Monthly Quantity Allocations, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments by searching for ''GSAR Case 2014–G501''. Select the link ''Comment Now'' and follow the instructions provided at the ''You are commenting on'' screen. Please include your name, company name (if any), and ''GSAR Case 2014–G501'', on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, ATTN: Hada Flowers, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2014–G501 in all correspondence related to this case. All comments received will be posted without change to *http://*

www.regulations.gov, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Eble, Procurement Analyst, at 215–446–5823, or email at *deborah.eble@gsa.gov,* for clarification of content. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2014–G501.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is proposing to amend the GSAR to delete GSAR clause 552.214–71, Progressive Awards and Monthly Quantity Allocations, and provide other conforming changes.

This rule is a result of the retrospective analysis conducted under Executive Order (E.O.) 13563, Improving Regulation and Regulatory Review. E.O. 13563 required agencies to review existing regulations and identify rules that are obsolete, unnecessary, unjustified, excessively burdensome or counterproductive and identify those rules that warrant repeal, amendment, or revision. GSA identified GSAR clause 552.214–71, Progressive Awards and Monthly Quantity Allocations as one of four information collections in GSA's Final Plan for Retrospective Analysis approved by the Office of Management and Budget (OMB) on August 18, 2011. GSA's Final Plan for Retrospective Analysis was published in the **Federal Register** at 76 FR 32088 on June 3, 2011, (*http://www.gpo.gov/fdsys/pkg/FR-2011-06-03/pdf/2011-13495.pdf*), welcoming public comments. The GSA Final Plan was also posted on *www.gsa.gov/open.* No comments were received.

II. Discussion and Analysis

GSAR clause 552.214–71 was used to support some stock replenishment contracts under the GSA's Federal Acquisition Service (FAS) Global Supply Program, supplying firefighting clothing and shelter. The prescription at GSAR 514.201–7 states that some contractors may be unable to meet the Government's monthly requirements for some stock replenishment contracts and therefore recommends the use of GSAR clause 552.214–71 in solicitations and contracts. The clause requires contractors to identify monthly quantities they are able to furnish from the same production facilities. The clause then enables the Government to make progressive awards beginning with the lowest responsive offeror, including each next low responsive offeror until the Government's need is fulfilled.

As a result of the Retrospective Analysis, GSA determined that the GSAR clause, 552.214–71, Progressive Awards Monthly Quantity Allocations, is obsolete and no longer necessary. The clause is no longer used by Federal Acquisition Service's (FAS) Global Supply Program and is not included in any of the GSA Federal Supply Schedule contracts, including those for firefighting clothing and shelters.

The specific changes contained in this rule are as follows:

- Information Collection 3090–0200, Sealed Bidding, which references GSAR 552.214–71, Progressive Awards and Monthly Quantity Allocations, is deleted in its entirety.
- Under GSAR Subpart 501.106—references 514.201–7(a) and 552.214–71 and corresponding OMB Control Number 3090–0200, Sealed Bidding, are deleted.
- GSAR 514.201–7—Deleted in its entirety.
- GSAR 552.214–71—Deleted in its entirety.

III. Executive Orders 12866 and 13563

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

IV. Regulatory Flexibility Act

GSA does not expect this rule to have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* as the Information Collection 3090–0200 is no longer needed and is removed from the GSAR. However, the agency did proceed with an Initial Regulatory Flexibility Analysis (IRFA) since this is issued as a proposed rule. This proposed rule reduces the burden on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* as the Information Collection 3090–0200, Sealed Bidding, citing GSAR clause 552.214–71, Progressive Awards and Monthly Quantity Allocations, is no longer needed and is removed from the GSAR. This IRFA has been prepared consistent with the criteria of 5 U.S.C. 604. The analysis is summarized as follows:

The clause is no longer used to support GSA's Global Supply Program, supplying fire fighting protective clothing and shelters as described in Information Collection 3090–0200. GSA Schedule 84, Total Solutions for Law Enforcement, Security, Facilities Management, Fire, Rescue, Clothing, Marine Craft and Everyday Disaster Response, forms the basis for the Global Supply Program, including fire fighter clothing and shelters. The review of the terms and conditions listed in the Schedule 84 solicitation confirmed GSAR clause 552.214–71 is no longer used.

The review of the terms and conditions of the awarded Schedule 84 contractors supplying wildland fire fighting clothing and shelters, specifically under Special Item Number (SIN) 633 30 through SIN 633 39 in GSA Advantage, found there were no restrictions in the quantities of supplies offered by the awarded firms, including 47 small businesses, further supporting the determination that the clause is no longer used.

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. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610, *et seq.* (GSAR Case 2014–G501), in correspondence.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply. OMB approved the withdrawal and discontinuation of the Information Collection 3090–0200, Sealed Bidding, identifying GSAR Clause 552.214–71, Progressive Awards and Monthly Quantity Allocations, on October 24, 2011. Based upon the withdrawal of the information collection requirements the agency reflected a public burden estimate of 5 burden hours with a base labor rate of $32.93 for a total cost savings of $164.65. With the deletion of the reporting requirement and discontinuation of the information collection, this rule does not contain any information collection that requires additional approval of the Office of

Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Parts 501, 514, and 552

Government procurement.

Dated: April 21, 2014.

Jeffrey Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, GSA proposes to amend 48 CFR parts 501, 514, and 552 as set forth below:

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

■ 1. The authority citation for 48 CFR part 501 continues to read as follows:

Authority: 40 U.S.C. 121(c).

501.106 [Amended]

■ 2. Amend section 501.106 in the table, by removing, GSAR Reference ''514.201–7(a)'' and ''552.214–71'' and their corresponding OMB Control Number ''3090–0200''.

PART 514—SEALED BIDDING

■ 3. Revise the authority citation for 48 CFR part 514 to read as follows:

Authority: 40 U.S.C. 121(c).

514.201–7 [Removed and Reserved]

■ 4. Remove and reserve section 514.201–7.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

552.214–71 [Removed and Reserved]

■ 6. Remove and reserve section 552.214–71.

[FR Doc. 2014–09850 Filed 4–29–14; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 537, and 552

[GSAR Case 2013–G501; Docket No. 2014–0010; Sequence 1]

RIN 3090–AJ46

General Services Administration Acquisition Regulation (GSAR); Qualifications of Offerors

AGENCY: Office of Acquisition Policy, General Services Administration.

ACTION: Proposed rule with request for comments.

SUMMARY: The General Services Administration (GSA) is issuing a proposed rule amending the General Services Administration Acquisition Regulation (GSAR) to remove the GSAR clause Qualifications of Offerors.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before June 30, 2014 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2013–G501, Qualifications of Offerors, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments by searching for ''GSAR Case 2013–G501''. Select the link ''Comment Now'' and follow the instructions provided at the ''You are commenting on'' screen. Please include your name, company name (if any), and ''GSAR Case 2013–G501'', on your attached document.
- Fax: 202–501–4067.
- Mail: U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, ATTN: Ms. Flowers, Washington, DC 20405–0001.

Instructions: Please submit comments only and cite GSAR Case 2013–G501 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Rifkin, Procurement Analyst, at 816–823–2170 or email *kathy.rifkin@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2013–G501.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is proposing to amend the GSAR to delete GSAR Clause 552.237–70, Qualifications of Offerors, and provide other conforming changes.

This rule is a result of a retrospective analysis conducted under Executive Order (E.O.) 13563, Improving Regulations and Regulatory Review. E.O. 13563 required agencies to review existing regulations and identify rules that are obsolete, unnecessary, unjustified, excessively burdensome or counterproductive and identify those rules that warrant repeal, amendment, or revision. GSA identified GSAR clause 552.237–70, Qualifications of Offerors as one of four information collections in GSA's Final Plan for Retrospective Analysis approved by the Office of Management and Budget (OMB) on August 18, 2011. GSA's Final Plan for Retrospective Analysis was published in the **Federal Register** at 76 FR 32088 on June 3, 2011, (*http://www.gpo.gov/fdsys/pkg/FR-2011-06-03/pdf/2011-13495.pdf*), welcoming public comments. The GSA's Final Plan was also posted on *www.gsa.gov/open.* No comments were received.

II. Discussion and Analysis

GSAM clause 552.237–70 was utilized to support GSA's Public Buildings Service as outlined in GSAM 537.110. The provision requires all offerors considered for award for building services expected to exceed the simplified acquisition threshold and not initiated with Ability One under the Javis-Wagner-O-Day Act to furnish:

- Narrative statement listing comparable contracts performed.
- A general history of operating organization and complete experience.
- A statement of financial resources.
- Information on ability to maintain a staff of regular employees adequate to ensure continuous performance of the work.
- Demonstration that equipment and/or plant capacity for the work contemplates is sufficient, adequate and suitable.
- Information on competency in performing comparable building service contracts, acceptable financial resources, personnel staffing, plant, equipment and supply sources.

As a result of the Retrospective Analysis, GSA determined that the GSAR provision, 552.237–70, Qualifications of Offerors, is obsolete and no longer necessary. The collection of information associated with this provision is captured in a variety of methods such as: compliance with FAR part 9 including pre-award information, receipt of Dun and Bradstreet reports and receipt of contractor's proposal information submitted in response to the Government technical evaluation criteria.

The specific changes contained in this rule are as follows:

- Information Collection 3090–0197, Qualifications of Offerors is deleted in its entirety.
- Under Subpart 501.106—Delete GSAR reference to Information Collection 3090–0197 and GSAR provision 552.237–70.
- Under GSAR 537.110, Solicitation Provisions and Contract Clauses—Delete GSAR 537.110(a)(1).

• Under GSAR 552.2, Text of Provisions and Clauses—GSAR 552.212–71, Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items, delete paragraph (a), and designate the clause introductory text as paragraph (a) and revise.

• Under GSAR 552.2, Text of Provisions and Clauses—Delete provision 552.237–70 in its entirety.

III. Executive Orders 12866 and 13563

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

IV. Regulatory Flexibility Act

GSA does not expect this rule to have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* as the Information Collection 3090–0197 is no longer needed and is removed from the GSAR. However, the agency did proceed with an Initial Regulatory Flexibility Analysis (IRFA) since this is issued as a proposed rule. This proposed rule reduces the burden on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* as the Information Collection 3090–0197, citing GSAR clause 552.237–70, Qualifications of Offerors, is no longer needed and is removed from the GSAR. The IRFA has been prepared consistent with the criteria of 5 U.S.C. 604. The analysis is summarized as follows:

The removal of the solicitation clause is pursuant to authority of the Paperwork Reduction Act, Public Law 96–511, 94 Stat. 2812, codified in part at 44 U.S.C. 3501–21 and Executive Order 13563.

As a result of the Retrospective Analysis, GSA determined that the GSAR provision was no longer necessary and the provision was considered obsolete. Continued use of the provision was unnecessary as GSA currently collects this information called for under GSAR 552.237–70 by a variety of methods that include pre-award information, Dun and Bradstreet reports and contractor's proposal information submitted in response to the Government's technical evaluation criteria. Cancellation of the information collection and removal of the GSAR provision was reported to OMB by the Regulatory Secretariat with OMB approval provided on October 24, 2011.

A determination was made under the authority of the Administrator of General Services Administration (GSA) that the action is necessary. GSA issued Acquisition Letter, MV–13–01 on January 13, 2013 that removed the contents of this rule from all contracts for building services expected to exceed the simplified acquisition threshold and not initiated with Ability One under the Javis-Wagner-O'Day Act.

The Regulatory Secretariat has submitted a copy of the Initial Regulatory Flexibility Analysis (IRFA) to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR Case 2013–G501), in correspondence.

IV. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply. OMB approved the withdrawal and discontinuation of the Information Collection 3090–0197 identifying GSAR Provision 552.237–70 on October 24, 2011. Based on the withdrawal of the information collection, the agency reflected a public burden estimate of 6,794 hours with a base labor rate of $40.79 per hour for a total cost of $277,127 in savings. Therefore, this proposed rule does not contain any information collection requirements that require additional approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Parts 501, 537, and 552

Government procurement.

Dated: April 21, 2014.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 501, 537, and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 501, 537, and 552 continues to read as follows:

Authority: 40 U.S.C 121(c).

PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

501.106 [Amended]

■ 2. Amend section 501.106, in the table, by removing GSAR Reference ''552.237–70'' and its corresponding OMB Control Number ''3090–0197''.

PART 537—SERVICE CONTRACTING

■ 3. Amend section 537.110 by revising paragraph (a) to read as follows:

537.110 Solicitation provisions and contract clauses.

* * * * *

(a) If the contract is expected to exceed the simplified acquisition threshold and it is not initiated with Ability One under the Javits-Wagner-O'Day Act insert 552.237–71, Qualifications of Employees, in the solicitation and contract. If needed, use supplemental provisions or clauses to describe specific requirements for employees performing work on the contract.

* * * * *

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Amend section 552.212–71 by—

■ a. Revising the clause heading;

■ b. Removing paragraph (a); and

■ c. Designating the clause introductory text as paragraph (a) and revising it to read as follows:

552.212–71 Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items.

* * * * *

Contract Terms and Conditions Applicable to GSA Acquisition of Commercial Items (Date)

(a) The Contractor agrees to comply with any clause that is incorporated herein by reference to implement agency policy applicable to acquisition of commercial items or components. The clause in effect based on the applicable regulation cited on the date the solicitation is issued applies unless otherwise stated herein. The clauses in

paragraph (b) of this section are incorporated by reference:

[*The Contracting Officer should check the clauses that apply or delete the clauses that do not apply from the list. The Contracting Officer may add the date of the clause if desired for clarity.*]

* * * * *

552.237–70 [Removed and Reserved]

■ 5. Remove and reserve section 552.237–70.

[FR Doc. 2014–09860 Filed 4–29–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Chapter VI

[Docket No. FTA–2014–0012]

RIN 2132–ZA02

Interim Safety Certification Training Program Provisions

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of proposed interim safety certification training provisions; request for comments.

SUMMARY: This document seeks public comment on FTA's proposed requirements for the interim safety certification training provisions for Federal and State safety oversight personnel and their contractor support who conduct safety audits and examinations of public transportation systems not otherwise regulated by another Federal agency. Additionally, FTA proposes that designated safety oversight personnel of public transportation systems that receive Federal transit funding may voluntarily participate in the interim safety certification training program.

DATES: Comments must be received on or before June 30, 2014. Any comments received after the deadline will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, and please identify your submission by docket number FTA–2014–0012:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *U.S. Mail:* Send comments to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Fax:* Send comments to Docket Operations at (202) 493–2251.
- *Hand Delivery or Courier:* Bring comments to Docket Operations in Room W12–140 on the ground floor of the West Building, U.S. Department of Transportation headquarters, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday except Federal holidays.

Instructions: You must include the agency name (Federal Transit Administration) and docket number (FTA–2014–0012) for this document at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA received your comments, include a self-addressed, stamped postcard. Please be aware that all comments received will be posted without change to *www.regulations.gov,* including any personal information provided, and will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477.

Docket Access: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time or to the Docket Management Facility at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC, in Room W12–140 on the ground floor of the West Building between 9 a.m. and 5 p.m. Eastern time, Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program issues, contact Ruth Lyons, FTA, Office of Safety and Oversight, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202–366–2233 or email: *Ruth.Lyons@dot.gov*). For legal issues, contact Bruce Walker, FTA, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202–366–9109 or email: *Bruce.Walker@dot.gov*). Office hours are Monday through Friday from 8 a.m. to 6 p.m. (EST), except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Overview
II. Purpose
III. Applicability
IV. Interim Safety Certification Training Provisions
A. Components of the Interim Provisions
1. Safety Management System Training Component
2. Technical Training Component
V. Next Steps and Public Participation

I. Overview

On July 6, 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141, (''MAP–21''), which sets a new framework for Federal public transportation safety programs. MAP–21 provides FTA with authority to set new rules and standards for how FTA, State Safety Oversight Agencies (SSOAs), transit agencies, and other transit stakeholders will work together to ensure the safety of transit riders, employees, and the public.

As part of this safety authority, MAP–21 requires FTA to establish a safety certification training program for Federal, State, and other designated personnel directly responsible for safety oversight of public transportation systems. 49 U.S.C. 5329(c). As required by subsection (c)(1), FTA will establish a permanent training program through the rulemaking process. To that end, FTA issued an Advance Notice of Proposed Rulemaking (ANPRM) on all aspects of FTA's safety authority, including the training program, which was published in the **Federal Register** on October 3, 2013.[1] FTA is currently reviewing the comments received to the ANPRM and will move forward as expeditiously as possible on notices of proposed rulemakings on all aspects of the ANPRM, including the training provisions.

However, prior to the finalization of a permanent program, pursuant to 49 U.S.C. 5329(c)(2), Congress required FTA to establish ''interim provisions'' for the certification and training of safety oversight personnel. The interim provisions will be in effect until the effective date of the final rule established under subsection (c)(1).

This notice proposes the interim provisions required by 49 U.S.C. 5329(c)(2). Once the interim provisions take effect, compliance with the interim provisions will be incorporated as a grant condition for State Safety Oversight Agency (SSOA) 5329(e) grant recipients and will be a recommended voluntary activity for FTA rail fixed guideway recipients of section 5307 and 5311 funding. In addition, recognizing that safety enhancement and promotion is of universal interest within the transit industry; FTA encourages bus grant recipients to voluntarily participate in appropriate components of the interim provisions.

FTA is seeking public comment on its proposal for the interim safety

[1] FTA ANPRM, ''The National Public Transportation Safety Plan, the Public Transportation Agency Safety Plan, and the Public Transportation Safety Certification Training Program; Transit Asset Management,'' at 78 FR 61251 (Oct 3, 2013), *available at http://www.gpo.gov/fdsys/pkg/FR-2013-10-03/pdf/2013-23921.pdf.*

certification training provisions. Following review of the public comments, FTA will publish final interim provisions, which will remain in effect until FTA issues a final rule for the safety certification training program in accordance with 49 U.S.C. 5329(c)(1).

II. Purpose

The interim safety certification training provisions are designed to support FTA's recent adoption of the Safety Management System (SMS) approach to improve the safety of public transportation.[2] FTA is proposing that the interim provisions consist of: (1) A required training program promoting SMS and ensuring technical competencies for State Safety Oversight Agency (SSOA) personnel and FTA personnel who conduct safety audits and examinations of public transportation systems not subject to FRA regulation; and (2) a voluntary program promoting adoption of SMS for employees of public transportation systems who are directly responsible for safety oversight. Lessons learned through this initial class of personnel will assist with shaping the development of the notice of proposed rulemaking to effect the requirements of 49 U.S.C. 5329(c)(1).

FTA recognizes the transit industry has voluntarily participated in the Transit Safety Security Program (TSSP) program since 1998, with over 700 transit system personnel and 35 SSOA personnel receiving certificates. Those who successfully completed the program were issued certificates of completion indicating broad-based training in safety and security principles applicable to transit system safety, operations and management, as well as implementation of the requirements of 49 CFR part 659. However, as FTA developed the proposed interim provisions, we evaluated the competencies of the existing TSSP and noted gaps relative to the SMS framework FTA has adopted for its safety programs.

The existing TSSP program was designed to address competencies that support the development and implementation of system safety, security, and emergency management program plans as reflected in 49 CFR part 659. Alternatively, the proposed interim program is designed to promote the implementation and oversight of SMS safety policies, risk management, safety assurance, and safety promotion programs and initiatives through the effective use of SMS tools and techniques. We note that although there are some similarities, relative to SMS principles within the requirements of 49 CFR part 659; the proposed SMS framework applies significantly more emphasis on a management level safety focus.

The objectives within the SMS curriculum were built from FTA's proposed SMS framework which uses a different approach to identifying hazards and controlling their potential consequences, continual assessment of safety risk, and an effective employee safety reporting system. The revised FTA-sponsored training will promote the development, implementation and oversight of SMS safety policies, risk management, safety assurance, and safety promotion programs and initiatives through the effective use of SMS tools and techniques, thus addressing the gaps noted with the current TSSP curriculum.

FTA believes the proposed provisions will enhance safety by focusing on organization-wide safety policy, formal methods of identifying hazards and controlling their potential consequences, continual assessment of safety risk, and an effective employee safety reporting system. Similar to the completion requirements of the current voluntary FTA-sponsored TSSP certificate program, FTA proposes that participants should complete the safety certification training program within a three (3) year timeframe.

As discussed above, FTA considered the existing voluntary TSSP program when developing the proposed interim provisions. FTA requests comment on the following:

1. Are there existing safety certification programs other than those described in this document that FTA should consider for personnel with direct safety oversight of transit systems?

2. How should FTA consider these additional training and certification programs in finalizing the interim provisions?

III. Applicability

As the rigor of safety oversight increases, we must ensure that personnel with direct safety oversight responsibility have core competencies and skills to achieve the safety goals for the public transportation industry. To promote SMS adoption throughout the public transportation industry and to improve rail transit safety oversight technical competency, FTA proposes that the ''required'' component of the interim provisions apply to the following ''covered personnel:''

(1) FTA personnel and contractors who conduct safety audits and examinations of public transportation systems; and

(2) SSOA personnel and contractors who implement Federal safety oversight programs, including persons who conduct safety audits and examinations of rail fixed guideway public transportation systems not subject to FRA regulation.

In addition, FTA proposes that the following personnel *voluntarily* participate in the interim safety certification training provisions[3]:

(1) Personnel employed by recipients of section 5307 Urbanized Area Formula Grants and section 5311 Formula Grants for Rural Areas (formerly known as Non-Urbanized Formula Grants) who are directly responsible for safety oversight of rail fixed guideway public transportation systems not subject to FRA regulation.[4]

(2) Personnel employed by recipients of section 5307 Urbanized Area Formula Grants and section 5311 Formula Grants for Rural Areas who are directly responsible for safety oversight of non-rail transit systems (e.g., passenger ferry, bus, bus rapid transit, and community transportation providers); and

(3) Personnel of State Departments of Transportation or other State agencies that are directly responsible for safety oversight of passenger ferry, bus, bus rapid transit, and community transportation providers that receive section 5311 Federal transit funds.

On May 31, 2012, in compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 et seq.) and the Office of Management and Budget (OMB) implementing regulation at 5 CFR 1320.13, FTA received approval from OMB for an Information Collection for the State Safety Oversight Program (Information Collection number 2132–0558). The recordkeeping necessary to comply with the proposed interim provisions is consistent with the recordkeeping required for SSOA and rail fixed guideway public transportation agency training in the approved information collection.

[2] See FTA Dear Colleague letter dated May 13, 2013 at *http://www.fta.dot.gov/newsroom/12910_15391.html*.

[3] SMS Awareness training is strongly recommended for all employees of public transportation systems, including front line safety personnel, to assist with deploying an effective SMS.

[4] FTA proposes that all recipients identify their ''covered personnel.'' At a minimum, FTA expects the designation of ''covered personnel'' will include the General Manager/Chief Executive Officer, Chief Safety Officer, and staff directly responsible for safety oversight of the recipient's rail transit system.

IV. Interim Safety Certification Training Provisions

The proposed interim training provisions initial focus is to enhance the technical competencies and capabilities of Federal and State personnel and contractors who conduct safety audits and examinations of rail fixed guideway public transportation systems, as well as rail transit personnel who are directly responsible for safety oversight for these systems. FTA recognizes the important role of its State partners in performing this public safety function. However, under the current regulatory construct, there is no uniformity with regard to training requirements. As a result, varying degrees of proficiency and professional knowledge, along with inconsistent application of safety requirements have developed. Additionally, FTA recognizes the benefit of allowing safety oversight personnel of rail fixed guideway systems to share in the opportunity to receive similar training as those who audit their safety activities.

As a first step, FTA is proposing to organize these interim training provisions around a series of competencies and basic skills that support training gaps indicated in National Transportation Safety Board accident investigations, FTA State Safety Oversight Agency (SSOA) audits, triennial reviews and annual reports submitted by SSOAs, and FTA's National Transit Database assessments and special studies. The competencies are based on SMS principles and the technical capabilities required for examining and overseeing implementation of safety program elements in the transit industry. A list of proposed competency areas and accompanying learning objectives are listed in this document as Appendix A to the Proposed Interim Provisions for Safety Certification Training—Competency Areas.

A consistent gap noted throughout our findings is the need to enhance the ability to effectively manage safety risks. FTA believes the interim provisions competencies will support key features of SMS to include: (1) Improving management accountability of safety; (2) further collaboration between management and labor to effectively prioritize safety hazards; (3) more effectively managing safety resource allocation; (4) improving safety risk analysis; and (5) broadening safety assurance through increased confidence in safety risk controls.

Supporting documents used to identify the training gaps and the proposed competencies, as well as a list frequently asked questions (FAQs) may be reviewed with the docket for this document and may also be viewed at the following weblink: *http://www.fta.dot.gov/tso_15918.html.* Below are a few examples of documentation that support the competencies FTA is proposing for the interim provisions:

- Government Accountability Office (GAO) Reports with Discussion and/or Findings relating to SSO training and qualification: *http://www.gao.gov/products/GAO-11-199.*
- Rail Transit: Observations on FTA's State Safety Oversight Program and Potential Change in Oversight Role GAO–10–293T: Published: Dec. 8, 2009. Publicly Released: Dec. 8, 2009. *http://www.gao.gov/products/A88569.*
- National Transportation Safety Board Hearing; Collision of Two Washington Metropolitan Area Transit Authority Metrorail Trains Near Fort Totten Station *http://www.ntsb.gov/doclib/reports/2010/RAR1002.pdf.*
- National Transportation Safety Board Accident Brief: Collision between Two Miami-Dade Transit Metromovers: *http://www.ntsb.gov/investigations/fulltext/RAB1206.html.*

A. Components of the Interim Provisions

FTA proposes that ''covered personnel'' of FTA, SSOAs, and applicable contractor support be required to complete a series of courses and engage in structured training as noted below. In addition, covered personnel of rail fixed guideway transit systems will be allowed to voluntarily participate in this proposed curriculum.

The proposed interim safety certification training provisions will contain two distinct components. First, covered personnel will complete a series of training courses on SMS principles, tools and techniques. FTA began the first phase of course pilots in February 2014, and anticipates the initial rollout of courses by September 2014. Second, and as discussed further in section 2 below, FTA and SSOA personnel and their respective contractor support will be required to develop technical training covering the competency areas specific to the rail transit system(s) for which safety oversight responsibility is exercised (e.g., track inspections, safety systems and technologies, traction power, etc.).

Upon satisfactory completion of the applicable requirements as noted below, FTA proposes to provide a certificate of completion, indicating that the individual has satisfied the requirements of the interim training provisions. The certificate will expire one (1) year after it is issued and will require annual refresher training to maintain its validity. However, FTA believes that the final rule implementing the Public Transportation Safety Certification Training Program will be in effect before any of the interim certifications expire; therefore, FTA will ensure that training completed under the interim provisions will be factored into the development of the final rule.

To maximize participation, FTA is proposing that a significant share of the cost associated with the interim provisions be eligible for Federal funding. Recipients of sections 5307 or 5311 funds may use up to 0.5 percent of those funds to cover up to 80 percent of the cost of participation by an employee with direct safety oversight responsibility for the public transportation system. Participation by SSOA personnel with direct safety oversight responsibilities may be an eligible expense for section 5329(e)(6)(A) funds.

1. Safety Management System Training Component

As noted above, FTA has identified competencies that reinforce the four (4) functional components of SMS—safety policy, risk management, safety assurance, and safety promotion—which are described in Appendix A to the Proposed Interim Provisions for Safety Certification Training—Competency Areas. SMS is a management approach that ensures each public transportation agency, no matter its size or service environment, has the necessary organizational structures, accountabilities, policies and procedures in place to direct and control resources to optimally manage safety.

The proposed interim SMS training for mandatory and voluntary participants will be tailored to the role of the employee and the mode of public transportation. To that end, FTA is proposing to revise existing training and creating new courses to promote SMS-centric competencies. The revised competencies will expand training beyond the current TSSP Certificate program which was developed to support the implementation of system safety, security, and emergency management program plans. Although the proposed interim curriculum is largely focused on SMS and technical training; FTA request comments concerning other programs or approaches that may enhance the professional and technical skills of covered personnel and public transit personnel with direct safety oversight responsibility.

As noted above, similar to the TSSP Certificate program, FTA is proposing that the training be completed within a three (3) year period. Once covered personnel receive their certificate of completion, annual refresher training will be required to maintain the certificate. If a required participant does not attain or maintain their certificate within the designated timeframe, FTA proposes the person will not be able to perform their functions or be paid using FTA funds. It will be the responsibility of those covered under this program to maintain certificates and refresher training records, which will be subject to audit under the SSOA program.

Also similar to the TSSP Certificate program, FTA proposes that each of the SMS courses will include up to three (3) days of training (except for the one (1) day SMS Leadership course and the one (1) hour SMS Awareness course). The estimated length of the training was derived from an evaluation of the proposed competencies and associated learning objectives and the amount of time required to deliver the content. This is approximately 144 hours of class time over the three (3) year period between FY 2014 and FY 2016 for the participants. The week-long indication below is an estimate, as it includes training time along with days for potential travel. However, we note that the existing FTA training model focuses on delivering courses at local host agencies which reduces travel requirements for the majority of participants. FTA plans to continue this delivery model for the interim safety certification training program which would continue to reflect the reduced cost and burden associated with local attendance. Below is the proposed curriculum for the interim provisions:

Required Curriculum:

• *FTA and SSOA personnel and contractors*[5]—six (6) one (1) week courses (two (2) days of travel, three (3) days class time):

One (1) hour course on SMS Awareness—e-learning delivery
Level 100: SMS Principles for Rail Transit
Level 101: SMS Principles for SSO Programs
Level 200: Advanced SMS Principles for Rail Transit
Level 201: Advanced SMS Risk Management
Level 300: SMS Risk Control Strategies
Level 301: SMS Assurance and Auditing Normal Operations and Risk Controls
SMS Executive Leadership—one (1) day course

Voluntary Curriculum:

• *Transit agency personnel with direct responsibility for safety oversight of rail transit systems not subject to FRA regulation*[6]—five (5) one week courses (two (2) days of travel, three (3) days class time):

One (1) hour course on SMS Awareness—e-learning delivery
Level 100: SMS Principles for Rail Transit
Level 200: Advanced SMS Principles for Rail Transit
Level 201: Advanced SMS Risk Management
Level 300: SMS Risk Control Strategies
Level 301: SMS Assurance through Auditing Normal Operations and Risk
SMS Executive Leadership—one (1) day course

• *Non-rail transit Section 5307 and 5311 recipient executive leadership*[7]—One (1) day course:

SMS Executive Leadership—one (1) day course

• *Non-rail transit Section 5307 and 5311 recipient personnel with direct safety oversight responsibility and State DOTs overseeing safety programs for 5311 sub-recipients*[8]—two (2) one (1) week courses (two (2) days of travel, three (3) days class time):

One (1) hour course on SMS Awareness—e-learning delivery
Level 102: SMS Principles for Bus Transit
Level 202: Advanced SMS Principles for Bus Transit

• *Employee of any non-rail transit FTA recipient*[9]—one (1) hour course

SMS Awareness—e-learning delivery

We also note that FTA will continue to sponsor safety initiatives for bus transit agencies, including small and rural systems, as well as other recipients of Federal public transportation funds. For example, personnel can log on to FTA's Bus Transit Safety Program Web site (*http://bussafety.fta.dot.gov/*) and complete the safety self-assessment and participate in the soon-to-be-released e-learning series. FTA strongly encourages safety professionals in each of these communities to continue to voluntarily participate in these safety initiatives, as well as participate in applicable courses developed for the interim provisions.

Further, FTA is proposing a one-hour SMS Awareness course that will have universal applicability throughout the public transportation industry. Since a critical element of SMS is safety awareness at all levels of an organization, FTA encourages transit system personnel at all levels to voluntarily participate in the one-hour SMS Awareness training when it becomes available online.

The proposed interim provisions are intended as an initial step to improving the technical proficiency and competency of those directly responsible for safety oversight. However, it is important to note that concurrently, FTA is in the process of proposing a regulatory framework for safety certification training. Participating in the interim provisions program not only enhances public transit safety in the near term, but will better position participants for safety training requirements likely to be proposed in future safety certification training rulemakings.

As discussed above, the proposed interim provisions will have mandatory and voluntary components. FTA requests comment on the following:

3. The proposal to require Federal and State Safety Oversight Agency personnel and their contractor support to participate in the interim provisions but allow the voluntary participation of public transportation personnel with direct safety oversight responsibilities.

4. Are there segments of the existing TSSP program that might be utilized to address the gaps and proposed competencies identified by FTA?

5. Is it possible to reduce the time commitment or other burdens associated with the proposed interim provisions, while still providing the necessary SMS and technical training? What additional or alternative training should be considered, and why?

2. Technical Training Component

In addition to the SMS training component above, FTA proposes the second component of the interim provisions will require FTA and each SSOA to develop a technical training program for covered personnel and contractor support personnel who perform safety audits and examinations. FTA proposes that each SSOA submit its interim technical training program to FTA for review and evaluation as part of the ongoing SSOA certification program under 49 U.S.C. 5329(e)(7). This review and approval process would support the consultation required between FTA and SSOAs regarding the staffing and qualification of the SSOAs' employees and other designated

[5] FTA anticipates that this would include approximately 40 FTA personnel and contractors and 70 to 120 SSOA personnel.

[6] FTA anticipates that this will include approximately 260 transit agency personnel.

[7] FTA estimates that approximately 200 executives would be eligible for this voluntary training.

[8] FTA estimates that approximately 100 to 275 staff from larger 5307/5311recipients, approximately 1500 staff from smaller 5307/5311 recipients, and 30 staff from state DOT's would be eligible for this voluntary training.

[9] FTA has not estimated how many people would be eligible for this voluntary training.

personnel in accordance with 49 U.S.C. 5329(e)(3).

Recognizing that each rail fixed guideway public transportation system has unique characteristics, FTA proposes that each technical training program identify the tasks related to inspections, examinations, and audits, and all activities requiring sign-off, which must be performed by the SSOA to carry out its safety oversight requirements, and identify the skills and knowledge necessary to perform each task at that system. At a minimum, each program will include technical training in the following competency areas appropriate for the specific rail fixed guideway system(s) for which safety audits and examinations are conducted:

- Knowledge of the organizational structure of the rail transit system(s).
- Agency Safety Plans.
- Agency Safety Audit Process.
- Rulebooks.
- Vehicles.
- Track (to include track inspection).
- Tunnels and structures.
- Traction power.
- Signal systems.
- Safety systems and technologies.
- Safety human factors.

The length of time for the technical training will depend on the skill level of the SSOA personnel. However, we would anticipate no less than one-week per year of technical training, in addition to the 2 weeks per year for the SMS training. To that end, FTA proposes that each SSOA technical training program that is submitted for review and approval will:

○ Include both classroom and hands-on lessons designed to impart the skills and knowledge identified as necessary to perform each task (to include competency areas listed above). The curriculum should specifically address the performance of the tasks identified.

○ Require covered personnel to successfully:

■ Complete training that covers the skills and knowledge the covered personnel will need to effectively perform his or her tasks.

■ Pass a written and/or oral examination covering the skills and knowledge required for the covered personnel to effectively perform his or her tasks.

■ Individually demonstrate hands-on capability to perform his or her tasks to the satisfaction of the appropriate SSOA supervisor or designated instructor.

○ Develop a process to ensure that covered personnel are appropriately participating in the training program or have successfully completed it.

○ Establish equivalencies or conduct written and oral examinations to allow covered personnel to demonstrate that they possess the skill and qualification required to perform their tasks.

○ Require annual refresher training to maintain technical skills and abilities which includes classroom and hands-on training, as well as testing. Observation and evaluation of actual performance of duties may be used to meet the hands-on portion of this requirement, provided that such testing is documented.

○ Require that adequate records be maintained to demonstrate the current qualification status of covered personnel assigned to carry out the oversight program. Records may be maintained either electronically or in writing and must be provided to FTA upon request. Records must include the following information concerning each covered personnel:

■ Name;

■ The date each training course was completed and the proficiency test score(s);

■ The content of each training course successfully completed;

■ A description of the covered personnel's hands-on performance applying the skills and knowledge required to perform the tasks that the employee will be responsible for performing and the factual basis supporting the determination;

■ The tasks the covered personnel is deemed qualified to perform; and

■ Provide the date that the covered personnel's status as qualified to perform the tasks expires, and the date in which annual refresher training is due.

○ Establish a program to ensure the qualification of contractors performing oversight activities. SSOAs may use demonstrations, previous training and education, and written and oral examinations to determine if contractors possess the skill and qualification required to perform their tasks.

○ Periodically assess the effectiveness of the technical training program. One method of validation and assessment could be through the use of efficiency tests or periodic review of employee performance.

With regard to the technical training described above, FTA request comments on the following:

6. Is it possible to reduce the time commitment or other burdens associated with the proposed technical training requirements proposed for SSOA personnel and their contractors? Is there additional or alternative technical training that should be considered, and why?

V. Next Steps and Public Participation

This document seeks input from the public on FTA's implementation of new interim safety certification training provisions to ensure they are clear, effective, and reasonable. It is important that transit agencies, State DOTs, SSOAs, and other organizations that could potentially be affected by these interim provisions, as well as any other interested members of the public, take this opportunity to share thoughts, concerns, ideas, and general comments on the topics presented herein.

After FTA reviews the comments collected through this document, FTA will publish final interim safety training certification provisions. FTA will also continue to develop a permanent training program through the separate rulemaking process. Although the two processes will remain separate, the agency anticipates that its experience with the interim provisions will assist with the development of a proposed rule for the Public Transportation Safety Certification Training program under 49 U.S.C. 5329(c)(1).

Issued in Washington, DC, pursuant to authority under 49 CFR § 1.91.

Therese W. McMillan,

Deputy Administrator.

Appendix A to the Proposed Interim Provisions for Safety Certification Training—Competency Areas

Competency area	Description of competency
SMS Awareness	• Orient participants to the general concepts in safety management systems (SMS). • Introduce participants to the importance of data-driven decision making for SMS implementation in the public transportation industry. • Describe safety management systems as a data-driven decision making system for management. • Understand safety risk management and safety assurance. • List the activities and tools underlying safety risk management and safety assurance.
SMS Leadership	• List the advantages of effective safety management and the benefits that FTA anticipates SMS adoption will bring the transit industry.

Competency area	Description of competency
	• Categorize the activities performed by an Accountable Executive and explain why he or she is so important to effective SMS implementation. • Recognize and describe the four major components of FTA's SMS framework. • Identify and describe how to proactively utilize the interfaces between SMS, Finance, Human Resources and Asset Management to support executive decision-making. • List specific tools that help executives incorporate SMS into their decision-making. • Classify the SMS leadership activities that executives can perform as part of their day-to-day management process.
Level 100: SMS Principles for Rail Transit.	• Detail how and why FTA came to adopt the SMS framework as the foundation of its new safety regulatory program. • State and describe the four major components and 12 elements of FTA's SMS framework. • Write a sample Safety Policy Statement that ensures executive accountability and commitment for safety. • Provide and discuss sample safety objectives and key performance indicators (KPIs) used at your agency. • Distinguish among traditional system safety risk management approaches and the types of analyses required for SMS framework implementation. • List and describe SMS safety assurance tools and techniques. • Identify sources of operating and maintenance data to support the safety review of normal operations. • Describe the major activities that can be performed to promote SMS and safety communication with transit employees. • Discuss and outline the needed activities and timeline for SMS implementation from initial policy commitment through gap assessment and implementation planning to training and monitoring. • Recognize and explain the purpose of the SMS Gap Analysis Tool and complete sample sections. • Present and discuss results of sample SMS Gap Analysis with classmates and instructor. • Categorize information from SMS Gap Analysis into the SMS Implementation Plan. • Demonstrate proficiency in the use of FTA-supplied materials, including SMS Guidebook and supporting forms.
Level 101: SMS Principles for SSO Programs.	• Discuss and demonstrate the correct usage of SMS and rail transit terminology and nomenclature. • Identify and discuss the major objectives in overseeing and evaluating SMS implementation in the rail transit environment. • Compare and contrast the four major components and 12 elements in FTA's SMS framework with the existing 49 CFR Part 659 regulation. • Identify and discuss performance measures and tools to assess rail transit safety performance. • Develop a sample SMS surveillance plan for a rail transit agency in your jurisdiction applicable to the level of SMS implementation at the rail transit agency. • Illustrate and list safety risk management and safety assurance tools that can be used to support safety oversight. • Demonstrate how to intervene effectively with the rail transit agency based on monitoring of SMS surveillance plan. • Detail the phases of transition in SMS implementation and potential pitfalls and areas of concern for both the rail transit agency and the SSO agency.
Level 102: SMS Principles for Bus Transit.	• Detail how and why FTA came to adopt the SMS framework as the foundation of its new safety regulatory program. • State and describe the four major components and 12 elements of FTA's SMS framework. • Demonstrate how to use FTA's SMS gap assessment and implementation planning tools for bus transit agencies. • Identify safety risk management and safety assurance tools and techniques and how to apply them in the bus transit environment. • Describe the major activities that can be performed to promote SMS and safety communication throughout the bus transit agency. • Categorize performance measures and activities that can be used to monitor the implementation of the SMS at the bus transit agency.
Level 200: Advanced SMS Principles for Rail Transit.	• Illustrate how to assess a safety policy statement for thoroughness and effectiveness of safety objectives and performance targets. • Describe ways in which the accountable executive should be committed to safety and use safety inputs in decision-making. • Summarize and list the safety responsibilities of key management personnel and committees in the rail transit environment. • Highlight typical SMS documentation control procedures. • Compare and contrast different hazard identification and risk management methods and approaches. • Outline the steps in safety action planning in the rail transit environment. • Discuss key elements in safety performance monitoring, including auditing and real-time monitoring of rail transit operations. • Describe how incident investigation and reporting using SMS principles differs from existing requirements in 49 CFR Part 659. • Outline how the management of change (including organizational changes with regard to safety responsibilities) can be approached in the transit industry. • List ten major activities to support safety promotion. • Describe the risk to transit organizations from human factors and human performance issues.
Level 201: Advanced SMS Risk Management.	• Explain the purpose of Safety Risk Management in SMS. • Identify and lists weaknesses in the identification of hazards in recent transit accidents and incidents. • In FTA's SMS framework, detail when to perform a System Description and Task Analysis and explain how this analysis helps identify hazards.

Competency area	Description of competency
	• Describe the elements of a System Description and Task Analysis, including the following steps: ○ Define the system and task(s) under analysis, including: ▪ Function and purpose of the system. ▪ The system's operating environment. ▪ An outline of the system's processes and procedures. ▪ The personnel, equipment, and facilities necessary for operation of the system. ○ Consider how the following attributes work within the system and task(s) under analysis to ensure its safe operation, including: ▪ Responsibility. ▪ Authority. ▪ Procedures and practices. ▪ Controls placed on equipment and personnel. ▪ Process measurements on tasks and activities. ▪ Interfaces among the hardware, software, people, and environment that make up the system. ○ Assess the system and task(s) under analysis for hazards and risks. • Describe how to document the identified hazards and risks, depending on the size of the public transportation agency and the complexity of its operations: ○ In a list, matrix or table. ○ Through a mapping process in flow charts (e.g., block flow diagram) or process maps (e.g., block flow procedural process map or a cross-functional process map). ○ In deductive or inductive system safety analyses. ○ Using computer models. ○ In other methods established by the public transportation agency. • Describe the steps needed to develop and maintain processes to analyze safety risk associated with the hazards identified in the system analyses. • Define a process for conducting risk assessment that allows for the determination of acceptable safety risk. • List potential processes to develop safety risk controls that are necessary as a result of the safety risk assessment process. • Explain how to evaluate whether the risk will be acceptable with a proposed safety risk control applied, before the safety risk control is implemented. • Discuss the pros and cons of mandatory employee reporting systems for hazard identification.
Level 202: Advanced SMS Principles for Bus Transit.	• Describe ways in which the accountable executive should be committed to safety and use safety inputs in decision-making. • Summarize and list the safety responsibilities of key bus management personnel and committees. • List the major purpose of the SMS Manual and identify the key components for a bus agency. • Define typical SMS safety data/records management requirements for an SMS at a bus transit agency. • Characterize an effective safety assurance program in the bus transit environment. • List types of reactive safety issue identification (events, incidents, accidents). • Describe proactive safety issue identification approaches. • Compare and contrast different risk assessment methods used in the bus transit industry. • Demonstrate investigation and problem-solving skills. • Review corrective action planning & implementation practices. • Understand transit industry and agency risk profiles. • Demonstrate proficiency in the use of additional FTA-supplied materials, including SMS Guidebook and supporting forms.
Level 300: SMS Risk Control Strategies.	• Explain why there is no such thing as ''absolute safety'' in public transportation, but that risks can be managed to a level ''as low as reasonably practicable'' (ALARP). • Demonstrate the ways in which risk mitigation and control must be balanced against: time, cost, and the difficulty of taking measures to reduce or eliminate the risk. • Describe how effective risk management seeks to maximize the benefits of accepting a risk (a reduction in time and cost) while minimizing the risk itself. • Communicate the rationale for risk decisions to gain acceptance by stakeholders affected by them. • Describe the three basic risk mitigation strategies. • Describe and list the steps in the ''hierarchy of controls'' for hazards. • Identify and discuss the relative merits of the ''layers of protection'' approach to controlling hazards. • Explain how to monitor and measure risk control performance levels. • Evaluate how data flow and analysis processes can support the assessment of the performance of risk control strategies. • Develop a monitoring plan for the implementation of risk control strategies at the transit agency.
Level 301: SMS Assurance and Auditing Normal Operations and Risk Controls.	• Explain how safety assurance activities support the accountable executive and board of directors in making decisions and recommendations regarding resource allocation. • Demonstrate application of SMS tools and approaches in the investigation of accidents and incidents and the development and oversight of corrective action plans. • Detail the steps required to establish and manage mandatory and voluntary employee reporting systems. • Outline and discuss approaches to internal safety audits and surveys that support SMS performance monitoring. • Explain why SMS implementation must be coordinated quality assurance audits. • Discuss coordination required monitor normal operations using data management, mining and analysis at the transit agency. • Demonstrate capability to manage the conduct of safety reviews, examinations and audits and tracking of findings at rail transit agency. • Explain how safety certification for capital projects is managed in the SMS framework.

Competency area	Description of competency
Alternative training available for: .... • Level 102: SMS Principles for Bus Transit • Level 202: Advanced SMS Principles for Bus Transit	• Propose performance measures and monitoring activities to oversee risk controls at rail transit agency. Alternative voluntary training may be developed by FTA in partnership with the Community Transportation Association of America (CTAA) for Executive Leadership and personnel with direct responsibility for safety at Section 5311 sub-recipients and personnel at State DOTs responsible for overseeing Section 5311 sub-recipients.

[FR Doc. 2014–09778 Filed 4–29–14; 8:45 am]

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Notices

Federal Register
Vol. 79, No. 83
Wednesday, April 30, 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

Food Safety and Inspection Service

[Docket No. FSIS–2014–0005]

Codex Alimentarius Commission: Meeting of the Codex Alimentarius Commission

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA) is sponsoring a public meeting on June 18, 2014. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions to be discussed at the Thirty-seventh session of the Codex Alimentarius Commission (CAC), taking place in Geneva, Switzerland July 14–18, 2014. The Under Secretary for Food Safety recognizes the importance of providing interested parties the opportunity to obtain background information on the 37th session of the CAC and to address items on the agenda.

DATES: The public meeting is scheduled for Wednesday, June 18, 2014 from 1:00 p.m. to 4:00 p.m.

ADDRESSES: The public meeting will take place at The Jamie L. Whitten Building, United States Department of Agriculture, 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250. Documents related to the 37th Session of the CAC will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

The U.S. Delegate to the 37th Session of the CAC invites U.S. interested parties to submit their comments electronically to the following email address: *Barbara.McNiff@fsis.usda.gov.*

Call-In Number: If you wish to participate in the public meeting for the 37th Session of the CAC, by conference call, please use the call in number below:

Call in Number: 1–888–844–9904.

The participant code will be posted on the Web page below: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings.*

Contact for Further Information about the 37th Session of the CAC: Barbara McNiff, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, South Building, Washington, DC 20250; Telephone: (202) 690–4719; Fax: (202) 720–3157; Email: *Barbara.Mcniff@fsis.usda.gov.*

Contact for Further Information about the Public Meeting: Jasmine Curtis, U.S. Codex Office, 1400 Independence Avenue SW., Room 4865, South Building, Washington, DC 20250; Telephone: (202) 205–7760; Fax: (202) 720–3157; Email: *Jasmine.Curtis@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade; promotes coordination of all food standards work undertaken by international governmental and nongovernmental organizations; determines priorities and initiates and guides the preparation of draft standards through and with the aid of appropriate organizations; finalizes standards elaborated and publish them in a Codex Alimentarius either as regional or worldwide standards, together with international standards already finalized by other bodies, wherever this is practicable; Amends published standards, as appropriate, in the light of new developments.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 37th Session of CAC will be discussed during the public meeting:

- Report by the Chairperson on the 69th Session of the Executive Committee.
- Proposed amendments to the Procedural Manual/Comments on Proposed Amendments to the Procedural Manual.
- Draft Standards and Related Texts at Step 8 of the Procedure (including those submitted at Step 5 with a recommendation to omit Steps 6 and 7 and at Step 5 of the Accelerated Procedure)/Comments on Draft Standards and Related Texts submitted to the Commission for adoption.
- Proposed Draft Standards and Related Texts at Step 5/Comments on Draft Standards and Related Texts at Step 5.
- Revocation of Existing Codex Standards and Related Texts.
- Amendments to the Codex Standards and Related Texts.
- Proposals for the Elaboration of New Standards and Related Texts and for the Discontinuation of Work.
- Matters referred to the Commission by Codex Committees and Task Forces.
- Codex Strategic Plan 2014–2019:

(a) General Implementation Status.

- Financial and Budgetary Matters.
- Matters arising from FAO and WHO:

(a) FAO/WHO Project and Trust Fund for Enhanced Participation in Codex.

(b) Other Matters arising from FAO and WHO.

- Relations between the Codex Alimentarius Commission and other International Organizations.
- Election of Chairperson and Vice Chairperson and Appointment of the Coordinators.
- Designation of Countries responsible for Appointing the Chairpersons of Codex Committees.
- Other Business.

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the June 18, 2014 public meeting, draft U.S. positions on the agenda items will be described, discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 37th Session of CAC (see

ADDRESSES). Written comments should state that they relate to activities of the 37th session of the CAC.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Done at Washington, DC on April 18, 2014.

Paulo Almeida,

Associate U.S. Manager for Codex Alimentarius.

[FR Doc. 2014–09859 Filed 4–29–14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Revision of Land Management Plan for the Francis Marion National Forest, SC

AGENCY: U.S. Forest Service, U.S. Department of Agriculture (USDA).

ACTION: Notice of Intent To Revise the Land and Resource Management Plan and prepare an Environmental Impact Statement (EIS) for the Francis Marion National Forest (Francis Marion).

SUMMARY: As directed by the National Forest Management Act (NFMA), the U.S. Forest Service is preparing the Francis Marion's revised land management plan (forest plan) and will also prepare an EIS) for this revised forest plan. This notice briefly describes the nature of the decision to be made, a proposed action based on the preliminary identified need to change the existing plan and information concerning public participation. It also provides estimated dates for filing the EIS and the name and address of the responsible agency official and the individuals who can provide additional information. Finally, this notice identifies the applicable planning rule that will be used for completing this plan revision. The revised forest plan will supersede the existing forest plan that was approved by the Regional Forester in December 1995. The existing forest plan will remain in effect until the revised forest plan takes effect.

DATES: Comments concerning the proposed action provided in this notice will be most useful in the development of the draft revised forest plan and EIS if received June 16, 2014. The agency expects to release a draft revised forest plan and draft EIS for formal comment by February 1, 2015 and a final revised forest plan and final EIS by April 30, 2016.

ADDRESSES: Comments may be submitted on-line at *https://cara.ecosystem-management.org/Public//CommentInput?Project=40695* or sent via email to: *comments-southern-francismarion-sumter@fs.fed.us.* or via facsimile to (803) 561–4004. Electronic comments should include ''FM Plan Revision'' in the subject line. Written comments may be sent or delivered to: Francis Marion and Sumter National Forests, Attn: FM Plan Revision, 4931 Broad River Road, Columbia, S.C. 29212.

FOR FURTHER INFORMATION CONTACT: Planning Team Leader Mary Morrison, Planning Staff Officer Michelle Burnett or Public Affairs Specialist Tammy Terrell Robinson, Francis Marion and Sumter National Forests at (803) 561–4000. Information on this revision is also available on the Francis Marion and Sumter National Forests' Web site at *http://www.fs.usda.gov/goto/scnfs/fmplan.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877–8339. Please call 8 a.m.–noon and 1 p.m.–4:30 p.m. Eastern Time Monday through Friday, except on federal holidays.

SUPPLEMENTARY INFORMATION:

A. Lead and Cooperating Agencies

The U.S. Forest Service is the lead agency on revision of the forest plan.

B. Name and Address of the Responsible Official

The responsible official who will approve the Record of Decision is Forest Supervisor John Richard ''Rick'' Lint, Francis Marion and Sumter National Forests, 4931 Broad River Road, Columbia, S.C. 29212.

C. Nature of the Decision To Be Made

The Francis Marion is preparing an EIS to revise the existing forest plan. The EIS process informs the Forest Supervisor so that he can decide which alternative best meets the public's diverse needs while conserving the forests' resources as required by the NFMA and the Multiple Use Sustained Yield Act.

The revised forest plan will:

- Describe the strategic intent of managing the Francis Marion into the next 10 to 15 years and address the identified needs to change the existing land management plan. Section D of this notice provides a description of the preliminary need to change and a description of the proposed action.
- Provide management direction in the form of desired conditions, objectives, suitability determinations, standards, guidelines and a monitoring program.
- Make changes to the structure and delineation of the Management Areas described in the existing plan along with possible changes to administratively designated areas and recommendations for changes to other designations.
- Provide a description of the plan area's distinctive roles and contributions within the broader landscape.

Some decisions will not be made within the revised forest plan. The following are several examples:

- The authorization of project-level activities on the Francis Marion is not a decision made in the forest plan but

occurs through subsequent project specific decision-making.

- While some strategic guidance may be provided, decisions that might be associated with a Travel Management Plan under 36 CFR part 212 (such as the designation of routes and trails for motorized vehicle travel, equestrian and mountain bike use, as well as the management of individual roads) are not considered during plan revision but will be addressed through subsequent planning processes.
- Some issues (*e.g.,* hunting regulations), although important, are beyond the authority or control of the National Forest System and will not be considered.
- No decision regarding oil and gas leasing availability will be made, though standards will be brought forward or developed that would serve as mitigations should an availability decision be necessary in the future.

D. Need To Change and Proposed Action

Preliminary Need To Change

The purposes and needs for revising the current forest plan are as follows: (1) The forest plan is more than 15 years old; (2) since the forest plan was approved in December 1995, there have been changes in economic, social, and ecological conditions, new policies and priorities, and new information based on monitoring and scientific research; and (3) extensive public and employee involvement, along with science-based evaluations, have helped identify the preliminary need to change the existing forest plan. What follows is a summary of the themes developed for the preliminary identified need to change. A more fully developed description of the preliminary need to change is available for review on the plan revision Web site at *http://www.fs.usda.gov/goto/scnfs/fmplan.*

The preliminary need to change statements include questions about how the Francis Marion will manage terrestrial plants, terrestrial animals, rare species (including threatened, endangered and candidate species and species of conservation concern), old growth characteristics, riparian areas, water quality, aquatic species and habitat, wood products, scenery, recreation opportunities (hiking, mountain biking, off-highway vehicle use, horseback riding), areas to be evaluated for possible wilderness recommendations, wilderness, forest health, roads, minerals, fire, lands, air quality, special uses and the contributions of the forest to local economies. A number of concerns involve impacts to the Francis Marion from outside the forest's boundary. These concerns include climate change, sea-level rise, non-native invasive species, increasing development adjacent to the Francis Marion, increasing demands for use of the Francis Marion (e.g., salable minerals, private access), increasing demands for access to the forest, and increasing law enforcement problems due to trespass or unauthorized roads.

The following six themes emerged during a series of public meetings from October 2012 through September 2013. These themes are broad concepts relating to public preferences and forest management needs and will be used while revising the forest plan. Then, the planning team reviewed the information in their assessments and developed statements that describe specific needs for changing the existing forest plan. Next, a management emphasis statement for each theme was developed and the statements were linked with the theme it addressed. This process recommends a preliminary need to change the existing forest plan; however, it does not include every topic that will be addressed in the final forest plan.

Theme 1: Maintain, improve, or restore the unique landscapes and features on the Francis Marion National Forest. Having more than 260,000 acres of natural landscapes that are adjacent to the Atlantic Ocean and the major metropolitan area of Charleston, South Carolina, many of the natural features on the forest are unique in local and regional settings. These landscapes form important ecological and historical centerpieces for the surrounding area adjacent to the national forest. For example, the restored longleaf pine ecosystems on the national forest not only provide habitat for animals, such as the endangered red cockaded woodpecker but also provide outstanding scenery of open pine stands of trees with grasses and rare plants. Wetland drainage, stream and other hydrologic modifications have altered habitats and function. The restoration of aquatic ecosystems, watersheds, and riparian areas are included under this theme. Watersheds are lands *around* rivers, lakes and streams, and riparian areas are lands *along* rivers, lakes and streams.

Theme 2: Improve the quality of life and health for stakeholders. Stakeholders have said that interacting with the forest environment improves their quality of life, health and well-being. Stakeholders also cited important aspects of improving their livelihoods to include: Getting away from congestion and reducing stress; enjoying the benefits of silence; becoming healthier through exercising; learning about the natural environment; and sustaining income and other basic needs for living.

Theme 3: Respond to challenges. Stakeholders are keenly interested in how the forest plan would address the major challenges of today. Among those challenges are: How to maintain fire-adapted natural systems in the face of severe restrictions on the use of prescribed fire in areas adjacent to development; the invasion of non-native species, such as the degradation of ecosystems caused by feral hogs; and management challenges, such as reducing conflicts among recreation users, especially during a time of budget reductions. Additionally, responding to major disturbances such as sea level rise, hurricanes and storm evacuations, floods, and severe wildfire is important for the stability of local communities.

Theme 4: Share operational and planning resources among partners; keep ongoing collaborative efforts vibrant and develop new ones. Sharing resources with partners and integrating into other planning efforts were important to stakeholders. Especially during this time of expanding communication technology, stakeholders are interested in having a forest plan that considers stakeholder contributions that can ''make a bigger pie'' and make possible the idea of ''doing more with less.''

Theme 5: Develop a monitoring strategy that provides information for rapid responses to changing conditions. The framework for the 2012 planning regulations includes a rapid response system for dealing with risks and uncertainties. A broad scale and local level monitoring strategy is needed to respond to changing conditions. Stakeholders are interested in how the careful crafting of a broad scale monitoring program can provide information for local level adjustments on the national forest. Moreover, stakeholders would like to know how other government agencies' and non-governmental entities' information can be used to support a robust adaptive management system.

Theme 6: Integrate and coordinate resource management. Stakeholders and national forest managers want an integrated approach to managing the various natural resources and multiple uses of the national forest. The basic premise for this theme is how the desired conditions for landscapes and compatible multiple uses are packaged in discrete management areas that would derive to most benefit for the American public while protecting sensitive areas.

Proposed Action

The Proposed Action is to revise the forest plan to address the statements identified in the preliminary need to change the existing forest plan. Responding to challenges and opportunities, along with monitoring the implementation of the forest plan requires not only coordination across boundaries, but also a collaborative approach in the development of forest plan direction. Alternatives to the proposed action will be developed to address the significant issues that will be identified through scoping. The proposed action includes management approaches on the following resource topics:

• Ecosystem Diversity (terrestrial and aquatic ecosystems) Restoring and maintaining a variety of native ecosystems on suitable sites is the foundation of our planning efforts. We plan to accomplish this primarily through vegetation management programs that result in improved habitats for a variety of plants and animals (including threatened and endangered species and species of conservation concern) and increased resilience to potential effects from climate change. Our management approach focuses on restoring and maintaining composition, structure, function and connectivity for terrestrial and aquatic ecosystems. Current guidelines on managing these ecosystems require that we consider ecological integrity and diversity as follows:

1. What is needed to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition and connectivity.

2. What is needed to maintain or restore the diversity of ecosystems and habitat types including:

(a) Key characteristics associated with terrestrial and aquatic ecosystem types;

(b) Rare aquatic and terrestrial plant and animal communities; and

(c) Native tree species diversity, similar to that which exists in the plan area.

• Species Diversity (threatened, endangered and candidate species and species of conservation concern) Management strategies for sustaining species diversity emphasize ecological conditions that: Protect and promote improved habitat conditions for federally-listed species; and Support a diversity of native plant and animal species in the long term. Our overall approach for managing species diversity is achieved in cooperation with state, federal and private partners, and focuses on: Maintaining and restoring composition, structure, fire regimes and connectivity; Reducing non-native invasive species; Returning native ecological systems to appropriate sites; and Restoring historic fire regimes to the landscape.

• Physical Environment (watersheds and soil, water and air quality) We propose to develop desired conditions and objectives for maintaining, restoring and monitoring the soil, water and air resources on the Francis Marion. Our management options vary with the resource and our ability to manage. National forest lands on the Francis Marion encompass only a small percentage of the streams and associated drainage areas within the coastal plain of the state. In addition, much of the impacts to air and water resources are due to activities outside of the area that the Forest Service manages. Therefore, our strategy is to focus on sustaining and improving watershed areas within national forest control while working cooperatively with other agencies and landowners to improve statewide watershed health and water, soil and air quality.

• Healthy Forests (vegetation management, climate change, non-native invasive species, prescribed burning, lands and special uses) Our overall strategy for achieving healthy forests is to use a combination of vegetation management practices including prescribed burning to restore and maintain resilient native ecosystems. Desired conditions for the different ecological systems are the primary context for the health of forests on the Francis Marion. The emphases in this plan include:

• Maintaining and restoring fire adapted ecosystems and longleaf pine;

• Maintaining moderate stand densities in pine and pine-hardwood stands;

• Regenerating stands to either restore more desired species such as longleaf pine and/or to create young age forest stands for ecological sustainability; and

• Controlling non-native invasive plant species and insect and disease outbreaks.

• Infrastructure (roads, facilities, trails) Focusing on safety and maintenance of existing infrastructure (roads, trails and facilities) is the management strategy for the Francis Marion, which includes backlogged repairs and upgrades, improvements for environmental protection, disposal of facilities that are no longer needed and rehabilitation of user-created trails and roads. We anticipate limited infrastructure additions depending on funding availability.

• Recreation, Cultural Resources and Forest Setting (wilderness, wild and scenic rivers, hunting, fishing, roadless, scenery) Management strategies for providing outdoor recreation opportunities, protecting heritage sites and maintaining a natural forest setting require balancing the increasing demand for more uses with protecting and maintaining existing desirable conditions. The Francis Marion National Forest provides a diverse range of quality natural and recreation opportunities in partnership with people and communities. The forest's niche is showcasing the diverse ecosystems that abound on the coastal plain through dispersed recreation opportunities. The Forest Service has a significant public stewardship responsibility for cultural resources in our care. Through public service the Forest Service provides opportunities to enhance cultural resources in our care and to learn about the past.

• Economic Benefits The management strategies for the Francis Marion National Forest are to produce a steady flow of benefits which are essential to sustaining life and fulfilling basic human needs and desires. These benefits stem from a number of provisioning, regulating, cultural and supporting services produced by biophysical and ecological processes within the forest. Collectively known as ecosystem services, these environmental goods and services are complexly linked to the health and vitality of human and ecological communities. The forest's provision of ecosystem services promotes human health and well-being at local, regional, and global scales. Although the Francis Marion National Forest will not be managed for predetermined levels of ecosystem services, the revised Forest plan will be developed to sustain and promote the production of previously identified ecosystem services. The Francis Marion National Forest will strive to foster inclusion and strengthen the connection between people and the National Forest in its planning process. The forest will actively engage and collaborate with neighboring communities, partners, other agencies, and representatives from Native American and Gullah/Geechee Nations to develop a collective vision for the National Forest in the future.

The need to change themes and proposed actions represent efforts to integrate and balance many of the concerns that have been identified to date and accomplish the following:

• Serve as a starting point for framing future discussions in proceeding with the Francis Marion plan revision; and

• Lend to discussions that would identify additional issues and need to change statements, different alternatives, different land allocations, changes in objectives, changes in suitable uses and different levels of analysis needed

A more fully developed description of the proposed action is available for review on the plan revision Web site at *http://www.fs.usda.gov/goto/scnfs/fmplan.*

E. Public Involvement

Two public meetings held in October and November 2012 were focused on identifying public concerns, special areas and key contacts. Two public meetings, focusing on sustainable recreation and ecological sustainability, were held in February 2013 and August 2013. These public meetings were held to solicit comments, opinions, data and ideas from members of the public as well as representatives of other governmental and non-governmental organizations. A combined total of more than 130 participants attended the meetings.

Comments received from the public meetings and from an online commenting tool, along with information obtained from the assessment, were used to develop the preliminary need to change statements. A draft assessment was released to the public in December 2013. Comments that have already been received and any other comments relating to the assessment that may be received following the publication of this notice will be considered in completing the assessment and in describing the Affected Environment section of the EIS. We expect to post the completed assessment report on our Web site (*http://www.fs.usda.gov/goto/scnfs/fmplan*) within four months after the scoping period closes.

F. Issues and Preliminary Alternatives

Information gathered during this scoping period, as well as other information, will be used to prepare the draft EIS. At this time, the Francis Marion is seeking input on the proposed action. From these comments, the Forest Service will identify issues that will serve as a focus for developing a draft forest plan and alternatives to be analyzed in the EIS.

G. Scoping Process

Written comments received in response to this notice will be:

• Analyzed to complete the identification of the need to change the existing plan;

• Used to further develop the proposed action; and

• Used to identify potential significant issues

Significant issues will, in turn, form the basis for developing alternatives to the proposed action. Comments on the preliminary need to change and proposed action will be most valuable if received by June 16, 2014 and should clearly articulate the reviewer's opinions and concerns. Comments received in response to this notice, including the names and addresses of those who comment, will be part of the public record. Comments submitted anonymously will be accepted and considered; however, see Section I concerning the objection process and the requirements for filing an objection. Refer to the Francis Marion and Sumter National Forests' Web site at *http://www.fs.usda.gov/goto/scnfs/fmplan* for information on when public meetings will be scheduled for refining the proposed action and identifying possible alternatives to the proposed action.

H. Applicable Planning Rule

Preparation of the revised forest plan for the Francis Marion began with the publication of a Notice of Initiation in the **Federal Register** on September 30, 2013 [78 FR 61329] and was initiated under the planning procedures contained in the 2012 Forest Service planning rule (36 CFR 219 (2012)).

I. Decision Will Be Subject to Objection

The decision to approve the Revised Land Management Plan for the Francis Marion National Forest will be subject to the objection process identified in 36 CFR 219 Subpart B (219.50 to 219.62). According to 36 CFR 219.53(a), those who may file an objection are individuals and entities who have submitted substantive formal comments related to a plan revision during the opportunities provided for public comment during the planning process.

J. Permits or Licenses Required To Implement the Proposed Action

No permits or licenses are needed for the development of a Land and Resource Management Plan.

K. Documents Available for Review

The complete preliminary need for change document, the assessment report including specialist reports, summaries of the public meetings and public meeting materials, and the Francis Marion's proposed action are posted on the Francis Marion and Sumter National Forests' Web site at: *http://www.fs.usda.gov/goto/scnfs/fmplan.* As necessary or appropriate, the material available on this site will be further adjusted as part of the planning process using the provisions of the Forest Service 2012 planning rule.

(Authority: 16 U.S.C. 1600–1614; 36 CFR 219 [77 FR 21260–21273]).

Dated: April 24, 2014.

John Richard Lint,

Forest Supervisor, Francis Marion and Sumter National Forests.

[FR Doc. 2014–09823 Filed 4–29–14; 8:45 am]

BILLING CODE 3410–ES–P

DEPARTMENT OF AGRICULTURE

Forest Service

Environmental Impact Statement for the Power Fire, Eldorado National Forest

AGENCY: Forest Service, USDA.

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

SUMMARY: The Eldorado National Forest will prepare an environmental impact statement (EIS) to reforest portions of the Power Fire as well as manage existing plantations within the Power Fire. The EIS will analyze planting of small trees, mechanical and chemical site preparation for planting, mechanical and chemical removal of competing vegetation, control of invasive plant species, and oak stand improvement.

DATES: Comments concerning the scope of the analysis must be received by June 6, 2014, 30 days from date of publication in the **Federal Register**. The draft environmental impact statement is expected in July 2014 and the final environmental impact statement is expected in November 2014.

ADDRESSES: Send written comments to 100 Forth Road, Placerville, CA 95667. Comments may also be sent via email to *comments-pacificsouthwest-eldorado@fs.fed.us,* or via facsimile to 530–621–5297.

FOR FURTHER INFORMATION CONTACT: Bob Carroll, 4260 Eight Mile Road, Camino, CA 95709, 530–647–5386.

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 of this project is to move the project area more quickly toward desired future conditions for the land allocations within the fire area, as defined by the Sierra Nevada Forest Plan Amendment (SNFP). The desired conditions for land allocations of old forest emphasis, wildland urban interface (defense and threat zones), protected activity centers (PAC) for spotted owls, and spotted owl home range core areas (HRCA) include:

Old Forest Emphasis: Tree sizes range from seedlings to very large diameter trees. Species composition varies by elevation, site productivity, and related environmental factors. Multi-tiered canopies, particularly in older forests, provide vertical heterogeneity. Dead trees, both standing and fallen, meet habitat needs of old-forest-associated species.

Defense Zone: Stands are fairly open and dominated primarily by larger, fire tolerant trees. Surface and ladder fuel conditions are such that crown fire ignition is highly unlikely. The openness and discontinuity of crown fuels, both horizontally and vertically, result in very low probability of sustained crown fire.

Threat Zone: Flame lengths less than four feet at the head of a fire, reductions in rate of spread and hazards to firefighters, and a doubling of fire line construction rates.

PAC: At least two tree canopy layers are present. Dominant and co-dominant trees average at least 24 inches dbh. Area within PAC has at least 60 to 70 percent canopy cover. Some very large snags are present (greater than 45 inches dbh). Levels of snags and down woody material are higher than average.

HRCA: Within home ranges, HRCAs consist of large habitat blocks having at least two tree canopy layers, at least 24 inches dbh in dominant and co-dominant trees, a number of very large (>45 inches dbh) old trees, at least 50–70% canopy cover, and higher than average levels of snags and down woody material.

There is a need to reestablish a forested landscape that is fire resilient.

One of the primary objectives of the Power Fire Reforestation Project is to move the project area from its existing condition, which is primarily early-seral conditions, toward the desired future conditions described above.

Historically, forests were resilient because they burned on a frequent basis (every 0–35 years) and were of low severity. Frequent burning in these forests regularly consumed fuels, killed small trees, and pruned the boles of residual trees, maintained a relatively fire-resistant landscape (Agee 2002).

To move the project area towards a frequent fire regime of a fire resilient forest requires the survival and growth of individual trees and forested stands for many years without the occurrence of stand replacing fires. Currently, trees are at high risk of fire-related mortality due to their small size. Competing vegetation also greatly affects tree growth rates. Control of competing vegetation would increase conifer growth rates. Increased growth would accelerate the development of key habitat and old forest characteristics and reduce the risk of loss to wildland fire (SNFP ROD, page 49).

Tree mortality is also affected by both the intensity and size of wildfires that occur in the project area. Treatments that reduce fire intensity and rate of spread would reduce tree mortality in wildland fire conditions. Increased fire line production rates would limit the size of wildland fires in the area, further reducing tree mortality and allow trees to continue to accelerate their development of old forest conditions.

There is a distinct difference between the desired conditions for forested landscapes and the existing condition of vegetation within the project area. Based on this difference, there is a need to reestablish a forested landscape that is fire resilient.

There is a need to reestablish this forested landscape effectively and efficiently.

Logged units and pre-fire plantations have mostly been replanted and had brush and grass removed by hand at least once. Surveys show that some of these plantations have failed because the brush and grasses consumed the limited water and nutrients and the seedlings died. Tree survival and growth in the remainder of the plantations are at continued risk of mortality due to high levels of competing vegetation. Some logged areas have not been replanted due to rapid post-fire return of highly competitive vegetation. Competing vegetation could persist for the long term, negatively affecting both planted and natural seedling survival, inhibiting tree growth, and delaying the achievement of the desired conditions.

Currently the establishment of grasses, shrubs, and other vegetation, while variable, is approaching 100 percent cover over the project area. Establishment of greater than 30 percent cover of vegetation presents a potential lethal environment to the establishment of conifer seedlings. Currently 20 percent of the planted areas have failed. Examination of the planted areas in the project area indicates survival and growth are threatened by competing vegetation. Management of competing vegetation is essential to assure continued survival and growth of the remaining conifers seedlings and to allow planting in units currently understocked to meet desired future conditions for all of the land allocations.

There is a need to restore wildlife habitats and provide for the native plant and animal species associated with these ecosystems.

Nearly 50 percent of the Power Fire burned at high intensity, killing 75 to 100 percent of the trees. Another 13 percent burned at moderate intensity, killing 25 to 75 percent of the trees. In the high and moderate intensity areas the fire resulted in loss of old forest habitat for sensitive species. Some dead trees standing today may contribute to the decaying, fallen log component of future old forest and spotted owl habitat. Decomposing logs contribute to the structural complexity of old forests, provide habitat for old forest dependent wildlife species and their prey, and contribute to soil productivity.

A portion of the high and moderate intensity burned area (about 2,500 acres, 18 percent of the National Forest System lands within the fire area) has been planted with seedlings. Surveys show that over 20 percent of these plantations have failed. Competition with brush and grasses for the limited soil moisture during the dry summer months caused mortality and insufficient growth in the conifer seedlings. Tree survival and growth in the remainder of the plantations are at continued risk of mortality due to high levels of competing vegetation.

Desired conditions that apply to old forest emphasis areas include dead trees, both standing and fallen, that meet habitat needs of old-forest-associated species. In HRCAs and PACs desired conditions include some very large snags, and higher than average levels of snags and down woody material. Over the long term, desired conditions in PACs and HRCAs include areas of suitable habitat with large trees, and multi-layered, dense canopy cover. Long term desired conditions for old forest emphasis include high levels of structural diversity over large areas comprised of roughly even-aged vegetation groups, varying in size, species composition, and structure. Where possible, areas treated for fuels also provide for the successful establishment of early seral stage vegetation (SNFP ROD pg. 41).

There is a dramatic difference between the desired conditions and the existing condition of the project area.

There is a need to restore/reestablish wildlife habitats and provide for species associated with these ecosystems.

There is a need to control or eliminate invasive species in the project area to reduce the potential for spread of invasive species to other areas in the forest.

The project area had documented invasive species infestations prior to the fire. They included yellow starthistle, French broom, skeletonweed, ripgut brome, cheatgrass, medusahead, Klamathweed, bull thistle, woolly mullein, and Himalayan blackberry. After the fire and salvage logging invasive species infestations have increased.

Goals (desired conditions) for noxious weed management are to manage weeds using an integrated weed management approach according to the priority set forth in FSM 2902: Priority 1—prevent the introduction of new invaders; Priority 2—conduct early treatment of new infestations; Priority 3—contain and control established infestations; and Priority 4—proactively manage aquatic and terrestrial areas of the National Forest to increase the ability of those areas to be self-sustaining and resistant to the establishment of invasive species (SNFP ROD, pg. 36 and FSM 2900). There is a need to control or eliminate invasive species in the project area to move the project area in a trajectory toward the desired condition.

Proposed Action

Hand planting and inter-planting would occur on approximately 1,580 acres. Inter-planting would occur on 500 acres within the 2,500 acres previously planted. Approximately 1,080 acres would be planted by hand using one of three tree planting arrangements. Additional acres would be inter-planted if monitoring shows desired stocking levels have not been met on any of the plantations.

Planting Arrangement A, designed to accelerate the development of old forest conditions without establishing dense, homogenous stands that are at greatest risk to loss in future fires, would plant trees in groups at a wide spacing. The prescription is also designed to allow for development of structural diversity and the inclusion of small openings and shrub habitats over the next several decades as planted areas grow into mature stands. This arrangement is intended to provide for an interspersion of habitats used by wildlife associated with early forest conditions and for development of heterogeneity in mature forest stands.

The following guidelines for planting would apply on 1,400 acres in areas outside of California spotted owl Protected Activity Centers, sensitive plant occurrences and potential habitat areas, deer critical winter range and riparian areas. Plant approximately 200 to 400 trees per acre by hand. Trees would be planted in groups of 2 to 4 trees with approximately 21 feet apart from the center of the clusters. Planting would be reduced on unproductive ridge tops.

Planting Arrangement B is designed to establish habitat suitable for California spotted owl nesting. Accelerating the development of dense, old forest conditions is the primary objective in these areas. Conifers would be planted at denser spacing to ensure sufficient survival for establishing dense canopied, old forest habitat in a relatively rapid timeframe.

The following guidelines for planting would apply in the approximately 125 acres that are within currently unsuitable habitat occurring in California spotted owl PACs. Plant approximately 300 to 350 trees per acre by hand. Trees would be planted individually at a spacing of approximately 10 to 15 feet.

Planting Arrangement C is designed to accelerate development of more open forest conditions and provide shrub and oak habitats important for wildlife associated with early forest habitats. The Power Fire occurred within a State Game Refuge that includes critical deer winter range for the Salt Springs Deer Herd. This planting arrangement is intended to maintain high quality foraging within this area.

The following guidelines for planting would apply on 60 acres of critical deer winter range and a portion of the winter range and areas that are within sensitive plant occurrences and potential habitat. Plant 100 to 150 trees per acre in identified sensitive plant potential habitat areas and deer critical winter and winter range areas. Individual trees would be planted on 17 to 20 foot wide spacing.

Within all planting arrangements a mixture of conifer species (ponderosa pine, Jeffrey pine, sugar pine, Douglas fir, incense cedar, white fir, and red fir) would be planted depending on elevation and seedling availability. Planted seedlings would be grown from seed produced from Region 5 seed orchards or seed of local origin (collected within the same seed zone and 500 foot elevation band as the planting site). Seedlings grown from these sources would exhibit higher levels of genetic variability and broader adaptability. When unavailable, seed would be transferred in compliance with seed transfer rules based on California Tree Seed Zones (1971, J. Buck, et al) and in reference to R–5 Forest Service Handbook 2409.26, Section 42.2.

Inter-planting would be implemented where seedling mortality threatens plantation failure (less than 60 percent stocking at 100 trees per acre within planting Arrangements A and C or 60 percent stocking at 200 trees per acre within planting Arrangement B). Opportunities to provide patches of early seral vegetation less than one acre in size by limiting inter-planting on some sites with high seedling mortality would be evaluated.

Site preparation (mechanical and chemical) is proposed on approximately 1,080 acres. Mechanical methods include mastication and tractor piling and burning on approximately 610 acres. Chemical site preparation would involve ground application of glyphosate or aminopyralid/glyphosate on approximately 470 acres prior to planting. Prior to chemical application, brush may be cut on portions of units for access.

Chemical application would be restricted to ground-based methods. Colorants would be added to the herbicide mixtures to provide visibility for applicators to track coverage. Adjuvants would be added to herbicide mixtures to improve herbicide effectiveness. Herbicides proposed for use include glyphosate (Rodeo or equivalent), aminopyralid, clopyralid, and triclopyr (Garlon 4 or equivalent). Additives proposed for use include surfactants (methylated seed oil, NPE-based, or a silicone/MSO blend) and a colorant or dye.

Release of conifer seedlings from competing vegetation would involve targeted area ground application of herbicide on approximately 3,025 acres. Prior to herbicide application, brush may be cut on portions of units for access. Follow-up herbicide applications would occur if monitoring results show competing vegetation (grasses and/or brush) is projected to exceed 40 percent ground cover of the plantation within 3 to 5 years of planting. The follow-up applications would include the following methods by vegetation type:

Completing vegetation type	Herbicide application method
Bearclover, grass	Targeted area ground application.
Whitethorn, manzanita ground	First follow-up would be radial ground application.
Deerbrush area	First follow-up would be targeted ground application and additional follow-up would be radial ground application.

Herbicide applications would be excluded near streams and special aquatic features as described below:

Aquatic feature type	Herbicide formulation	Distance (feet)
Perennial Streams and Special Aquatic	Aminopyralid, triclopyr, clopyralid	100.
Features	Glyphosate	50.
Intermittent Streams	Aminopyralid, triclopyr, clopyralid	100 if wet, 50 if dry.
	Glyphosate	50 if wet, 25 if dry.
Ephemeral Streams	Aminopyralid, triclopyr, clopyralid	50 if wet, 25 if dry.
	Glyphosate	25 if wet, 10 if dry.

Hand grubbing or cutting would be used to release conifer seedlings within exclusion zones and within approximately 500 acres of critical habitat for Sierra Nevada yellow legged frog.

Control of invasive plant species would follow integrated pest management principles including manual, mechanical, and chemical control methods. Chemical control methods may include directed foliar and radius application using clopyralid, aminopyralid, or glyphosate.

Oaks stand improvement would include oak pruning/thinning or fencing as needed to improve oak regeneration and growth within approximately 900 acres of deer winter range and critical winter range. Small conifer trees would be removed within 20 feet of existing oaks within the deer winter and critical winter ranges. Fencing would be used to protect individual oaks from deer and cattle browsing with small cages 2–4 feet in diameter or by fencing areas ¼ acre to 2 acres in size.

Responsible Official

The Responsible Official is Laurence Crabtree, Forest Supervisor of the Eldorado National Forest.

Nature of Decision To Be Made

The Responsible Official may decide to implement the proposed action, take no action, or implement an alternative action.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. An open house will be held at the Amador District Office, 26820 Silver Drive, Pioneer, CA 95666, on Monday May 15, 2014 from 4:00 p.m. to 7:00 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 be accepted and considered, however.

Dated: April 23, 2014.

Laurence Crabtree,

Forest Supervisor, Eldorado National Forest.

[FR Doc. 2014–09698 Filed 4–29–14; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette National Forest, McKenzie River Ranger District; Oregon; Goose Project

AGENCY: Forest Service, USDA.

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

SUMMARY: We propose to commercially harvest approximately 2,134 acres, reduce hazardous fuels through non-commercial thinning on ~588 acres, and implement understory prescribe fire on ~80 to ~679 acres within the McKenzie Bridge Wildland-Urban Interface. Commercial harvest treatments would be comprised of variable density thinning on ~2,085 acres (that includes gap creations and no-cut leave areas) and regeneration harvest on ~49 acres (through a two-aged system that would allow for the regeneration of younger trees underneath residual trees left from the original canopy). The proposed action would also include maintenance of approximately 43 miles of road and creation of approximately 8 miles of temporary roads. The project area surrounds the community of McKenzie Bridge and is intermixed with private and national forest lands. The proposed project would manage stands to improve stand conditions: Diversity, density, and structure; reduce hazardous fuel levels in the McKenzie Bridge Wildland-Urban Interface; and provide for a sustainable supply of timber products from within the project area.

DATES: Comments concerning the scope of the analysis must be received by May 30, 2014. The draft environmental impact statement is expected September 2014, and the final environmental impact statement is expected November 2014.

ADDRESSES: Send written comments to 57600 McKenzie HWY, McKenzie Bridge, OR 97413. Comments may also be sent via email to *comments-pacific northwest-willamette-mckenzieriver@fsfed.us,* or via facsimile to 541–822–7254. District open-house public meetings will be held at the McKenzie River district office (57600 McKenzie Hwy, McKenzie Bridge, OR 97413) on April 24, 2014 and May 1, 2014 from 1 p.m.–7 p.m. Goose open-house meetings will be held on May 2, 2014 at McKenzie Bridge, OR and May 9, 2014 at Leaburg, OR both from 5:30 p.m. to 7:30 p.m. at locations to be determined (please contact our office at 541–822–3381 for updated information). These meetings provide additional

opportunity for you to submit any scoping comments you may have.

FOR FURTHER INFORMATION CONTACT: James Rudisill *atjamesrudisill@fs.fed.us* or at 541–822–7203. 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:

Background

On March 21, 2013, Judge Ann Aiken, United States District Judge, provided an Opinion and Order on Case No. 6:12–cv–00804–AA (Cascadia Wildlands and Oregon Wild, plaintiffs, v. United States Forest Service, defendant). The case involved a challenge to the authorization of the Goose Project (#29829) that had previously been decided on by the Forest Service on 09/13/2010 through the documentation of an Environmental Assessment and a corresponding Decision Notice and Finding of No Significant Impact. The Court found all but one of the plaintiffs' arguments without merit. The Court found that the Forest Service provided a reasonably thorough analysis, adequately supported by materials in the administrative record, of the effects and consequences of the project on potential wilderness, the northern spotted owl, and riparian reserves. Although the Court found that the Forest Service disclosed such effects properly, this does not mean that it necessarily renders them insignificant.

The Court stressed the importance that a significant effect need not actually occur to require the preparation of an Environmetal Impact Statement under the National Environmental Policy Act. The court stated that if there exists a substantial question as to whether a project may have a significant effect on the environment, then it is sufficient to trigger the preparation of an Environmetal Impact Statement. In this context, it was the court's opinion that the environmental effects on potential wilderness, riparian reserves, and the northern spotted owl, although properly disclosed in the analysis of the Goose Project, still raised enough question as to whether they could be considered significant. As a result, the Court enjoined the Forest Service from moving forward with the Goose Project until an Environmental Impact Statement is prepared. Prior to the decision being litigated three timber sales contracts were awarded and are currently outstanding. These timber sale contracts are Ten Reoffer (contract #002679, awarded to Seneca Sawmill), Golden (contract #002703, awarded to Seneca Sawmill), and Pegasus (contract #002638, awarded to Freres Lumber). The Forest Service is preparing an Environmental Impact Statement for the Goose Project in response to the Court's Order and Opinion.

Purpose and Need for Action

The purpose of this project is to manage stands to improve stand conditions: Diversity, density, and structure; reduce hazardous fuel levels in the McKenzie Bridge Wildland-Urban Interface; and provide for a sustainable supply of timber products from within the Goose Project area, which covers a total of 13,181 acres of federal forested lands.

A reduction in fires on the landscape over the past century, coupled with in-growth of existing openings, has resulted in a deficient amount of young, regenerating early seral habitat on federal lands here. The project area contains four elk emphasis areas, three of which do not currently meet the Willamette Land and Resource Management Plan Standards and Guidelines for elk forage values. There is a need to enhance, create, and/or maintain regenerating early seral habitat in the project area to support wildlife species that depend on it.

Riparian Reserves within the selected treatment units generally consist of dense and overstocked stands. Thinning is proposed in order to provide accelerated development of late successional connectivity, large diameter trees as large wood sources in streams and Riparian Reserves, and complex habitat structures representative of those that would result from natural disturbance patterns.

Fire suppression has also resulted in increased fuel loading consisting of surface fuels, ladder fuels, and dense overstory canopies that increase potential impacts and risks to people, structures, and resources within and around the McKenzie Bridge Wildland-Urban Interface. There is a need to treat hazardous fuels to reduce potential wildfire impacts and risk to private homes and other structures. This proposal is in alignment with the recommendations of the 2005 Lane County Community Wildfire Protection Plan and work the Oregon Department of Forestry has started to create defensible space around private residences in the McKenzie Bridge Wildland-Urban Interface.

Forest stands selected for treatment are overstocked, from a tree health perspective, which decreases individual tree growth and increases tree and stand stress. This leads to an increase in a stand's susceptibility to successful insect and disease attack as well as competition-related mortality. The project would address this through tree thinning that removes some trees and leaves primarily the largest and healthiest trees, which then have a greater amount of resources available. As a result stand vigor would increase, and released trees would develop into larger trees more quickly. Tree species, age, and structure diversity would be maintained or enhanced.

One of the management goals of the Willamette National Forest Land and Resource Management Plan (Willamette Forest Plan) is to provide a sustained yield of timber for commercial products (p, IV–5). The 1994 Record of Decision and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan) amends the Willamette Forest Plan and also recognizes ''the need for a sustainable supply of timber . . . on a predictable and long-term basis'' (p. 26). All of the proposed activity units are within the Adaptive Management Area and Matrix land management allocations that are identified as the areas where most of the scheduled timber harvest will occur (p C–39). The management of selected stands provides forest products in a manner that meets direction provided in the Willamette Forest Plan as amended by the Northwest Forest Plan.

Proposed Action

We propose to commercially harvest approximately 2,134 acres, reduce hazardous fuels through non-commercial thinning on ~588 acres, and implement understory prescribe fire on ~80 to ~679 acres within the McKenzie Bridge Wildland-Urban Interface. Commercial harvest treatments would be comprised of variable density thinning on ~2,085 acres (that includes gap creations and no-cut leave areas) and regeneration harvest on ~49 acres. Reforestation would be implemented in regeneration units. Some variable thinning would include dominant tree release (including sugar pine release) and some would include a greater emphasis on creating early seral wildlife gaps. Harvest operations would be implemented by helicopter (451 acres), skyline (640 acres), and ground based (1,009 acres) logging systems. Fuel reductions would be implemented by hand and mechanical methods of ramoval and/or piling fuels that would then be burned on site through pile burning or understory prescribed fire.

The proposed action would also include maintenance of approximately 43 miles of road and creation of approximately 8 miles of temporary roads.

Responsible Official, McKenzie River District Ranger

Nature of Decision To Be Made

Given the purpose and need, the scope of the decision to be made by the responsible official will be as follows:

- Do the proposed actions comply with all applicable laws governing Forest Service actions?
- Do the proposed actions comply with the applicable Standards and Guidelines found in the Willamette Land and Resource Management Plan (LRMP)?
  - If not, will the action amend the LRMP?
- Does the Environmental Impact Statement have sufficient site-specific environmental analysis to make an informed decision?
- Do the proposed actions meet the purpose and need for action?

With these assurances the responsible official must decide:

- Whether or not to select the proposed action or one of any other potential alternatives that may be developed, and what, if any, additional actions should be required.
- Do any of the reasonably selectable alternatives, based on the criteria stated above, best meet the outstanding contractural obligations of the Forest Service on timber sales sold under the original Goose decision? And if so, is this an effective way to meet the intent of the project while meeting these obligations?

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. District open-house public meetings will be held for your convenience at the McKenzie River district office (57600 McKenzie Hwy, McKenzie Bridge, OR 97413) on April 24, 2014 and May 1, 2014 from 1 p.m.–7 p.m. Goose open-house meetings will be held on May 2, 2014 at McKenzie Bridge, OR and May 9, 2014 at Leaburg, OR from 5:30 p.m. to 7:30 p.m. at locations to be determined (please contact our office at 541–822–3381 for updated information). All of these meetings provide an opportunity to gain more information regarding this proposed project and also provide an opportunity for you to submit any scoping comments you may have. We are interested in your comments on the following questions:

- Are there alternative ways to meet the purpose of the project other than the proposed action we offer, which you would like the Forest Service to consider and analyze?
- Is there any information about the project area, which you believe is important in the context of the proposed activities that you would like the Forest Service to consider?
- What specifically are the potential effects of this proposal that you are particularly concerned about? For example, rather than simply stating that you would like a change in a proposed activity or that you would not like an activity to take place, it is most helpful to understand why you desire this. What are your underlying concerns with an activity or action; what are the effects from the activity that concern you?

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

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Dated: April 18, 2014.

Terry Baker,

District Ranger.

[FR Doc. 2014–09700 Filed 4–29–14; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Cooperative Development Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: USDA announces the availability of grants through the Rural Cooperative Development Grant (RCDG) Program for Fiscal Year 2014. Pursuant to The Consolidated Appropriations Act of 2014 (H.R. 3547) approximately $5.8 million is available. We are requesting proposals from applicants interested in improving the economic condition of rural areas through cooperative development. Eligible applicants include a non-profit corporation or an institution of higher education. Applications are limited to one per applicant for a maximum of $200,000, and matching funds are required. The grant period is limited to a one-year timeframe.

DATES: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 30, 2014, to be eligible for FY 2014 grant funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for FY 2014 grant funding.

Electronic copies must be received by *http://www.grants.gov* no later than midnight eastern time June 24, 2014 to be eligible for FY 2014 grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline.

If you do not meet the deadline for submitting an electronic application, you may hand carry or submit a paper application by the deadline as discussed above. Late applications will not be eligible for FY 2014 grant funding.

ADDRESSES: You should contact a USDA Rural Development State Office (State Office) if you have questions. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Program guidance as well as application and matching funds templates may be obtained at *http://www.rurdev.usda.gov/bcp_rcdg.html.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC please contact the Office of the Deputy Administrator, Cooperative Programs, Rural Business-Cooperative Service, at (202) 720–7558 for guidance on where to submit your application. Contact information for State Offices can be found at *http://www.rurdev.usda.gov/StateOfficeAddresses.html.*

FOR FURTHER INFORMATION CONTACT: Office of the Deputy Administrator, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW., Mail Stop

Mail Stop-3250, Room 4016-South, Washington, DC 20250–3250, (202) 720–7558.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Cooperative Development Grants.

Announcement Type: Initial funding request.

Catalog of Federal Domestic Assistance Number: 10.771.

Date: Application Deadline.

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 30, 2014, to be eligible for FY 2014 grant funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for FY 2014 grant funding.

Electronic copies must be received by *http://www.grants.gov* no later than midnight eastern time June 24, 2014, to be eligible for FY 2014 grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline.

I. Funding Opportunity Description

The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1932(e)) as amended by The Agricultural Act of 2014 (Pub. L. 113–79). You should become familiar with the regulations for this program published at 7 CFR part 4284, subparts A and F, which are incorporated by reference in this Notice. The primary objective of the RCDG program is to improve the economic condition of rural areas through cooperative development. Grants are awarded on a competitive basis. The maximum award amount per grant is $200,000. Grants are available for non-profit corporations or higher education institutions only. Grant funds may be used to pay for up to 75 percent of the cost of establishing and operating centers for rural cooperative development. Grant funds may be used to pay for 95 percent of the cost of establishing and operating centers for rural cooperative development, when the applicant is a 1994 Institution as defined by 7 U.S.C. 301. The 1994 Institutions are commonly known as Tribal Land Grant Institutions. Centers may have the expertise on staff or they can contract out for the expertise, to assist individuals or entities in the startup, expansion or operational improvement of rural businesses, especially cooperative or mutually-owned businesses. Rural Development is encouraging applications for projects that will support rural areas where according to the American Community Survey data by census tracts show at least 20 percent of the population is living in poverty. This emphasis will support Rural Development's goal of providing 20 percent of its funding by 2016 to these areas of need.

Definitions

The terms you need to understand are defined and published at 7 CFR 4284.3 and 7 CFR 4284.504. In addition, the terms ''rural'' and ''rural area,'' defined at section 343(a)(13) of the CONACT (7 U.S.C. 1991(a)), are incorporated by reference, and will be used for this program instead of those terms currently published at 7 CFR 4284.3. The term ''you'' referenced throughout this Notice should be understood to mean ''you'' the applicant. Finally, there has been some confusion on the Agency's meaning of the terms ''conflict of interest,'' and ''mutually-owned business,'' because they are not defined in the CONACT or in the regulations used for the program. Therefore, the terms are clarified and should be understood as follows.

Conflict of interest— A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Regarding use of both grant and matching funds, Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. An example of conflict of interest occurs when the grantee's employees, board of directors, or the immediate family of either, have the appearance of a professional or personal financial interest in the recipients receiving the benefits or services of the grant.

Mutually-owned business—An organization owned and governed by members who either are its consumers, producers, employees, or suppliers.

II. Award Information

Type of Award: Competitive Grant.

Fiscal Year Funds: FY 2014.

Total Funding: Approximately $5.8 million.

Maximum Award: $200,000.

Anticipated Award Date: September 30, 2014.

III. Eligibility Information

A. Eligible Applicants

You must be a nonprofit corporation or an institution of higher education to apply for this program. Public bodies and individuals cannot apply for this program. See 7 CFR 4284.507.

An applicant must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register in the System for Awards Management (SAM, formally managed by the Central Contractor Registry (CCR)) prior to submitting an application. See 2 CFR 25.200(b). An applicant must provide their DUNS number in the application. In addition, an applicant must maintain its registration in SAM during the time its application is active. Finally, an applicant must have the necessary processes and systems in place to comply with the reporting requirements in 2 CFR 170.200(b), as long as it is not exempted from reporting. Exemptions are identified at 2 CFR 170.110(b).

B. Cost Sharing or Matching

Your matching funds requirement is 25 percent of the total project cost (5 percent for 1994 Institutions). See 7 CFR 4284.508. When you calculate your matching funds requirement, please round up or down to whole dollars as appropriate. An example of how to calculate your matching funds is as follows:

1. Take the amount of grant funds you are requesting and divide it by .75. This will give you your total project cost.

Example: $200,000 (grant amount)/.75 (percentage for use of grant funds) = $266,667 (total project cost)

2. Subtract the amount of grant funds you are requesting from your total project cost. This will give you your matching funds requirement.

Example: $266,667 (total project cost) − $200,000 (grant amount) = $66,667 (matching funds requirement)

3. A quick way to double check that you have the correct amount of matching funds is to take your total project cost and multiply it by .25.

Example: $266,667 (total project cost) × .25 (maximum percentage of matching funds requirement) = $66,667 (matching funds requirement)

You must verify that all matching funds are available during the grant period and provide this documentation with your application. If you are awarded a grant, additional verification documentation may be required to confirm the availability of matching funds.

Other rules for matching funds that you must follow are listed below.

- They must be spent on eligible expenses during the grant period.
- They must be from eligible sources.
- They must be spent in advance or as a pro-rata portion of grant funds being spent.
- They must be provided by either the applicant or a third party in the form of cash or an in-kind contribution.
- They cannot include board/advisory council members' time.
- They cannot include other Federal grants unless provided by authorizing legislation.
- They cannot include cash or in-kind contributions donated outside the grant period.
- They cannot include over-valued, in-kind contributions.
- They cannot include any project costs that are ineligible under the RCDG program.
- They cannot include any project costs that are unallowable under the applicable grant cost principles, including 2 CFR part 220 (educational institutions) and 2 CFR part 230 (nonprofits) and the Federal Acquisition Regulation (for-profits) or successor regulation.
- They can include loan funds from a Federal source.
- They can include travel and incidentals for board/advisory council members if you have established written policies explaining how these costs are normally reimbursed, including rates. You must include an explanation of this policy in your application or the contributions will not be considered as eligible matching funds.
- You must be able to document and verify the number of hours worked and the value associated with any in-kind contribution being used to meet a matching funds requirement.
- In-kind contributions provided by individuals, businesses, or cooperatives which are being assisted by you cannot be provided for the direct benefit of their own projects as USDA Rural Development considers this to be a conflict of interest or the appearance of a conflict of interest.

C. Other Eligibility Requirements

Your application will not be considered for funding if it does not propose the establishment or continuation of a cooperative development center concept. You must use project funds, including grant and matching funds for eligible purposes only (see 7 CFR 4284.508). In addition, project funds may be used for programs providing for the coordination of services and sharing of information among the centers (see 7 U.S.C 1932(e)(4)(C)(vi)). All project activities must be for the benefit of a rural area. Only one application can be submitted per applicant. If two applications are submitted (regardless of the applicant name) that include the same Executive Director and/or advisory boards or committees of an existing center, both applications will be determined not eligible for FY 2014 funding.

Project funds, including grant and matching funds, cannot be used for ineligible grant purposes (see 7 CFR 4284.10). Also, you shall not use project funds for the following:

1. To purchase, rent, or install laboratory equipment or processing machinery;
2. To pay for the operating costs of any entity receiving assistance from the Center;
3. To pay costs of the project where a conflict of interest exists;
4. To fund any activities prohibited by 7 CFR part 3015 or 3019; or
5. To fund any activities considered unallowable by the applicable grant cost principles, including 2 CFR part 220 (educational institutions) and 2 CFR part 230 (nonprofits) and the Federal Acquisition Regulation (for-profits) or successor regulations.

In addition, your application will not be considered for funding if it does any of the following:

- Focuses assistance on only one cooperative or mutually-owned business;
- Requests more than the maximum grant amount; or
- Proposes ineligible costs that equal more than 10 percent of total project costs. The ineligible costs will not be removed at this stage to proceed with application processing. For purposes of this determination, the grant amount requested plus the matching funds amount constitutes the total project costs.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total project costs, as long as the remaining costs are determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs, before the Agency will make the grant award, or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

D. Grant Period

Your application must include a one-year grant period or it will not be considered for funding. The grant period should begin no earlier than October 1, 2014, and no later than January 1, 2015. Prior approval is needed from the Agency if you are awarded a grant and desire the grant period to begin earlier or later than previously discussed. Projects must be completed within a one-year timeframe. The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. Further guidance on grant period extensions will be provided in the award document.

If you have an existing RCDG award, you must discuss the status of your existing RCDG award at application time under the Eligibility Discussion. You must be performing satisfactorily to be considered eligible for a new award. Satisfactory performance includes being up-to-date on all financial and performance reports and being current on all tasks as approved in the work plan. The Agency will use its discretion to make this determination. In addition, if you have an existing award from the Small Socially-Disadvantaged Producer Grants (SSDPG) program, you must discuss the status of your existing SSDPG award at application time under Eligibility Discussion and be performing satisfactorily to be considered for a new RCDG award.

E. Completeness

Your application will not be considered for funding if it does not provide sufficient information to determine eligibility and scoring. In particular, you must include all of the forms and proposal elements as discussed in the regulation and as clarified further in this Notice. For more information on what is required for an application, see 7 CFR 4284.510.

IV. Application and Submission Information

A. Address To Request Application Package

For further information, you should contact your State Office identified in the ADDRESSES section of this Notice. Program materials may also be obtained at *http://www.rurdev.usda.gov/bcp_rcdg.html*.

B. Form of Submission

- You may submit your application in paper form or electronically. If you

submit in paper form, any forms requiring signatures must include an original signature. To submit an application electronically, you must use the Grants.gov Web site at *http://www.grants.gov*. You may not submit an application electronically in any way other than through Grants.gov.

- When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- To use Grants.gov, you must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705–5711 or electronically at *http://fedgov.dnb.com/webform*. Please note that obtaining the DUNS number is required prior to submitting an application. You must also maintain registration in SAM (formerly the CCR database). (See 2 CFR part 25.) You may register for SAM at *https://www.sam.gov/portal/public/SAM/*. You must submit all of your application documents electronically through Grants.gov.
- After electronically submitting an application through Grants.gov, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number.
- You may be required to provide original signatures on forms at a later date.
- You can locate the Grants.gov downloadable application package for this program by using a keyword, the program name, the Catalog of Federal Domestic Assistance Number, or the Funding Opportunity Number.

C. Application Contents

Your application must contain all of the required forms and proposal elements described in 7 CFR 4284.510 and as otherwise clarified in this Notice. Specifically, your application must include: (1) The required forms as described in 7 CFR 4284.510(b) and (2) the required proposal elements as described in 7 CFR 4284.510(c). Further clarification of application requirements is as follows:

1. Clarifications on Forms

a. Your DUNS number should be identified in the ''Organizational DUNS'' field on Standard Form (SF) 424, ''Application for Federal Assistance.'' Since there are no specific fields for a Commercial and Government Entity (CAGE) code and expiration date, you may identify them anywhere you want to on Form SF 424. In addition, you should provide the DUNS number and the CAGE code and expiration date under the applicant eligibility discussion in your proposal narrative. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.

b. You can voluntarily fill out and submit the ''Survey on Ensuring Equal Opportunity for Applicants,'' as part of your application if you are a nonprofit organization.

2. Clarifications on Proposal Elements

a. You must include the title of the project as well as any other relevant identifying information on the Title Page.

b. You must include page numbers on the Table of Contents for each component of the application to facilitate review.

c. Your Executive Summary must include the items in 7 CFR 4284.510(c)(3), and also discuss the percentage of work that will be performed among organizational staff, consultants, or other contractors. It should not exceed two pages.

d. Your Eligibility Discussion must not exceed two pages and cover how you meet the eligibility requirements for applicant, matching funds, other eligibility requirements and grant period. If you have an existing RCDG or SSDPG award or both, you must discuss the current status of those award(s) under grant period eligibility.

e. Your Proposal Narrative must not exceed 40 pages and should describe the essential aspects of the project.

(i) You are only required to have one title page for the proposal.

(ii) If you list the evaluation criteria on the Table of Contents and specifically and individually address each criterion in narrative form, then it is not necessary for you to include an Information Sheet. Otherwise, the Information Sheet is required under 7 CFR 4284.510(c) (ii).

(iii) You should include the following under Goals of the Project:

(*A*) A statement that substantiates that the Center will effectively serve rural areas in the United States;

(*B*) A statement that the primary objective of the Center will be to improve the economic condition of rural areas through cooperative development;

(*C*) A description of the contributions that the proposed activities are likely to make to the improvement of the economic conditions of the rural areas for which the Center will provide services. Expected economic impacts should be tied to tasks included in the work plan and budget; and

(*D*) A statement that the Center, in carrying out its activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal government, and State and local governments.

(iv) The Agency has established annual performance evaluation measures to evaluate the RCDG program. You must provide estimates on the following performance evaluation measures.

- Number of groups who are not legal entities assisted.
- Number of businesses that are not cooperatives assisted.
- Number of cooperatives assisted.
- Number of businesses incorporated that are not cooperatives.
- Number of cooperatives incorporated.
- Total number of jobs created as a result of assistance.
- Total number of jobs saved as a result of assistance.
- Number of jobs created for the Center as a result of RCDG funding.
- Number of jobs saved for the Center as a result of RCDG funding.

It is permissible to have a zero in a performance element. When you calculate jobs created, estimates should be based upon actual jobs to be created by your organization as a result of the RCDG funding or actual jobs to be created by cooperative businesses or other businesses as a result of assistance from your organization. When you calculate jobs saved, estimates should be based only on actual jobs that have been lost if your organization did not receive RCDG funding or actual jobs that would have been lost without assistance from your organization.

(v) You can also suggest additional performance elements for example where job creation or jobs saved may not be a relevant indicator (e.g. housing). These additional criteria should be specific, measurable performance elements that could be included in an award document.

(vi) You must describe in the application how you will undertake to do each of the following. We would prefer if you described these undertakings within proposal evaluation criteria to reduce duplication in your application. The specific proposal evaluation criterion where you should address each undertaking is noted below.

(*A*) Take all practicable steps to develop continuing sources of financial support for the Center, particularly from sources in the private sector (should be presented under proposal evaluation criterion number 10, utilizing the specific requirements of Section V.B.10);

(*B*) Make arrangements for the Center's activities to be monitored and evaluated (should be addressed under proposal evaluation criterion number 8 utilizing the specific requirements of Section V.B.8); and

(*C*) Provide an accounting for the money received by the grantee in accordance with 7 CFR part 4284, subpart F. This should be addressed under proposal evaluation criterion number 1, utilizing the specific requirements of Section V.B.1.

(vii) You should present the Work Plan and Budget proposal element under proposal evaluation criterion number 8, utilizing the specific requirements of Section V.B.8 of this Notice to reduce duplication in your application.

(viii) You should present the Delivery of Cooperative development assistance proposal element under proposal evaluation criterion number 2, utilizing the specific requirements of Section V.B.2 of this Notice.

(ix) You should present the Qualifications of Personnel proposal element under proposal evaluation criterion number 9, utilizing the specific requirements of Section V.B.9 of this Notice.

(x) You should present the Local Support and Future Support proposal elements under proposal evaluation criterion number 10, utilizing the requirements of Section V.B.10 of this Notice.

(xi) Your application will not be considered for funding if you do not address all of the proposal evaluation criteria. See Section V.B. of this Notice for a description of the proposal evaluation criteria.

(xii) Only appendices A–C will be considered when evaluating your application. You must not include resumes of staff or consultants in the application.

f. You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

g. You must certify that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds are pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, not less than the required amount of matching funds will be expended. Please note that this Certification is a separate requirement from the Verification of Matching Funds requirement. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds shall be pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, at least 25 cents (5 cents for 1994 Institutions) of matching funds will be expended.'' A separate signature is not required.

h. You must provide documentation in your application to verify all of your proposed matching funds. The documentation must be included in Appendix A of your application and will not count towards the 40-page limitation. Template letters are available for each type of matching funds contribution at *http://www.rurdev.usda.gov/bcp_rcdg.html.*

(i) If matching funds are to be provided in cash, you must meet the following requirements.

- You: The application must include a statement verifying (1) the amount of the cash and (2) the source of the cash. You may also provide a bank statement dated 30 days or less from the application deadline date to verify your cash match.
- Third-party: The application must include a signed letter from the third party verifying (1) how much cash will be donated and (2) that it will be available corresponding to the proposed grant period or donated on a specific date within the grant period.

(ii) If matching funds are to be provided by an in-kind donation, you must meet the following requirements.

- You: The application must include a signed letter from you or your authorized representative verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (i.e., corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services. Please note that most applicant contributions for the RCDG program are considered applicant cash match in accordance with this Notice. If you are unsure, please contact your State Office because identifying your matching funds improperly can affect your scoring.
- Third-Party: The application must include a signed letter from the third party verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (i.e., corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services.

To ensure that you are identifying and verifying your matching funds appropriately, please note the following:

- If you are paying for goods and/or services as part of the matching funds requirement, the expenditure is considered a cash match, and you must verify it as such. Universities must verify the goods and services they are providing to the project as a cash match and the verification must be approved by the appropriate approval official (i.e., sponsored programs office or equivalent).
- If you have already received cash from a third-party (i.e., Foundation) before the start of your proposed grant period, you must verify this as your own cash match and not as a third-party cash match. If you are receiving cash from a third-party during the grant period, than you must be verifying the cash as a third-party cash match.
- Board resolutions for a cash match must be approved at the time of application.
- You can only consider goods or services for which no expenditure is made as an in-kind contribution.
- If a non-profit or another organization contributes the services of affiliated volunteers, they must follow the third-party, in-kind donation verification requirement for each individual volunteer.
- Expected program income may not be used to fulfill your matching funds requirement at the time you submit your application. However, if you have a contract to provide services in place at the time you submit your application, you can verify the amount of the contract as a cash match.
- The valuation process you use for in-kind contributions does not need to be included in your application, but you must be able to demonstrate how the valuation was derived if you are awarded a grant. The grant award may be withdrawn or the amount of the grant reduced if you cannot demonstrate how the valuation was derived.
- Your negotiated indirect cost rate agreement does not need to be included in your application, but you will be required to provide it if a grant is awarded.
- Approval for indirect costs that are requested in an application without an

approved indirect cost rate agreement is at the discretion of the Agency.

D. Submission Dates and Times

Application Deadline Date: June 30, 2014.

Explanation of Deadlines: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 30, 2014, to be eligible for FY 2014 grant funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for FY 2014 grant funding.

Electronic copies must be received by *http://www.grants.gov* no later than midnight eastern time June 24, 2014, to be eligible for FY 2014 grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline.

If you do not meet the deadline for submitting an electronic application, you may hand carry or submit a paper application by the deadline as discussed above. Late applications will not be eligible for FY 2014 grant funding.

E. Intergovernmental Review of Applications

Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This EO requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House Web site: *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

F. Environmental Review

Applications for financial assistance are subject to an environmental review. However, if your application is for technical assistance or planning purposes, it is generally excluded from the environmental review process (See 7 CFR 1940.310(e)(1)). We will ensure that any required environmental review is completed prior to approval of an application or obligation of funds.

V. Application Review Information

A. Application and Scoring Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR Part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

B. Scoring Criteria

Scoring criteria will follow criteria published at 7 CFR 4284.513 as supplemented below including any amendments made by the Section 6013 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234), which is incorporated by reference in this Notice. The regulatory and statutory criteria are clarified and supplemented below. You should also include information as described in Section IV.C.2.e. (vi) (A)–(C) if you chose to address these items under the scoring criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual evaluation criterion. The maximum amount of points available is 100. Newly established or proposed Centers that do not yet have a track record on which to evaluate the following criteria should refer to the expertise and track records of staff or consultants expected to perform tasks related to the respective criteria. Proposed or newly established Centers must be organized well-enough at time of application to address its capabilities for meeting these criteria.

1. Administrative capabilities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated track record in carrying out activities in support of development assistance to cooperatively and mutually owned businesses. At a minimum, you must discuss the following administrative capabilities:

a. Financial systems and audit controls;

b. Personnel and program administration performance measures;

c. Clear written rules of governance; and

d. Experience administering Federal grant funding no later than the last 5 years, including but not limited to past RCDGs. Please list the name of the Federal grant program(s) and the amount(s) of funding received.

You will score higher on this criterion if you can demonstrate that the Center has independent governance. For applicants that are universities or parent organizations, you should demonstrate that there is a separate board of directors for the Center.

2. Technical assistance and other services (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated expertise no later than the last 5 years in providing technical assistance and accomplishing effective outcomes in rural areas to promote and assist the development of cooperatively and mutually owned businesses. You must discuss at least:

a. Your potential for delivering effective technical assistance;

b. The types of assistance provided;

c. The expected effects of that assistance;

d. The sustainability of organizations receiving the assistance; and

e. The transferability of your cooperative development strategies and focus to other areas of the U.S.

A chart or table showing the outcomes of your demonstrated expertise based upon the performance elements listed in Section IV.C.2.e. (iv) or as identified in your award document on previous RCDG awards. At a minimum, please provide information for FY 2010—FY 2012 awards. We prefer that you provide one chart or table separating out award years. The intention here is for you to provide actual performance numbers based upon award years even though your grant period for the award was for the next calendar or fiscal year. Please provide a narrative explanation if you have not received a RCDG award.

You will score higher on this criterion if you provide more than 3 years of outcomes and can demonstrate that the organizations you assisted within the last 5 years are sustainable. Additional outcome information should be provided on RCDG grants awarded before FY 2010. Please describe specific project(s) when addressing a-e of this paragraph.

3. Economic development (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated ability to facilitate:

a. Establishment of cooperatives or mutually owned businesses;

b. New cooperative approaches (i.e., organizing cooperatives among underserved individuals or communities; an innovative market approach; a type of cooperative currently not in your service area; a new cooperative structure; novel ways to raise member equity or community capitalization; conversion of an existing business to cooperative ownership); and

c. Retention of businesses, generation of employment opportunities or other factors, as applicable, that will otherwise improve the economic conditions of rural areas.

You will score higher on this criterion if you provide economic statistics showing the impacts of your past development projects no later than 5 years old and identify your role in the economic development outcomes.

4. Past performance in establishing legal business entities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated past performance in establishing legal cooperative business entities and other legal business entities during FY 2011–FY 2013. Provide the name of the organization(s) established, the date of formation and your role in assisting with the incorporation(s) under this criterion. In addition, documentation verifying the establishment of legal business entities must be included in Appendix C of your application and will not count against the 40-page limit for the narrative. The documentation must include proof that organizational documents were filed with the Secretary of State's Office (i.e. Certificate of Incorporation or information from the State's official Web site naming the entity established and the date of establishment); or if the business entity is not required to register with the Secretary of State, a certification from the business entity that a legal business entity has been established and when. Please note that you are not required to submit articles of incorporation to receive points under this criterion. You will score higher on this criterion if you have established legal cooperative businesses.

5. Networking and regional focus (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated commitment to:

a. Networking with other cooperative development centers, and other organizations involved in rural economic development efforts, and

b. Developing multi-organization and multi-state approaches to addressing the economic development and cooperative needs of rural areas.

You will score higher on this criterion if you can demonstrate the outcomes of your multi-organizational and multi-state approaches. Please describe the project(s), partners and the outcome(s) that resulted from the approach.

6. Commitment (maximum score of 10 points). A panel of USDA employees will evaluate your commitment to providing technical assistance and other services to under-served and economically distressed areas in rural areas of the United States. You will score higher on this criterion if you define and describe the underserved and economically distressed areas within your service area, provide statistics, and identify projects within or affecting these areas, as appropriate.

7. Matching Funds (maximum score of 10 points). A panel of USDA employees will evaluate your commitment for the 25 percent (5 percent for 1994 Institutions) matching funds requirement. A chart or table should be provided to describe all matching funds being committed to the project. However, formal documentation to verify all of the matching funds must be included in Appendix A of your application. You will be scored on how you identify your matching funds.

a. If you met the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—1 point,
- Mix of in-kind and cash—3–4 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—5 points.

b. If you exceeded the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—2 points,
- Mix of in-kind and cash—6–7 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—10 points.

8. Work Plan/Budget (maximum score of 10 points). A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. The budget must present a breakdown of the estimated costs associated with cooperative and business development activities as well as the operation of the Center and allocate these costs to each of the tasks to be undertaken. Matching funds as well as grant funds must be accounted for in the budget.

You must discuss at a minimum:

a. Specific tasks (whether it be by type of service or specific project) to be completed using grant and matching funds;

b. How customers will be identified;

c. Key personnel; and

d. The evaluation methods to be used to determine the success of specific tasks and overall objectives of Center operations. Please provide qualitative methods of evaluation. For example, evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations.

You will score higher on this criterion if you present a clear, logical, realistic, and efficient work plan and budget.

9. Qualifications of those Performing the Tasks (maximum score of 10 points). A panel of USDA employees will evaluate your application to determine if the personnel expected to perform key tasks have a track record of:

a. Positive solutions for complex cooperative development and/or marketing problems; or

b. A successful record of conducting accurate feasibility studies, business plans, marketing analysis, or other activities relevant to your success as determined by the tasks identified in the your work plan; and

c. Whether the personnel expected to perform the tasks are full/part-time employees of your organization or are contract personnel.

You will score higher on this criterion if you demonstrate commitment and availability of qualified personnel expected to perform the tasks.

10. Local and Future Support (maximum score of 10 points). A panel of USDA employees will evaluate your application for local and future support. Support should be discussed directly within the response to this criterion.

a. Discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with state and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and formal evidence of intent to coordinate with other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion. These letters should be included in Appendix B of your application and will not count against the 40-page limit for the narrative.

b. Discussion on future support will include your vision for funding operations in future years. You should document:

(i) New and existing funding sources that support your goals;

(ii) Alternative funding sources that reduce reliance on Federal, State, and local grants; and

(iii) The use of in-house personnel for providing services versus contracting out for that expertise. Please discuss your strategy for building in-house technical assistance capacity.

You will score higher if you can demonstrate that your future support will result in long-term sustainability of the Center.

VI. Award Administration Information

A. Award Notices

If your application is successful, you will receive notification regarding funding from the State Office where your application is submitted or headquarter if you submitted your application via Grants.gov. You must comply with all applicable statutes, regulations, and notice requirements before the grant award will be approved. If your application is not successful, you will receive notification, including mediation and appeal rights by mail. See 7 CFR part 11 for USDA National Appeals Division procedures.

Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subparts A and F, parts 3015, 3019, 3052, and any successor regulations, and 2 CFR parts 215 and 417. All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

- Agency-approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''
- Form RD 400–4, ''Assurance Agreement.''
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.
- SF–PPR ''Performance Progress Report.''

VII. Agency Contacts

If you have questions about this Notice, please contact the State Office as identified in the **ADDRESSES** section of this Notice.

VIII. Nondiscrimination Statement

Non-Discrimination Policy

USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identify, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complain_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Persons With Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and who wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.), please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: April 24, 2014.

Ashli Palmer,

Acting Administrator, Rural Business Cooperative Service.

[FR Doc. 2014–09869 Filed 4–29–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Small Socially-Disadvantaged Producer Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service announces the availability of $3,000,000, in competitive grant funds for the FY 2014 Small Socially-Disadvantaged Producer Grants (SSDPG) program as authorized by the Consolidated Appropriations Act, 2014. We are requesting proposals from applicants who will provide technical assistance to small, socially-disadvantaged agricultural producers in rural areas. Eligible applicants include Cooperatives, Groups of Cooperatives, and Cooperative Development Centers. The maximum award per grant is $200,000. The grant period is limited to a one-year timeframe.

DATES: Completed applications for grants must be submitted on paper or electronically according to the following deadlines:

Paper copies must be postmarked and mailed, shipped, or sent overnight no later than June 30, 2014, to be eligible for FY 2014 grant funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for FY 2014 grant funding.

Electronic copies must be received by *http://www.grants.gov* no later than midnight eastern time June 24, 2014, to be eligible for FY 2014 grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. You are strongly encouraged to file your application early and allow sufficient time to manage any technical issues that may arise. Late applications will not be eligible for FY 2014 grant funding.

ADDRESSES: You should contact the USDA Rural Development State Office (State Office) located in the State where

you are headquartered if you have questions. Contact information for State Offices can be found at: *http://www.rurdev.usda.gov/StateOfficeAddresses.html.* You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Program guidance as well as application templates may be obtained at *http://www.rurdev.usda.gov/BCP_SSDPG.html.*

If you want to submit an electronic application, follow the instructions for the SSDPG funding announcement located at *http://www.grants.gov.* If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC, please contact the Office of the Deputy Administrator, Cooperative Programs, Rural Business-Cooperative Service, at (202) 720–7558 for guidance on where to submit your application. Application materials for the SSDPG program may be obtained at *http://www.rurdev.usda.gov/BCP_SSDPG.html* or by contacting your USDA Rural Development State Office.

FOR FURTHER INFORMATION CONTACT: Office of the Deputy Administrator, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW., Mail Stop-3250, Room 4016-South, Washington, DC 20250–3250, (202) 720–7558.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency Name: USDA Rural Business Cooperative Service.

Funding Opportunity Title: Small, Socially-Disadvantaged Producer Grant.

Announcement Type: Initial funding request.

Catalog of Federal Domestic Assistance Number: 10.871.

DATES: Application Deadline. You must submit your complete application by June 30, 2014, or it will not be considered for FY 2014 grant funding. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time June 24, 2014, or it will not be considered for FY 2014 grant funding.

A. Program Description

The SSDPG Program is authorized by 310B (e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932). The primary objective of the SSDPG program is to provide Technical Assistance to Small, Socially-Disadvantaged Agricultural Producers. Grants are awarded on a competitive basis. The maximum award amount per grant is $200,000. Grants are available for Cooperative Development Centers, individual Cooperatives, or Groups of Cooperatives that serve Small Socially-Disadvantaged Producers and where a majority of the boards of directors or governing board is comprised of members of Socially-Disadvantaged Groups.

Definitions

Agency—Rural Business-Cooperative Service, an agency of the United States Department of Agriculture (USDA) Rural Development or a successor agency.

Agricultural Commodity—An unprocessed product of farms, ranches, nurseries, and forests. Agricultural commodities include: livestock, poultry, and fish; fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn, and sorghum; legumes, such as field beans and peas; animal feed and forage crops; seed crops; fiber crops, such as cotton; oil crops, such as safflower, sunflower, corn, and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turf grown commercially for sod. Agricultural commodities do not include horses or animals raised as pets, such as cats, dogs, and ferrets.

Conflict of Interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. Examples of conflicts of interest include using grant funds to pay a member of the applicant's board of directors to provide proposed technical assistance to socially-disadvantaged producers; pay an individual identified as a small-socially disadvantaged producer to provide proposed technical assistance to other small-socially disadvantaged producers; and pay an immediate family member of the applicant to provide proposed technical assistance to socially-disadvantaged producers.

Cooperative—A farmer- or rancher-owned and -controlled business, organized and chartered as a cooperative, from which benefits are derived and distributed equitably on the basis of use by each of the farmer or rancher owners whose primary focus is to provide assistance to Small, Socially-Disadvantaged Agricultural Producers and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

Cooperative Development Center—A nonprofit corporation or accredited institution of higher education that is currently being operated by the grantee for rural cooperative development and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. It may or may not be an independent legal entity separate from the grantee. The Center's main objective is to assist Cooperatives with their startup, expansion or operational improvement in order to promote development in rural areas of services and products, processes that can be used in the marketing of products, or enterprises that create Value-Added to farm products through processing or marketing activities. Cooperative development activities may include, but are not limited to, Technical Assistance, research services, educational services and advisory services. Operational improvement includes making the Cooperative more efficient or better managed.

Cooperative Services—The office within Rural Business-Cooperative Service, and any successor organization, that administers programs authorized by the Cooperative Marketing Act of 1926 (7 U.S.C. 451 *et seq.*) and such other programs identified in USDA regulations.

Economic Development—The economic growth of an area as evidenced by increase in total income, employment opportunities, decreased out-migration of population, value of production, increased diversification of industry, higher labor force participation rates, increased duration of employment, higher wage levels, or gains in other measurements of economic activity, such as land values.

Feasibility Study—An analysis of the economic, market, technical, financial, and management feasibility of a proposed Project.

Group of Cooperatives—A group of Cooperatives whose primary focus is to

provide assistance to Small, Socially-Disadvantaged Agricultural Producers and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

Operating Cost—The day-to-day expenses of running a business; for example: utilities, rent on the office space a business occupies, salaries, depreciation, product production costs, marketing and advertising, and other basic overhead items.

Project—Includes all activities to be funded by the Small Socially-Disadvantaged Producer Grant.

Rural and Rural Area—Any area of a State:

(1) Not in a city or town that has a population of more than 50,000 inhabitants, according to the latest decennial census of the United States; and

(2) The contiguous and adjacent urbanized area,

(3) Urbanized areas that are rural in character as defined by 7 U.S.C. 1991(a)(13), as amended by Section 6018 of the Food, Conservation, and Energy Act of 2008, Public Law 110–246 (June 18, 2008).

(4) For the purposes of this definition, cities and towns are incorporated population centers with definite boundaries, local self-government, and legal powers set forth in a charter granted by the State. Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu census designated place (CDP) or the San Juan CDP.

Rural Development—A mission area within USDA consisting of the Office of Under Secretary for Rural Development, Rural Business-Cooperative Services, Rural Housing Service, and Rural Utilities Service and any successors.

Small, Socially-Disadvantaged Producer—Individual agricultural producers including farmers, ranchers, loggers, agricultural harvesters, and fishermen, that have averaged $250,000 or less in annual gross sales of agricultural products in the last 3 years and are members of a Socially-Disadvantaged Group. In the event that there are multiple owners, the Agency requires that at least 51 percent of the ownership be held by members of a Socially-Disadvantaged Group.

Socially-Disadvantaged Group—A group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

State—Includes each of the 50 states, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and, as may be determined by the Secretary to be feasible, appropriate and lawful, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau.

Technical Assistance—An advisory service performed for the benefit of a Small, Socially-Disadvantaged Producer such as market research; product and/or service improvement; legal advice and assistance; Feasibility Study, business plan, and marketing plan development; and training. Technical Assistance does not include the Operating Costs of a cooperative being assisted.

Value-Added—The incremental value that is realized by the producer from an agricultural commodity or product as the result of a change in its physical state, differentiated production or marketing, as demonstrated in a business plan, or product segregation. Incremental value may be realized by the producer as a result of either an increase in value to buyers or the expansion of the overall market for the product. Examples include milling wheat into flour, slaughtering livestock or poultry, making strawberries into jam, and marketing of organic products.

B. Federal Award Information

Type of Award: Competitive Grant.
Fiscal Year Funds: FY 2014.
Total Funding: $3,000,000.
Maximum Award: $200,000.
Project Period: 1 year.
Anticipated Award Date: September 1, 2014.

C. Eligibility Information

1. *Eligible Applicants.* Grants may be made to Cooperatives, Groups of Cooperatives, and Cooperative Development Centers where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. You must be able to verify your legal structure in the State in which you are incorporated. Grants may not be made to public bodies or to individuals.

An applicant must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register in the System for Awards Management (SAM) prior to submitting an application. (See 2 CFR 25.200(b)). An applicant must provide their DUNS number in the application. In addition, an applicant must maintain its registration in SAM during the time its application is active. Finally, an applicant must have the necessary processes and systems in place to comply with the reporting requirements in 2 CFR 170.200(b), as long as it is not exempted from reporting. Exemptions are identified at 2 CFR 170.110(b).

2. *Cost Sharing or Matching.* No matching funds are required.

3. *Other Eligibility Requirements.*

Use of Funds: Funds may only be used for Technical Assistance Projects as defined in this Notice.

Project Area Eligibility: The proposed Project must take place in a Rural Area as defined in this Notice. Rural Development is encouraging applications for Projects that will support Rural Areas where according to the American Community Survey data by census tracts show at least 20 percent of the population is living in poverty. This emphasis will support Rural Development's goal of providing 20 percent of its funding by 2016 to these areas of need.

Grant Period Eligibility: If awarded, grant funds must be used within 12 months. Applications must have a time frame of one year or less. Your proposed time frame should begin no earlier than the grant award date and end no later than December 31, 2015. However, you should note that the anticipated award date is September 1, so your proposed start date should be after September 1, 2014. Projects must be completed within the 12-month time frame. The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. Further guidance on grant period extensions will be provided in the award document.

However, you may not have more than one active SSDPG during the same grant period. If you receive another SSDPG during the next grant cycle, the first grant must be closed before funds can be obligated for the new grant. Applications that request funds for a time period ending after December 31, 2015, will not be considered for funding.

If you have an existing SSDPG award, you must be performing satisfactorily to be considered eligible for a new award. Satisfactory performance includes being up-to-date on all financial and performance reports and being current on all tasks as approved in the work plan. The Agency will use its discretion to make this determination.

Completeness Eligibility: Your application must provide all of the information requested in Section D (2)

of this Notice. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible.

Multiple Grant Eligibility: You may only submit one SSDPG grant application each funding cycle.

Activity Eligibility: Your application must propose Technical Assistance that will benefit Small Socially-Disadvantaged Producers in Rural Areas. Please review section D (6) of this Notice, ''Funding Restrictions,'' carefully.

D. Application and Submission Information

1. Address To Request Application Package

The application template for applying on paper for this funding opportunity is located at *http://www.rurdev.usda.gov/BCP_SSDPG.html*. You may also contact your USDA Rural Development State Office for more information. Contact information for State Offices is located at *http://www.rurdev.usda.gov/StateOfficeAddresses.html*.

2. Content and Form of Application Submission

- You may submit your application in paper form or electronically. If you submit in paper form, any forms requiring signatures must include an original signature. To submit an application electronically, you must use the Grants.gov Web site at *http://www.grants.gov*. You may not submit an application electronically in any way other than through Grants.gov.
- When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- To use Grants.gov, you must have a DUNS number, which can be obtained at no cost via a toll-free request line at (866) 705–5711. Please note that obtaining the DUNS number is required prior to submitting an application. You must also maintain registration in SAM. (See 2 CFR part 25.) You may register for SAM at *https://www.sam.gov/portal/public/SAM/*. You must submit all of your application documents electronically through Grants.gov.
- After electronically submitting an application through Grants.gov, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number.
- You may be required to provide original signatures on forms at a later date.
- You can locate the Grants.gov downloadable application package for this program by using a keyword, the program name, the Catalog of Federal Domestic Assistance Number, or the Funding Opportunity Number.
- Your application must contain the following required forms and proposal elements:

a. Form SF–424, ''Application for Federal Assistance,'' must be completed, signed, and include a DUNS number. Since there are no specific fields for a Commercial and Government Entity (CAGE) code and expiration date, you may identify them anywhere you want to on the SF–424. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.

b. Form SF–424A, ''Budget Information-Non-Construction Programs.'' This form must be completed and submitted as part of the application package.

c. Form SF–424B, ''Assurances—Non-Construction Programs.'' This form must be completed, signed, and submitted as part of the application package.

d. Table of Contents. Your application must contain a detailed Table of Contents (TOC) immediately following the SF–424B. The TOC must include page numbers for each part of the application. Page numbers should begin immediately following the TOC.

e. Executive Summary. A summary of the proposal, not to exceed one page, must briefly describe the Project, tasks to be completed, and other relevant information that provides a general overview of the Project.

f. Eligibility Discussion. A detailed discussion, not to exceed four pages, must describe how you meet the following requirements:

(i) Applicant Eligibility. You must describe how you meet the definition of a Cooperative, Group of Cooperatives, or Cooperative Development Center. Your application must show that a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. Your application must include a list of your board of directors/governing board and the percentage of board of directors/governing board that are members of Socially-Disadvantaged Groups. **Note:** Your application will not be considered for funding if you fail to show that a majority of your board of directors/governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

If applying as a Cooperative or a Group of Cooperatives, you must verify your incorporation and status in the State that you have applied by providing the State's Certificate of Good Standing, your Articles of Incorporation, and By-Laws. If you are a nonprofit corporation applying as a Cooperative Development Center, you must provide evidence of your status as a nonprofit corporation in good standing, your Articles of Incorporation and a copy of your mission statement. If you are an institution of higher education applying as a Cooperative Development Center, you must provide evidence of your status as an accredited institution of higher education and a copy of your mission statement. You must apply as only one type of applicant. If the requested verification documents are not included, your application will not be considered for funding.

(ii) Use of Funds. You must provide a detailed discussion on how the proposed Project activities meet the definition of Technical Assistance and identify the group(s) of socially-disadvantaged producers that will be assisted.

(iii) Project Area. You must provide specific information that details the location of the Project area and explain how the area meets the definition of ''Rural Area.''

(iv) Grant Period. You must provide a time frame for the proposed Project and discuss how the Project will be completed within that time frame. You must have a time frame of one year or less.

g. Scoring Criteria. Each of the scoring criteria in this Notice must be addressed in narrative form, with a maximum of two pages for each individual scoring criterion, unless otherwise specified. Failure to address each scoring criteria will result in the application being determined ineligible.

h. The Agency has established annual performance evaluation measures to evaluate the SSDPG program. You must provide estimates on the following performance evaluation measures as part of your narrative:

- Number of businesses assisted;
- Number of cooperatives assisted; and
- Number of small, socially disadvantaged producers assisted.

3. Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM)

You are required to:

- Be registered in SAM before submitting your application;
- Provide a valid DUNS number in your application; and
- Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an

application or plan under consideration by a Federal awarding agency.

The Agency will not make an award until an applicant has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time the Agency is ready to make an award, the Agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making an award to another applicant.

4. Submission Dates and Times

Application Deadline Date: June 30, 2014.

Explanation of Deadlines: Paper applications must be POSTMARKED and mailed, shipped, or sent overnight by June 30, 2014. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for FY 2014 grant funding.

Electronic applications must be RECEIVED by *http://www.grants.gov* by June 24, 2014, to be eligible for FY 2014 grant funding. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline.

5. Intergovernmental Review

Executive Order (EO) 12372, Intergovernmental Review of Federal Programs, applies to this program. This EO requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. A list of States that maintain a SPOC may be obtained at *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you may submit your application directly for review. Any comments obtained through the SPOC must be provided to Rural Development for consideration as part of your application. If your State has not established a SPOC or you do not want to submit your application to the SPOC, Rural Development will submit your application to the SPOC or other appropriate agency or agencies.

You are also encouraged to contact Cooperative Programs at 202–720–7558 or *cpgrants@wdc.usda.gov* if you have questions about this process.

6. Funding Restrictions

Grant funds must be used for Technical Assistance. No funds made available under this solicitation shall be used to:

a. Plan, repair, rehabilitate, acquire, or construct a building or facility, including a processing facility;

b. Purchase, rent, or install fixed equipment, including processing equipment;

c. Purchase vehicles, including boats;

d. Pay for the preparation of the grant application;

e. Pay expenses not directly related to the funded Project;

f. Fund political or lobbying activities;

g. Fund any activities prohibited by 7 CFR parts 3015 or 3019;

h. Fund architectural or engineering design work for a specific physical facility;

i. Fund any direct expenses for the production of any commodity or product to which value will be added, including seed, rootstock, labor for harvesting the crop, and delivery of the commodity to a processing facility;

j. Fund research and development;

k. Purchase land;

l. Duplicate current activities or activities paid for by other funded grant programs.

m. Pay costs of the Project incurred prior to the date of grant approval;

n. Pay for assistance to any private business enterprise that does not have at least 51 percent ownership by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence;

o. Pay any judgment or debt owed to the United States;

p. Pay the Operating Costs of the Cooperative, Group of Cooperatives, or Cooperative Development Center;

q. Pay expenses for applicant employee training; or

r. Pay for any goods or services from a person who has a Conflict of Interest with the grantee.

In addition, your application will not be considered for funding if it does any of the following:

- Requests more than the maximum grant amount; or
- Proposes ineligible costs that equal more than 10 percent of total project costs.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total project costs, as long as it is determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. National Environmental Policy Act

This NOFA has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' We have determined that an Environmental Impact Statement is not required because the issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial programs is categorically excluded in the Agency's National Environmental Policy Act (NEPA) regulation found at 7 CFR § 1940.310(e)(3) of subpart G, ''Environmental Program.'' We have determined that this NOFA does not constitute a major Federal action significantly affecting the quality of the human environment. Individual awards under this NOFA are hereby classified as Categorical Exclusions according to 7 CFR § 1940.310(e), the award of financial assistance for planning purposes, management and feasibility studies, or environmental impact analyses, which do not require any additional documentation.

8. Civil Rights Compliance Requirements

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

1. Scoring Criteria

All eligible and complete applications will be evaluated based on the following criteria. Failure to address any one of the following criteria by the application deadline will result in the application being determined ineligible and the application will not be considered for funding. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual scoring criterion. The total points possible for the criteria are 60.

I. *Technical Assistance (maximum score of 15 points).* A panel of USDA employees will evaluate your application to determine your ability to assess the needs of Small Socially-Disadvantaged Producers, plan and conduct appropriate and effective Technical Assistance, and identify the expected outcomes of that assistance.

Higher points are awarded if you identify specific needs of the Socially-Disadvantaged Producers to be assisted;

clearly explain a logical and detailed plan of assistance for addressing those needs; and discuss realistic outcomes of planned assistance.

II. *Experience (maximum score of 15 points).* A panel of USDA employees will evaluate your length of experience for identified staff or consultants in providing Technical Assistance, as defined in this Notice. You must describe the specific type of Technical Assistance experience for each identified staff member or consultant, as well as years of experience in providing that assistance. In addition, resumes for each individual staff member or consultant must be included as an attachment, listing their experience for the type of Technical Assistance proposed. The attachments will not count toward the maximum page total. We will compare the described experience to the work plan to determine relevance of the experience. Applications that do not include the attached resumes will not be considered for funding.

Higher points will be awarded if a majority of identified staff or consultants demonstrate 5 or more years of experience in providing relevant Technical Assistance. Maximum points will be awarded if all of the identified staff or consultants demonstrate 5 or more years of experience in providing relevant Technical Assistance.

III. *Commitment (maximum of 15 points).* A panel of USDA employees will evaluate your commitment to providing Technical Assistance to Small, Socially-Disadvantaged Producers in Rural Areas. You must list the number and location of Small, Socially-Disadvantaged Producers that will directly benefit from the assistance provided. Higher points will be awarded for Projects that benefit at least 50 Small, Socially-Disadvantaged Producers. If you define and describe the underserved and economically distressed areas within your service area, provide statistics, and identify projects within or affecting these areas, as appropriate, you will score higher on this factor.

IV. *Work Plan/Budget (maximum of 10 points).* You must describe, in detail not to exceed four pages, the purpose of the grant, what type of assistance will be provided, and the total amount of funds needed for the Project. The budget must also present a breakdown of estimated costs associated with each task/activity for each Project. The amount of grant funds requested will be reduced if the applicant does not have justification for all costs.

A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. Clear, logical, realistic, and efficient plans will result in a higher score. Budgets will be reviewed for completeness. You must discuss at a minimum:

a. Specific tasks to be completed using grant funds;

b. How customers will be identified;

c. Key personnel; and

d. The evaluation methods to be used to determine the success of specific tasks and overall project objectives.

V. *Local support (maximum of 5 points).* A panel of USDA employees will evaluate your application for local support of the Technical Assistance activities. Applicants that demonstrate strong support from potential beneficiaries and other developmental organizations will receive more points than those not showing such support.

(i) 0 points are awarded if you do not address this criterion.

(ii) 1 point is awarded if you provide 2–3 support letters that show support from potential beneficiaries and/or support from local organizations.

(iii) 2 points are awarded if you provide 4–5 support letters that show support from potential beneficiaries and/or support from local organizations.

(iv) 3 points are awarded if you provide 6–7 support letters that show support from potential beneficiaries and/or support from local organizations.

(v) 4 points are awarded if you provide 8–9 support letters that show support from potential beneficiaries and/or support from local organizations.

(vi) 5 points are awarded if you provide 10 support letters that show support from potential beneficiaries and/or support from local organizations.

You may submit a maximum of 10 letters of support. Support letters should come from potential beneficiaries and other local organizations. Letters received from Technical Assistance providers will not be included in the count of support letters received. Support letters should be included as an attachment to the application and will not count against the maximum page total. Additional letters from industry groups, commodity groups, local and State government, and similar organizations should be referenced, but not included in the application package. When referencing these letters, provide the name of the organization, date of the letter, the nature of the support, and the name and title of the person signing the letter.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

F. Federal Award Administration Information

1. Federal Award Notices

If your application is successful, you will receive notification regarding funding from the State Office where your application is submitted or headquartered if you submit your application via Grants.gov. You must comply with all applicable statutes, regulations, and notice requirements before the grant award will be approved. If your application is not successful, you will receive notification, including mediation and appeal rights by mail. See 7 CFR part 11 for USDA National Appeals Division procedures.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart A, parts 3015, 3019, 3052 and 2 CFR parts 215 and 417. All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (See 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act reporting requirements (See 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). These regulations may be obtained at *http://www.gpoaccess.gov/cfr/index.html.*

The following additional requirements apply to grantees selected for this program:

- Agency approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''

• Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

• Form RD 400–4, ''Assurance Agreement.''

• SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

• SF–425, ''Federal Financial Report.''

Additional information on these requirements can be found at *http://www.rurdev.usda.gov/BCP_SSDPG.html.*

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). For the purposes of this grant, semiannual periods end on March 31st and September 30th. Any grant in excess of $100,000 must also have the appropriate SF–PPR ''Performance Progress Report'' completed. The project performance reports shall include the following: A comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 90 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

For general questions about this announcement and for program Technical Assistance, please contact the appropriate State Office as indicated in the **ADDRESSES** section of this Notice.

H. Non Discrimination Statement

USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identify, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complain_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Persons With Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and who wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.), please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: April 24, 2014.

Ashli Palmer,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2014–09868 Filed 4–29–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Locally or Regionally Produced Agricultural Food Products

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Locally or Regionally Produced Agricultural Food Products provision, under the Business and Industry (B&I) Guaranteed Loan Program, is designed to help facilitate the production, processing, and distribution of locally and regionally produced agricultural food products. Although demand exists for locally and regionally produced foods, producers in many parts of the country have difficulties accessing markets and processing facilities as well as establishing distribution channels. In addition, some retail outlets are less willing to buy from smaller volume producers because the volume of food that the producers can supply at any one time is insufficient.

The Locally or Regionally Produced Agricultural Food Products provision provides loan guarantees for the purpose of establishing or facilitating enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm and ranch income. For purposes of this provision under the B&I Guaranteed Loan Program, 7 U.S.C. 1932(g)(9) provides: ''The term 'locally or regionally produced agricultural food product' means any agricultural food product that is raised, produced, and distributed in the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product, or in the State in which the product is produced.'' Food products could be raw, cooked, or a processed edible substance, beverages, or ingredients used or intended for use or for sale in whole or in part for human consumption.

To be eligible for funding through the Locally or Regionally Produced Agricultural Food Products provision, projects must ensure that there is an agreement that the local or regional nature of the food product is conveyed to the end consumer. If the end product is sold at a grocery retail facility or institution, local products must be identified to the consumer with a sticker, sign, or other indicator of the product's local or regional origin.

The Locally or Regionally Produced Agricultural Food Products provision gives priority to the financing of projects that provide a benefit to underserved communities. An underserved community is defined as a community (including an urban or rural community and an Indian tribal community) that has limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or

farmer to consumer direct markets AND has a high rate of hunger or food insecurity or a high poverty rate as determined by the Secretary. Applicants that serve schools may also be eligible. Projects that have components that benefit underserved communities will receive priority.

For the purpose of this provision, projects that are physically located in an urban area are eligible for priority funding if the project provides a clear benefit to an underserved community by increasing that underserved community's access to affordable, healthy, locally, or regionally produced foods. For example, an aggregation and distribution center that is physically located in an urban area would be eligible for priority funding if a meaningful portion of the aggregated product is made available to consumers at grocery retail establishments located within the underserved community or to food banks, schools, or other institutions serving low-income populations, thus providing a benefit to the underserved community. An aggregation and distribution center in an urban area would not be eligible for priority funding under the provision if it distributes all of its food to high-end markets. When there is a tie in priority scoring, projects that serve underserved communities will be funded over those that do not serve underserved communities.

Through Fiscal Year 2018, the Agency is required to reserve not less than 5 percent of the funds available to the B&I program until April 1 of each year for entities that establish and facilitate the processing, distributing, aggregating, storing, and marketing of locally or regionally produced agricultural food products. The Agency will also continue to fund local or regionally produced agricultural food products projects after the April 1 reserve expires. Requirements for submission can be found in 7 CFR, part 4279, subpart B.

FOR FURTHER INFORMATION CONTACT: Brenda Griffin, USDA, Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW., Washington, DC 20250–3224, telephone (202) 720–6802, email *brenda.griffin@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866, as amended by Executive Order 13258.

Dated: April 18, 2014.

Andrew Jermolowicz,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2014–09870 Filed 4–29–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Intent; Request for Comments on Adoption of the U.S. Army Corps of Engineers' Bayou Meto Basin General Reevaluation Report and Final Environmental Impact Statement, Arkansas, Jefferson, Lonoke, Prairie and Pulaski Counties, Arkansas

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Intent To Adopt Reevaluation Report and Final Environmental Impact Statement; Request for Comments.

SUMMARY: The Rural Utilities Service (RUS) an agency of the United States Department of Agriculture (USDA) is giving notice of its intent to adopt the U.S. Army Corps of Engineers' (USACE) existing general reevaluation report and final environmental impact statement (GRR/EIS) for the Bayou Meto Basin, Arkansas project (project). RUS is considering providing funding to the applicant, the Bayou Meto Water Management District (BMWMD), to construct a portion of the project consisting of activities that have been identified, designed and reviewed under the USACE's existing GRR/EIS. Based on RUS' independent evaluation, adoption of the GRR/EIS would meet the Council on Environmental Quality (CEQ) and RUS regulations and guidance for implementing the National Environmental Policy Act (NEPA). To fulfill our NEPA requirements and support a funding decision, we are recirculating the GRR/EIS for written public comment via this notice, in accordance with CEQ and RUS adoption guidelines.

DATES: Written comments on this Notice must be received on or before May 30, 2014.

ADDRESSES: Send written comments to: Mark S. Plank, Director, Engineering and Environmental Staff, USDA Rural Utilities Service, 1400 Independence Ave. SW., Stop 1571, Room 2242–S, Washington, DC 20250. The GRR/EIS and related documents referenced in this Notice are available at *http://www.mvm.usace.army.mil/Missions/Projects/BayouMetoBasinProject/Reports.aspx*. To the extent practicable, these documents can be made available for public review in alternative formats by contacting the individual listed under **FOR FURTHER INFORMATION** to request documents in alternative formats. RUS provides this notice under regulations implementing NEPA and invite the public to review the GRR/EIS during the 30-day comment period (see **DATES**). Before including your address, phone number, email address or other personal identifying information in your comment, please be aware that your entire comment—including personal identifying information—may be made publicly available at any time. RUS will endeavor to withhold personal identifying information from public review upon request, but we cannot guarantee that we will be able to do so.

As provided for pursuant to 36 CFR 800.2(d)(3), RUS is using this notice to comply with the requirement under 36 CFR 800.2(d) that the agency seek and consider the views of the public regarding effects to historic properties prior to making a decision on the project.

FOR FURTHER INFORMATION CONTACT: Richard Fristik, Senior Environmental Protection Specialist, USDA Rural Utilities Service, 1400 Independence Ave. SW., Stop 1571, Room 2240–S, Washington, DC 20250, Telephone: (202) 720–5093, Facsimile: (202) 690–0649, or email: *richard.fristik@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: RUS' proposed funding action is for activities already identified, designed and reviewed under the GRR/EIS. Adoption and recirculation for public written comment of the GRR/EIS fulfills RUS' requirements under the CEQ (40 CFR 1506.3(b)) and Agency (7 CFR 1794.72(b)) NEPA implementing regulations. Recent CEQ guidance encourages agencies to ''. . . coordinate and take appropriate advantage of existing documents and studies, including through adoption and incorporation by reference'' as a means of improving NEPA efficiency (see ''Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act'' at *http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf).*

The overall Bayou Meto project area is located in east central Arkansas and is bounded approximately on the west and south by the Arkansas River and the city of England, and on the north and east by the cities of Lonoke, Carlisle, Stuttgart and Reydell. The entire study area encompasses 864,000 acres. The

proposed project for which RUS funding would be provided consists of the Indian Bayou Service Area, a narrow (north to south) 94,000-acre area on the western edge of the overall Bayou Meto area.

The USACE prepared the following documents to meet their federal requirements:

1. ''Grand Prairie Region and Bayou Meto Basin, Arkansas Project, Bayou Meto Basin, Arkansas General Reevaluation Report, Volume 1—Main Report & Final Environmental Impact Statement (EIS),'' November 2006, Revised March 2007, (GRR/EIS).

2. ''Record of Decision, Bayou Meto Basin, Arkansas,'' November 2007, (ROD).

3. ''Final Environmental Assessment, Bayou Meto Basin, Arkansas, Post General Reevaluation Design Changes,'' July 2010, (EA).

4. ''Finding of No Significant Impact, Bayou Meto Basin, Arkansas, Post General Reevaluation Design Changes,'' July 2010, (FONSI).

The particular authority under which the overall project is authorized and funded requires a 65 percent federal/35 percent non-federal cost share. Both the BMWMD and the Arkansas Natural Resources Commission (ANRC) are the non-federal partners. RUS funding would comprise a portion of the non-federal cost share for the Indian Bayou Service Area. The ANRC is the state agency with legal authority and responsibility for protection and management of Arkansas' water resources, including groundwater. The ANRC strongly supports the implementation of projects that develop surface water resources to supplement and protect diminishing groundwater reserves. The Bayou Meto Basin, Arkansas project was developed to be consistent with the Arkansas State Water Plan. The ANRC, in partnership with the BMWMD, has indicated their intent to serve as local sponsor for the project and assume the responsibilities of local cooperation.

Numerous other studies have been completed that document the water supply and groundwater depletion issues (the primary problem that the project addresses), starting as far back as the late 1940's. Continued withdrawals at the current rate will deplete the alluvial and Sparta aquifers such that they will no longer be viable sources of irrigation water, and agriculture as it is now practiced will be impossible. The project was re-authorized, and the scope expanded, in the Water Resources Development Act of 1996. The general reevaluation was conducted to fully evaluate and determine the best plan of improvement for flood control, agricultural water supply, and waterfowl management. Alternatives were developed and analyzed using USACE planning criteria to develop a plan consisting of measures that best meet the area's needs. Once the plan was identified, detailed engineering and design studies were completed to the level of detail required for preparation of a baseline cost estimate and schedule for implementation.

The following were identified as planning objectives:

1. Protect and preserve the alluvial aquifer.
2. Maximize the use of water conservation.
3. Provide supplemental water supply to meet the irrigation water needs of the Bayou Meto Basin.
4. Restore and enhance waterfowl habitat.
5. Restore native vegetation.
6. Maintain long-range productivity of wetlands and forests.
7. Minimize cost and maximize outputs.

Relief from flooding problems in the southern portion of the project area is also an important component of this study. Significant annual flooding occurs on farmland and within the Bayou Meto Wildlife Management Area (WMA), resulting in lost income and stress on forest habitat (excess water cannot drain from the WMA). Waterfowl management is also an important objective. Much of the native habitat in the Bayou Meto Basin has been cleared for agriculture, limiting available habitat for waterfowl and isolating flora and fauna in relatively small patches.

Therefore, the development of a waterfowl management (WM) plan that focused on providing substantial waterfowl benefits through habitat restoration was developed. The WM plan also benefits tributary stream fisheries and aquatic organisms, and would substantially increase the amount of bottomland hardwood forest and other wildlife habitat within the region.

The GRR/EIS evaluates five alternatives for meeting the identified problems and opportunities: No Action (Alternative WS1); Conservation with Storage (Alternative WS2); 1650 cubic feet per second (cfs) Import System Plus Conservation and Storage (Alternative WS3); 1750 (cfs) Import System Plus Conservation and Storage (Alternative WS4); and, 1850 (cfs) Import System Plus Conservation and Storage (Alternative WS5). The selected plan, which maximized National Economic Development (NED) and environmental (restoration) benefits, consisted of Water Supply (WS) Alternative 4B, Flood Control (FC) Alternative 2A, and the Waterfowl Management (WM) Plan. In addition to waterfowl, habitat benefits would accrue to a variety of other game and non-game species through creation or enhancement of bottomland hardwood, herbaceous wetland/prairie, moist soil, and riparian buffer habitats.

In order to comply with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations, ''Protection of Historic Properties'' (36 CFR part 800), the USACE, acting as the lead agency for Section 106 review, the Natural Resources Conservation Service, the Advisory Council on Historic Preservation, and the Arkansas State Historic Preservation Officer executed a Programmatic Agreement (PA) on January 13, 2009. That PA, which is titled, ''Programmatic Agreement Among the U.S. Army Corps of Engineers, Memphis District, the Natural Resources Conservation Service, the Arkansas State Historic Preservation Officer, Quapaw Tribe of Oklahoma, Cherokee Nation of Oklahoma, Mississippi Band of Choctaw Indians, Caddo Nation of Oklahoma, Osage Nation of Oklahoma, United Keetoowah Band of Cherokee Indians in Oklahoma, Thlopthlocco Tribal Town, Alabama-Quassarte Tribal Town, Other Signatory and Concurring Tribes, Bayou Meto Water Management District, the Arkansas Natural Resources Commission and the Advisory Council on Historic Preservation Regarding Implementation of the Bayou Meto Basin Arkansas Project Pursuant to the National Historic Preservation Act and Other Authorities,'' establishes the level of effort needed for the identification and treatment of affected historic properties.

Since execution of the PA in 2009, the USACE has conducted several archeological studies of the area of potential effects. RUS, which has designated the USACE as the lead agency pursuant to 36 CFR 800.2(a)(2), will review the studies completed to date under the terms of the 2009 PA to determine how to proceed most appropriately to conclude Section 106 review.

The proposed RUS decision to provide funding for the Indian Bayou Service Area portion of the Bayou Meto Basin project is a federal action subject to NEPA and related federal statutes. After an independent review, RUS finds that the GRR/EIS and Record of Decision (ROD) sufficiently addresses reasonable alternatives and the potential environmental effects of the activities proposed to be funded by RUS. The GRR/EIS meets the requirements of USDA and RUS NEPA procedures and guidance, and would be appropriate for adoption.

RUS may receive additional requests for financial assistance for similar portions of the Bayou Meto Basin project. If additional requests are received it is the intent of the agency to issue additional Records of Decision without additional notices to adopt the USACE's GRR/EIS.

Based on the information summarized in this notice, RUS intends to adopt the USACE's final GRR/EIS to enable Agency NEPA compliance for the proposed Federal funding decision. After the close of the comment period, RUS anticipates the preparation and issuance of our Record of Decision to occur in May/June 2014. As required, RUS will conclude review under 36 CFR part 800 prior to the issuance of the Record of Decision.

Dated: April 8, 2014.

Jacqueline Ponti-Lazaruk,

Assistant Administrator, Rural Utilities Service.

[FR Doc. 2014–09831 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Intent; Request for Comments on Adoption of the U.S. Army Corps of Engineers' Grand Prairie Area Demonstration Project General Reevaluation Report and Final Environmental Impact Statement, Arkansas, Lonoke, Monroe and Prairie Counties, AR

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of intent to adopt reevaluation report and final environmental impact statement.

SUMMARY: The Rural Utilities Service (RUS) an agency of the United States Department of Agriculture is giving notice of its intent to adopt the U.S. Army Corps of Engineers' (USACE) existing general reevaluation report and final environmental impact statement (GRR/EIS) for the Grand Prairie Area Demonstration Project, Arkansas (project). RUS is considering providing funding to the applicant, the White River Regional Irrigation Water Distribution District (WRID) to construct a portion of the project consisting of activities that have been identified, designed and reviewed under the Corps' existing GRR/EIS. Based on independent RUS evaluation, adoption of the GRR/EIS would meet the Council on Environmental Quality (CEQ) and RUS regulations and guidance for implementing the National Environmental Policy Act (NEPA). To fulfill RUS's NEPA requirements and support a funding decision, we are recirculating the GRR/EIS for written public comment via this notice, in accordance with CEQ and RUS adoption guidelines.

DATES: Written comments on this Notice must be received on or before May 30, 2014.

ADDRESSES: Send written comments to: Mark Plank, Director, Engineering and Environmental Staff, USDA Rural Utilities Service, 1400 Independence Ave. SW., Stop 1571, Room 2242–S, Washington, DC 20250. The GRR/EIS and related documents referenced in this notice are available at *http://www.mvm.usace.army.mil/Missions/Projects/GrandPrairieAreaDemonstrationProject/Maps,ReportsStudies/GeneralReevaluationReport.aspx.* To the extent practicable, these documents can be made available for public review in alternative formats by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT** to request documents in alternative formats. We provide this notice under regulations implementing NEPA and invite the public to review the GRR/EIS during the 30-day comment period (see **DATES**). Before including your address, phone number, email address or other personal identifying information in your comment, please be aware that your entire comment—including personal identifying information—may be made publicly available at any time. RUS will endeavor to withhold personal identifying information from public review upon request, but we cannot guarantee that we will be able to do so.

As provided for pursuant to 36 CFR 800.2(d)(3), RUS is using this notice to comply with the requirement under 36 CFR 800.2(d) that the agency seek and consider the views of the public regarding effects to historic properties prior to making a decision on the project.

FOR FURTHER INFORMATION CONTACT: Richard Fristik, Senior Environmental Protection Specialist, USDA Rural Utilities Service, 1400 Independence Ave. SW., Stop 1571, Room 2240–S, Washington, DC 20250, Telephone: (202) 720–5093, Facsimile: (202) 690–0649, or email *richard.fristik@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: RUS' proposed funding action is for activities already identified, designed and reviewed under the GRR/EIS. Adoption and recirculation for public written comment of the GRR/EIS fulfills RUS' requirements under CEQ (40 CFR 1506.3(b)) and Agency (7 CFR 1794.72(b)) NEPA implementing regulations. Recent CEQ guidance encourages agencies to ''. . . coordinate and take appropriate advantage of existing documents and studies, including through adoption and incorporation by reference'' as a means of improving NEPA efficiency (see ''Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act'' at *http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf*).

The overall Grand Prairie project area is located about 40 miles east of Little Rock and is generally outlined by the White River to the east, Bayou Meto to the west, Interstate 40 to the north and Highway 165 to the south. The area encompasses the towns of DeValls Bluff, Hazen, Carlisle, Stuttgart, Ulm and DeWitt; the entire study area is about 15 miles east to west and 50 miles north to south, or approximately 362,600 acres. Historically, the Grand Prairie was the largest (nearly 500,000 acres) of several discontinuous prairies that occupied Arkansas and Louisiana. Due to cultivation only about .01 percent of this prairie remains today. The proposed project for which RUS funding would be provided consists of an electrical substation to provide power to the pump station at the White River, portions of the secondary water delivery system to serve approximately 20 farms over 10,000 acres, and establishment of prairie vegetation and waterfowl habitat.

The USACE prepared the following documents to meet their federal requirements:

- ''Eastern Arkansas Region Comprehensive Study, Grand Prairie Area Demonstration Project, General Reevaluation Report, Volume 1—Main Report & Final Environmental Impact Statement (EIS),'' September 1999 (GRR/EIS).
- ''Record of Decision, Grand Prairie Area Demonstration Project,'' Arkansas, February 2000, (ROD).
- ''Final Environmental Assessment, Grand Prairie Area Demonstration Project, Arkansas, Post General Reevaluation Design Changes,'' July 2004, (EA1).
- ''Finding of No Significant Impact, Grand Prairie Area Demonstration Project, Arkansas, Post General Reevaluation Design Changes,'' July 2010, (FONSI1).
- ''Environmental Assessment, Grand Prairie Area Demonstration Project, Canal Realignment and Pumping Station Borrow Area, Prairie County, Arkansas,'' September 2010, (EA2).

• ''Finding of No Significant Impact, Grand Prairie Area Demonstration Project, Canal Realignment and Pumping Station Borrow Area, Prairie County, Arkansas,'' September 2010 (FONSI2).

The particular authority under which the overall project is authorized and funded requires a 65 percent federal/35 percent non-federal cost share. The WRID and the Arkansas Natural Resources Commission (ANRC) are the non-federal partners. RUS funding would comprise the non-federal cost share for the project portion. The ANRC is the state agency with legal authority and responsibility for protection and management of Arkansas' water resources, including groundwater. The ANRC strongly supports the implementation of projects that develop surface water resources to supplement and protect diminishing groundwater reserves. The Grand Prairie, Arkansas project was developed to be consistent with the Arkansas State Water Plan. The ANRC, in partnership with the WRID, has indicated their intent to serve as local sponsor for the project and assume the responsibilities of local cooperation.

Numerous other studies have been completed that document the water supply and groundwater depletion issues (the primary problem that the project addresses), starting as far back as the late 1920's. Continued withdrawals at the current rate will deplete the Mississippi River Valley Alluvial aquifer such that it will no longer be a viable source of irrigation water, and agriculture as it is now practiced will be impossible. The project was re-authorized, and the scope expanded, in the Water Resources Development Act of 1996. The general reevaluation was conducted to fully evaluate and determine the best plan of improvement for flood control, agricultural water supply, and waterfowl management. Alternatives were developed and analyzed using USACE planning criteria to develop a plan consisting of measures that best meet the area's needs. Once the plan was identified, detailed engineering and design studies were completed to the level of detail required for preparation of a baseline cost estimate and schedule for implementation. The following were identified as planning objectives: (1) Protect and preserve the alluvial aquifer; (2) Maximize the use of water conservation; (3) Provide a supplemental water supply to meet the irrigation water needs of the Grand Prairie area; (4) Enhance fish and wildlife habitat; (5) Restore native prairies; (6) Minimize cost and maximize outputs.

The GRR/EIS evaluates seven alternatives for meeting the identified problems and opportunities: No Action (Alternative 1); Storage Only (Alternative 2); Conservation w/Storage (Alternative 3); Import System Plus Conservation w/no Additional Storage (Alternative 4); Combination Import System Plus Conservation and Storage (Alternative 5); Combination Alternative w/Additional Storage (Alternative 6). Alternatives 5 and 6 each considered 2 levels of on farm storage and 7 different river water withdrawal rates. Alternative 7, which was considered to incorporate the refined set of previous alternatives, was used to optimize the water import system size. The selected plan was Alternative 7B, which maximized National Economic Development (NED) benefits. This alternative consists of a 1640 cubic feet per second (cfs) import and primary distribution system, increased irrigation efficiencies, ground water sustenance through maintenance of a ''safe yield'', additional on-farm storage, and environmental features to benefit waterfowl, fisheries, and native prairie vegetation. The environmental benefits result from project design, specific restoration, or mitigation.

On January 13, 2009, the USACE, Natural Resources Conservation Service (NRCS), the Advisory Council on Historic Preservation (ACHP) and the Arkansas State Historic Preservation Office (SHPO) executed a Programmatic Agreement (PA) titled, ''Programmatic Agreement Among the U.S. Army USACE of Engineers, Memphis District, the Natural Resources Conservation Service, the Arkansas State Historic Preservation Officer, the Quapaw Tribe of Oklahoma, the Cherokee Nation of Oklahoma, the Mississippi Band of Choctaw Indians, the Osage Nation of Oklahoma, the United Keetoowah Band of Cherokee Indians in Oklahoma, Thlopthlocco Tribal Town, the Alabama-Quassarte Tribal Town, Other Signatory and Concurring Tribes, the White River Regional Irrigation Water Distribution District, the Arkansas Natural Resources Commission and the Advisory Council on Historic Preservation Regarding Implementation of the Grand Prairie Demonstration Project, Grand Prairie Region, Arkansas, Pursuant to the National Historic Preservation Act and Other Authorities''. This PA was developed by USACE in consultation with the following Indian tribes—the Quapaw Tribe of Oklahoma, the Cherokee Nation of Oklahoma, the Mississippi Band of Choctaw Indians, the Osage Nation of Oklahoma, the United Keetoowah Band of Cherokee Indians in Oklahoma, Thlopthlocco Tribal Town and the Alabama-Quassarte Tribal Town—and the WRID and the Arkansas Natural Resources Commission. Under the terms of this agreement, the USACE, Memphis District, has been designated as the lead agency for Section 106 review of the Project, while the NRCS is identified as the USCAE Memphis District's on-farm agent, responsible for the design and construction of the on-farm delivery and storage system.

The PA establishes procedures for the identification and treatment of historic properties for the on-farm component of the Grand Prairie Demonstration Project (GPDP), any subsequent design changes which may be needed and the treatment of inadvertent discoveries during construction. Prior to execution of the PA, the USACE studied the area of potential effects (APE) for the Project to identify historic properties. The findings of that study are presented in a report titled, ''A Comprehensive Study, Grand Prairie Demonstration Area, Arkansas, Lonoke, Monroe and Prairie Counties, Arkansas, Volume 1—Cultural Resources Overview (1996), Volume II—Findings (1999), and Volume III—Appendices (1999).'' The Arkansas SHPO has reviewed and accepted the findings of these reports. The USACE used the findings of these reports to design all, but the on-farm, components of the Project in such a way as to avoid adverse effects to historic properties. Accordingly, this study coupled with the terms of the PA addresses the effects of the construction of the Project in its entirety, including the water distribution system which RUS has been asked to finance.

Since its execution, the effect of one realignment has been addressed by the USACE under the terms of the PA. That study titled, ''Phase I Intensive Cultural Resources Survey for the Grand Prairie Demonstration Project Canals 1000 & 2000 Realignment, Prairie County, Arkansas,'' (2010), identified no historic properties within the APE for the proposed design change. The proposed RUS decision to provide funding for the Grand Prairie Area is a federal action subject to NEPA and related federal statutes. After an independent review, we find that the GRR/EIS and ROD sufficiently address reasonable alternatives and the potential environmental effects of the activities proposed to be funded by RUS. The GRR/EIS meets the requirements of USDA and RUS NEPA procedures and guidance, and would be appropriate for adoption. RUS may receive additional requests for financial assistance for similar portions of the Grand Prairie

Area Demonstration project. If additional requests are received it is the intent of the agency to issue additional Records of Decision without additional notices to adopt the USACE's GRR/EIS.

Based on the information summarized in this notice, RUS intends to adopt the USACE's final GRR/EIS to enable Agency NEPA compliance for the proposed Federal funding decision. After the close of the comment period, RUS anticipates the preparation and issuance of our Record of Decision to occur in May/June 2014. As required, RUS will conclude review under 36 CFR part 800 prior to the issuance of the Record of Decision.

Dated: April 8, 2014.

Jacqueline Ponti-Lazaruk,

Assistant Administrator, Rural Utilities Service.

[FR Doc. 2014–09829 Filed 4–29–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

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

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://iaaccess.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review. Rebuttal comments will be due five days after submission of initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than March 31, 2015.

	Period to be reviewed
Antidumping Duty Proceedings	
France: Brass Sheet and Strip, A–427–602	3/1/13–2/28/14
Griset SA	
KME France	
Germany: Brass Sheet and Strip, A–428–602	3/1/13–2/28/14
Aurubis Stolberg GmbH & Co. KG	
Carl Schreiber GmbH	
KME Germany AG & Co. KG	
Messingwerk Plettenberg Herfeld GmbH & Co. KG	
MKM Mansfelder Kupfer & Messing GmbH	
Schlenk Metallfolien GmbH & Co. KG	
Schwermetall Halbzeugwerk GmbH & Co. KG	
Sundwiger Messingwerke GmbH & Co. KG	
ThyssenKrupp VDM GmbH	
Wieland-Werke AG	
India: Certain Frozen Warmwater Shrimp,[4] A–533–840	2/1/13–1/31/14
Munnangi Sea Foods (Pvt) Ltd.	
Italy: Brass Sheet and Strip, A–475–601	3/1/13–2/28/14
KME Italy SpA	
Spain: Stainless Steel Bar, A–469–805	3/1/13–2/28/14
Gerdau Aceros Especiales Europa, S.L.	
Thailand: Circular Welded Carbon Steel Pipes and Tubes, A–549–502	3/1/13–2/28/14
Pacific Pipe Public Company Limited	

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Saha Thai Steel Pipe Company, Ltd.	
Saha Thai Steel Pipe (Public) Company, Ltd.	
The People's Republic of China: Glycine, A–570–836	3/1/13–2/28/14
Baoding Mantong Fine Chemistry Co., Ltd.	
Evonik Rexim (Nanning) Pharmaceutical Co., Ltd.	
The People's Republic of China: Sodium Hexametaphosphate, A–570–908	3/1/13–2/28/14
Hubei Xingfa Chemicals Group Co., Ltd.	
Countervailing Duty Proceedings	
Republic of Korea: Large Residential Washers,[5] C–580–869	6/5/12–12/31/13
The People's Republic of China: Drill Pipe, C–570–966	1/1/13–12/31/13
Shanxi Yida Special Steel Imp. & Exp. Co., Ltd.	
Turkey: Certain Welded Carbon Steel Pipe and Tube, C–489–502	1/1/13–12/31/13
Borusan Group and all affiliates (including, but not limited to, Borusan Mannesmann Boru Sanayi ve Ticaret A.S. ("BMB"), Borusan Istikbal Ticaret ("Istikbal"), Borusan Holding A.S., and Borusan Lojistik Dagitim Pepolama Tasimacilik ve Tic A.S.)	
ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S.	
Guven Steel Pipe (also known as Guven Celik Boru San. Ve Tic. Ltd.)	
Toscelik Profil ve Sac Endustrisi A.S.	
Toscelik Metal Ticaret A.S.	
Tosyali Dis Ticaret A.S.	
Umran Celik Boru Sanaylii A.S. (also known as Umran Steel Pipe Inc.)	
Yucel Group and all affiliates (including, but not limited to, Yucel Boru ve Profil Endustrisi A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S. and Cayirova Boru Sanayi ve Ticaret A.S.) ("Yucel Group")	
Suspension Agreements	
None	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that the meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://*

[4] In the initiation notice for certain frozen warmwater shrimp from India and Thailand, the Department inadvertently omitted one company, Munnangi Sea Foods (Pvt) Ltd., for which a timely review request was received with respect to the 2013–2014 administrative review of the antidumping duty order on Certain Frozen Warmwater Shrimp from India. *See Certain Frozen Warmwater Shrimp From India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews,* 79 FR 18510 (Apr. 2, 2014). This company is included herein as a correction to the April 2, 2014, initiation notice.

[5] In the initiation notice that published on April 1, 2014 (79 FR 18262) the POR for the above referenced case was incorrect. The period listed above is the correct POR for this case.

enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt, prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[6] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. Ongoing segments of any antidumping duty or countervailing duty proceedings initiated on or after March 14, 2011 should use the formats for the revised certifications provided at the end of the *Interim Final Rule*.[7] All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[8] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: April 22, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–09889 Filed 4–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See* section 782(b) of the Act.

[7] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (''*Interim Final Rule*''), amending 19 CFR 351.303(g)(1) and (2); *Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule,* 76 FR 54697 (September 2, 2011).

[8] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–803]

Polyethylene Terephthalate Film, Sheet, and Strip From the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2011–2012

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

ACTION: Notice.

SUMMARY: On December 24, 2013, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film (PET Film) from the United Arab Emirates.[1] This review covers two producer or exporters of subject merchandise: JBF RAK LLC (JBF) and FLEX Middle East FZE (FLEX). Based on our analysis of the comments received, we made changes to the *Preliminary Results,* which are discussed below. The final weighted-average dumping margins are listed below in the section titled ''Final Results of Review.''

DATES: April 30, 2014.

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

SUPPLEMENTARY INFORMATION:

Background

Since the *Preliminary Results,* the following events have taken place: The Department received timely case briefs from Mitsubishi Polyester Film, Inc., and SKC, Inc., (collectively, Petitioners) and JBF on January 23, 2014. Petitioners filed a timely rebuttal brief with the Department on January 28, 2014.

Period of Review

The period of review is November 1, 2011, through October 31, 2012.

Scope of the Order

The products covered by the order are all gauges of raw, pre-treated, or primed polyethylene terephthalate film (PET Film), whether extruded or co-extruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET Film is classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2011–2012,* 78 FR 77649 (December 24, 2013) (*Preliminary Results*).

Analysis of Comments Received

All issues raised by parties in the case and rebuttal briefs are addressed in the Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from the United Arab Emirates: Issues and Decision Memorandum for the Final Results'' (Decision Memorandum), dated concurrently with, and hereby adopted by, this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (IA ACCESS). IA ACCESS is available to registered users at *http://iaacess.trade.gov,* and it is available to all parties in the Central Records Unit of the main Commerce Building, room 7046. In addition, a complete version of the Decision Memorandum is also accessible on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made adjustments to our margin calculations for FLEX. Specifically, in response to allegations raised by Petitioners, we made changes to correct certain errors in FLEX's margin calculation.[2] There have been no changes to the margin calculation for JBF.

Final Results of Review

As a result of this review, we determine that the following weighted-average dumping margins exist for the period of November 1, 2011, through October 31, 2012:

Producer or Exporter	Weighted average dumping margin (percent *ad valorem*)
JBF RAK LLC	1.41
FLEX Middle East FZE	15.92

[2] *See* Memorandum to Mark Hoadley, ''Final Analysis Memorandum for Flex Middle East FZE,'' April 23, 2014.

Disclosure

We will disclose to interested parties the calculations performed in connection with these final results within five days of the publication of this notice, consistent with 19 CFR 351.224(b).

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[3] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

For assessment purposes for JBF and FLEX, we calculated importer-specific, *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.[4] However, where the respondent did not report the entered value for its sales, we calculated importer-specific, per-unit assessment rates by aggregating the total amount of dumping calculated for the examined sales and dividing this amount by the total quantity of those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis* (*i.e.,* less than 0.50 percent). Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate, without regard to antidumping duties, all entries for which the assessment rate is zero or *de minimis.*

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[5] This clarification applies to entries of subject merchandise during the period of review produced by companies under review in these final results for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate such entries at the all-others rate of 4.05 percent from the less-than-fair-value investigation if there is no rate for the intermediate company(ies) involved in the transaction.[6]

[3] The Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[4] *See* 19 CFR 351.212(b)(1).

[5] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) For the companies covered by this review, the cash deposit rate will be equal to the weighted-average dumping margin listed above in the section ''Final Results of Review;'' (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 4.05 percent, the all-others rate established in the less than fair value investigation.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby

[6] *See id.; see also Polyethylene Terephthalate Film, Sheet, and Strip From Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates,* 73 FR 66595, 66596 (November 10, 2008).

[7] *See id.*

requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Importers

This notice also serves as a final 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 Department's presumption that reimbursement of antidumping duties occurred which will result in the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: April 23, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues in the Decision Memorandum

Comment 1: Correction of Certain Errors in FLEX's SAS Program
Comment 2: Consideration of an Alternative Comparison Method in Administrative Reviews
Comment 3: Differential Pricing Analysis
Comment 4: Alleged Error in Department's SAS Programming
Comment 5: Grade A and Grade B Sales
Comment 6: 15-Day Liquidation Policy

[FR Doc. 2014–09891 Filed 4–29–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment

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

SUMMARY: The Department of Commerce (Department) seeks public comment on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period July 1, 2013 through December 31, 2013.

DATES: Comments must be submitted within thirty days after publication of this notice.

ADDRESSES: *See* the Submission of Comments section below.

FOR FURTHER INFORMATION CONTACT: James Terpstra, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2008, section 805 of Title VIII of the Tariff Act of 1930 (the Softwood Lumber Act of 2008) was enacted into law. Under this provision, the Secretary of Commerce is mandated to submit to the appropriate Congressional committees a report every 180 days on any subsidy provided by countries exporting softwood lumber or softwood lumber products to the United States, including stumpage subsidies.

The Department submitted its last subsidy report on December 20, 2013. As part of its newest report, the Department intends to include a list of subsidy programs identified with sufficient clarity by the public in response to this notice.

Request for Comments

Given the large number of countries that export softwood lumber and softwood lumber products to the United States, we are soliciting public comment only on subsidies provided by countries whose exports accounted for at least one percent of total U.S. imports of softwood lumber by quantity, as classified under Harmonized Tariff Schedule code 4407.1001 (which accounts for the vast majority of imports), during the period July 1, 2013 through December 31, 2013. Official U.S. import data published by the United States International Trade Commission Tariff and Trade DataWeb indicate that only two countries, Canada and Chile, exported softwood lumber to the United States during that time period in amounts sufficient to account for at least one percent of U.S. imports of softwood lumber products. We intend to rely on similar previous six-month periods to identify the countries subject to future reports on softwood lumber subsidies. For example, we will rely on U.S. imports of softwood lumber and softwood lumber products during the period January 1, 2014 through June 30, 2014, to select the countries subject to the next report.

Under U.S. trade law, a subsidy exists where an authority: (i) Provides a financial contribution; (ii) provides any form of income or price support within the meaning of Article XVI of the GATT 1994; or (iii) makes a payment to a funding mechanism to provide a financial contribution to a person, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments, and a benefit is thereby conferred.[1]

Parties should include in their comments: (1) The country which provided the subsidy; (2) the name of the subsidy program; (3) a brief description (at least 3–4 sentences) of the subsidy program; and (4) the government body or authority that provided the subsidy.

Submission of Comments

Persons wishing to comment should file comments by the date specified above. Comments should only include publicly available information. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially due to business proprietary concerns or for any other reason. The Department will return such comments or materials to the persons submitting the comments and will not include them in its report on softwood lumber subsidies. The Department requests submission of comments filed in electronic Portable Document Format (PDF) submitted on CD–ROM or by email to the email address of the EC Webmaster, below.

The comments received will be made available to the public in PDF on the Enforcement and Compliance Web site at the following address: *http://enforcement.trade.gov/sla2008/sla-index.html.* Any questions concerning file formatting, access on the Internet, or other electronic filing issues should be addressed to Laura Merchant, Enforcement and Compliance Webmaster, at (202) 482–0367, email address: *webmaster_support@trade.gov*.

All comments and submissions in response to this Request for Comment should be received by the Department no later than 5 p.m. Eastern Standard Time on the above-referenced deadline date.

Dated: April 24, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–09874 Filed 4–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* section 771(5)(B) of the Tariff Act of 1930, as amended.

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0046]

Submission for OMB Review; Comment Request—Consumer Focus Groups

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC or Commission) announces that the CPSC has submitted to the Office of Management and Budget (OMB), a request for extension of approval of a collection of information from persons who may voluntarily participate in consumer focus groups.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by May 30, 2014.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2010–0046.

FOR FURTHER INFORMATION CONTACT: For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 11, 2014 (79 FR 8177), the CPSC published a notice to announce the CPSC's intention to seek extension of approval of the information collection under OMB Control No. 3041–0136. The CPSC received one comment from the Retail Industry Leaders Association (RILA).

1. Burden Hours—RILA states that the limited number and composition of the focus groups (20 groups in the next 3 years, with 10 persons each and 10 one-on-one interviews) would not provide the Commission with adequate data necessary to carry out a robust study on issues related to recall effectiveness.

Response: The focus group collection of information supports a variety of consumer focus group activities, and the collection is not limited to collecting information on the effectiveness of consumer product recalls. Other focus groups unrelated to recall effectiveness have been conducted in the past and may also be conducted in the future (*e.g.,* pool and spa safety, recreational off-road vehicle restraint systems, and cpsc.gov Web site redesign). CPSC staff agrees that a robust study and review of the effectiveness of various methods of consumer notification based on consumer behavior would be useful. However, such a study would require information collection activities beyond the limited use of focus groups and likely would require additional resources. If, at a future date, CPSC staff obtains resources to undertake such a comprehensive study, CPSC will request a separate information collection authorization from OMB to support that effort.

2. Recall Effectiveness Study—RILA asserts that CPSC has not followed up on a recall effectiveness study conducted in 2003 by CPSC staff to examine the effectiveness of the various methods of communicating recalls to consumers. RILA also states that CPSC staff should work collaboratively with industry, including retailers as well as consumers, to effectively communicate recall messages to consumers.

Response: CPSC conducted an initial review of consumer recall communications and recall effectiveness rates in 2003, which helped inform the Commission on ways to improve recall notices. Since the 2003 review, CPSC staff has monitored recall effectiveness rates across a variety of product classes and pursued actions to improve recall effectiveness, including enhanced use of social media and other communication mechanisms. In addition, the Commission is currently conducting a questionnaire, Registration Card Data Collection, approved under OMB control number 3041–0165, which is directed at manufacturers to examine the effectiveness of registration cards for communicating recalls to consumers. Because voluntary recalls are agreed upon with industry, CPSC staff engages industry on the communication of each and every recall announcement. In addition, representatives of industry submitted a substantial number of comments on the Commission's recently proposed revisions to Voluntary Remedial Actions and Guidelines for Voluntary Recall Notices (November 21, 2013, 78 FR 69793), many of which addressed effective communication of recall notices to consumers. The CPSC currently is reviewing those comments.

CPSC seeks to renew the following currently approved collection of information:

Title: Consumer Focus Groups.

OMB Number: 3041–0136.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Persons who volunteer to participate in consumer focus groups.

Estimated Number of Respondents: 200 participants over a 3-year period.

Estimated Time per Response: 367 hours annually.

Total Estimated Annual Burden: $34,276.

General Description of Collection: The CPSC solicits direct feedback from consumers on product use and consumer perceptions regarding product safety. Focus groups provide insight and information into consumer perceptions and usage patterns to help the Commission identify and evaluate consumer products and product use.

Dated: April 25, 2014.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2014–09815 Filed 4–29–14; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

Application for New Awards; National Research Center for the Education of Gifted and Talented Children and Youth

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

Overview Information

National Research Center for the Education of Gifted and Talented Children and Youth

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.305C.

DATES:

Request for Applications Available: April 28, 2014.

Applications Available: May 29, 2014.

Deadline for Notice of Intent to Apply: May 29, 2014.

Deadline for Transmittal of Applications: July 22, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the National Research Center for the Education of Gifted and Talented Children and Youth is to conduct research on improving academic outcomes for underserved students with

high academic potential. These students (often low-income students, racial/ethnic minority students, English learners, students living in small towns or rural communities, and/or students with disabilities) are disproportionally underrepresented in programs for students with high academic potential in the United States. In its first two years, the Center will focus on studying the implementation of at least two or three academic programs established to serve these students and the ways in which students are identified, selected into, and participate in these academic programs. The Center will explore how these academic programs and their selection procedures relate to student academic outcomes (i.e., achievement in the core academic content areas). Also, in the second year, the Center will submit an impact evaluation plan to the Institute describing the programs and procedures to be evaluated from among those identified as promising during the Center's first two years, the evaluation designs to be used, and evidence of a willingness to collaborate in the evaluation by state and local education agencies.

Third, Fourth, and Fifth Years of the Project

If the evaluation plan is accepted, the Center will use the third to fifth years to evaluate the impact of programs and procedures, identified as promising by the exploratory research, on student academic outcomes. In deciding whether to continue funding the project for the third, fourth, and fifth years, the Director will consider:

(a) The recommendation of a scientific peer review team that the Center's proposed impact evaluation plan be accepted by the Institute, and

(b) The timeliness and effectiveness with which all existing requirements of the negotiated cooperative agreement have been or are being met by the Center.

Program Authority: 20 U.S.C. 9501 *et seq.*

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 77, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The EDGAR regulations in 34 CFR part 75, except for 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, and 75.230.

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

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $1 million.

Estimated Number of Awards: 1

Maximum Award: We will reject any application that proposes an annual budget exceeding $1 million in any of the 5 potential years of the project period.

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

Project Period: Up to 24 months based on performance and up to an additional 36 months based on performance and review of a follow-up evaluation plan.

III. Eligibility Information

1. *Eligible Applicants:* Applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. Institutions of higher education and state education agencies that meet these criteria may apply individually, jointly, or in combination with any other organizations. Other public or private (non-profit or for-profit) organizations may apply only in combination with at least one institution of higher education or at least one state education agency.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Request for Applications (RFA) and Other Information:* Information regarding program and application requirements for the competition will be contained in the NCER RFA, which will be available on or before April 28, 2014, at the following Web site: *http://ies.ed.gov/funding/.*

The application package for this competition will be available on May 29, 2014.

The selection criteria, requirements concerning the content of an application, and review procedures for the competition are contained in the RFA.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application are in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

3. *Submission Dates and Times:*

Request for Applications Available: April 28, 2014.

Applications Available: May 29, 2014.

Deadline for Notice of Intent to Apply: May 29, 2014.

Deadline for Transmittal of Applications: July 22, 2014.

The application package for this competition may be obtained from the Grants.gov Apply (*www.Grants.gov*) site and applications must be submitted electronically to that site. For information 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 V. part 1. *Electronic Submission of Applications* in this notice.

We do not consider an application that does not comply with the deadline and electronic submission requirements in this notice.

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 VIII of this notice and the chart at the end 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.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *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)—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 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.*

V. Other Submission Requirements

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

1. Electronic Submission of Applications

Applications for grants under the Education Research and Development Centers competition, CFDA Number 84.305C 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 Education Research and Development Centers competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.305, not 84.305C).

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: Application for Federal Assistance (SF 424 Research & Related (R&R)) and the other R&R forms including, Project Performance Site Locations, Other Project Information, Senior/Key Person Profile (Expanded), Research and Related Budget (Total Federal and Non-Federal), 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 attempt to attach and 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, your application will be rejected with errors by Grants.gov and we will not review that material.
- 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, you can email the Grants.gov Support Desk at *support@grants.gov* or call for support at 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 VIII 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: Ellie Pelaez, U.S. Department of Education, 555 New Jersey Avenue NW., Room 602e, Washington, DC 20208. FAX: (202) 219–1466.

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

2. 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: *84.305C*), 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.

3. 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: 84.305C), 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 10 of the SF 424 (R&R) 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.

VI. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are provided in the RFA. Note, IES programs are exempt from rulemaking requirements, pursuant to 20 U.S.C. 9581.

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).

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.

VII. 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. *Grant Administration:* Applicants should budget to attend an annual three-day meeting for project directors to be held in Washington, DC, a two-day November 2014 meeting of grantees under the Jacob K. Javits Gifted and Talented Students Education program to be held in either Baltimore or Washington, DC, and a one-day meeting in Washington, DC, in the second year of the grant to discuss the evaluation plan for the last three years of the project.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, 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*.

5. *Performance Measures:* To evaluate the overall success of its education research grant program, the Institute annually assesses the number of IES-supported interventions with evidence of efficacy in improving student outcomes including school readiness, academic outcomes (reading, writing, mathematics, and science), high school graduation and dropout, postsecondary enrollment and completion, and in enhancing teacher characteristics that have been shown to have a positive effect on student outcomes.

The data for these annual measures are based on What Works Clearinghouse (WWC) reviews of initial findings on interventions from Institute research grants, such as findings that will have been presented as papers at a convention or working papers provided to the Institute by its grantees. The WWC reviews these reports and rates them using the WWC published standards to determine whether the evidence from these research grants meets evidence standards of the WWC and demonstrates a statistically significant positive effect in improving the relevant outcome.

6. *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).

VIII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Dr. Wai-Ying Chow at *Wai-Ying.Chow@ed.gov* or Dr. Corinne Alfeld at *Corinne.Alfeld@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

IX. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the RFA in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the appropriate program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VIII 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 this 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 25, 2014.

John Q. Easton,

Director, Institute of Education Sciences.

[FR Doc. 2014–09867 Filed 4–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities

AGENCY: President's Board of Advisors on Historically Black Colleges and Universities, Department of Education.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the President's Board of Advisors on Historically Black Colleges and Universities. The notice also describes the functions of the Board. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend.

DATES: Thursday, May 22, 2014. Time: 9 a.m.–2 p.m. (EST)

ADDRESSES: U.S. Department of Commerce, National Institute of Standards and Technology, 100 Bureau Drive, Administration Building 101, Lecture Room B, Gaithersburg, MD, 20899–1000, (301) 975–8362.

FOR FURTHER INFORMATION CONTACT: Sedika Franklin, Program Specialist, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue SW., Washington, DC 20204; telephone: (202) 453–5634 or (202) 453–5630, fax: (202) 453–5632.

SUPPLEMENTARY INFORMATION: The President's Board of Advisors on Historically Black Colleges and Universities (the Board) is established by Executive Order 13532 (February 26, 2010). The Board is governed by the

provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Board is to advise the President and the Secretary of Education (Secretary) on all matters pertaining to strengthening the educational capacity of Historically Black Colleges and Universities (HBCUs).

The Board shall advise the President and the Secretary in the following areas: (i) Improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs; (ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives; (iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the nation in reaching its goal of having the highest proportion of college graduates by 2020; (iv) elevating the public awareness of HBCUs; and (v) encouraging public-private investments in HBCUs.

Agenda

The Board will receive updates from the Chairman of the President's Board of Advisors on Historically Black Colleges and Universities (HBCUs), the Board's subcommittees (Black Males, Strategy, Science Technology Engineering and Mathematics (STEM), Community Colleges and Aspirational Support) and the Executive Director of the White House Initiative on HBCUs on their respective activities, thus far, during Fiscal Year 2014 including activities that have occurred since the Board's last meeting, which was held on February 25, 2014. In addition, the Board will discuss possible strategies to meet its duties under its charter. Ivory Toldson, Deputy Director of the White House Initiative on HBCUs, will discuss President Obama's My Brother's Keeper Initiative, and Chad Womack, National STEM Director of the UNCF-Merck Fellowship Program will provide information on special initiatives directed at STEM education.

Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, or material in alternative format) should notify Sedika Franklin, White House Initiative on HBCUs, at (202) 453–5630, no later than Tuesday, May 13, 2014. We will attempt to meet requests for such accommodations after this date, but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

An opportunity for public comment is available on Thursday, May 22, 2014, from 1:30 p.m.–2 p.m. Individuals who wish to provide comments will be allowed three to five minutes to speak. Those members of the public interested in submitting written comments may do so by submitting comments to the attention of Sedika Franklin, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, by Tuesday, May 13, 2014.

Those members of the public interested in attending any portion of this open meeting must pre-register by submitting their first name, last name and citizenship to the attention of Sedika Franklin, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, by Tuesday, May 13, 2014.

Records are kept of all Board proceedings and are available for public inspection at the office of the White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday (excluding federal holidays) during the hours of 9 a.m. to 5 p.m.

Electronic Access to the Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/fedregister/index.html*. To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800 or in the Washington, DC, area at 202–512–1800.

Dated: April 23, 2014.

Jamienne S. Studley,

Acting Under Secretary, U.S. Department of Education.

[FR Doc. 2014–09854 Filed 4–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board, U.S. Department of Education.

ACTION: Notice of open and closed meeting sessions.

SUMMARY: This notice sets forth the schedule and proposed agenda for the upcoming meeting of the National Assessment Governing Board (Board) and also describes the specific functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This notice is issued to provide members of the general public with an opportunity to attend and/or provide comments. Individuals who will need special accommodations in order to attend the meeting (e.g. interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than May 9, 2014. We will attempt to meet requests after this date but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: May 15–17, 2014.

Times

May 15: Committee Meetings

Assessment Development Committee: Closed Session: Noon–4:00 p.m.
Assessment Literacy Work Group: Open Session: 2:00 p.m.–4:00 p.m.
Executive Committee: Open Session: 4:30 p.m.–5:30 p.m.

May 16: Full Board and Committee Meetings

Full Board: Open Session: 8:30 a.m.–10:00 a.m. and 12:45 p.m.–4:45 p.m.
Committee Meetings:
- Reporting and Dissemination Committee (R&D): Open Session: 10:00 a.m.–12:30 p.m.
- Assessment Development Committee (ADC): Open Session: 10:00 a.m.–12:30 p.m.
- Committee on Standards, Design and Methodology (COSDAM): Open Session: 10:00 a.m.–12:30 p.m.

May 17: Full Board and Committee Meetings

Nominations Committee: Closed Session: 7:30 a.m.–8:15 a.m.
Full Board: Open Session 8:30 a.m.–12:00 p.m.

Location: Omni Parker House, 60 School Street, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Executive Officer, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board

(Board) is established under section 302 of the National Assessment of Educational Progress Authorization Act.

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include the following: selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public. On May 15, 2014, from 12:00 Noon to 4:00 p.m. the Assessment Development Committee will meet in closed session to review secure NAEP test questions in grades 4 and 8 for the 2015 operational assessments in reading and mathematics. The Committee will review and discuss secure test items that cannot be discussed in an open meeting to protect the confidentiality of the secure assessment materials. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

On May 15, 2014, the Assessment Development Committee will meet in closed session from 12:00 p.m. to 4:00 p.m. The Committee will review secure NAEP interactive computer tasks and items for the 2015 NAEP Science assessment at grades 4, 8, and 12. The Committee will review and discuss secure test items that cannot be discussed in an open meeting to protect the confidentiality of the secure assessment materials. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

The Board's Assessment Literacy Work Group will meet in an open session on May 15, 2014 from 2:00 p.m. to 4:00 p.m. to discuss strategies and timelines related to their work to promote better understanding of educational tests among parents and members of the general public.

The Board's Executive Committee will convene on May 15, 2014 in open session from 4:30 p.m. to 5:30 p.m. to review and discuss the May 15–17, 2014 Board meeting agenda, receive an update on the NAEP budget, assessment schedule, and reauthorization, and discuss Board Committee issues and challenges to be addressed by the respective Board Committees.

On May 16, 2014, the full Board will meet in open session from 8:30 a.m. to 10:00 a.m. The Board will review and approve the May 2014 Board meeting agenda and meeting minutes from the February 27–March 1, 2013 Quarterly Board meeting. This session will be followed by the oath of office administration for new and reappointed Board members from the previous nomination cycle. Welcome remarks will be provided by senior education policy makers representing Massachusetts and Boston schools. Following these remarks, the Executive Director of the Governing Board will provide a report, followed by updates on the National Center for Education Statistics (NCES) and NAEP from the Director of the Institute of Education Sciences (IES). Thereafter, the Board will recess for Committee meetings from 10:00 a.m. to 12:30 p.m.

The Reporting and Dissemination Committee, Assessment Development Committee, and the Committee on Standards, Design and Methodology (COSDAM) will meet in open session from 10:00 a.m. to 12:30 p.m.

Following the Committee meetings, the Board will convene in open session from 12:45 p.m. to 1:30 p.m. During this session, the full Board will receive a briefing on the results of the 2012 Programme for International Student Assessment (PISA) administered to 15-year-old students in 44 countries. From 1:45 p.m. to 4:45 p.m. the Board will be provided with an overview on the NAEP Technology and Engineering Literacy assessment, NAEP assessments in Puerto Rico, and strategies for extending NAEP reports. The May 16, 2014 session of the Board meeting is scheduled to adjourn at 4:45 p.m.

On May 17, 2014, the Nominations Committee will meet in closed session from 7:30 a.m. to 8:15 a.m. to discuss finalists for Board terms beginning October 1, 2014, as well as potential candidates for Board terms beginning October 1, 2015. The Committee's discussions pertain solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 of the United States Code.

On May 17, 2014, the Board will meet in open session from 8:30 a.m. to 12:00 p.m. to discuss Board initiatives and ongoing work to include the NAEP Schedule of Assessments and NAEP's future role. The Board is scheduled to receive reports from the standing Committees and take action on Committee recommendations from 10:15 a.m. to 12:00 p.m. The May 17, 2014 meeting is scheduled to adjourn at 12:00 p.m.

A verbatim transcript of the meeting, consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street NW., Washington, DC, 20002, from 9:00 a.m. to 5:00 p.m. Eastern Time, Monday through Friday.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at *http://get.adobe.com/reader*. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC, area at (202) 512–0000.

Note: 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 on GPO Access at: *www.gpoaccess.gov/nara/index.html*.

Dated: April 25, 2014.

Mary Crovo,

Deputy Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2014–09872 Filed 4–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.). This collection was developed as part of a Federal

Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Comments regarding this proposed information collection must be received on or before June 30, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Mrs. Chris Rouleau, PRA Officer, Records Management Division (IM–23), Office of the Chief Information Officer, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, or by email at *InformationCollection@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection supporting statement should be directed to the person listed in **ADDRESSES** of this document.

SUPPLEMENTARY INFORMATION: This information collection request contains (1) *OMB No.:* 1910–5160; (2) *Information Collection Request Title:* ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery''; (3) *Type of Review:* Extension; (4) *Purpose:* The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management; (5) *Annual Estimated Number of Respondents:* 10,000; (6) *Annual Estimated Number of Total Responses:* 10,000; (7) *Annual Estimated Number of Burden Hours:* 200,000; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* There are no costs for Reporting and Recordkeeping.

Statutory Authority: Executive Order (EO) 13571, Streamlining Service Delivery and Improving Customer Service.

Issued in Washington, DC on April 23, 2014.

Troy Manigault,

Director, Records Management Division, IT Planning, Architecture, and E-Government, Office of the Chief Information Officer, U.S. Department of Energy.

[FR Doc. 2014–09873 Filed 4–29–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 14–31–LNG]

Cheniere Marketing, LLC; Application for Blanket Authorization To Export Previously Imported Liquefied Natural Gas on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on March 7, 2014, by Cheniere Marketing, LLC (CMI), requesting blanket authorization to export liquefied natural gas (LNG) previously imported into the United States from foreign sources in a volume equivalent to approximately 500 Billion cubic feet (Bcf) of natural gas on a cumulative basis. CMI seeks authorization to export the LNG by vessel from the Sabine Pass LNG Terminal, owned by Sabine Pass LNG, L.P. and located in Cameron Parish, Louisiana, on a short-term or spot market basis for a two-year period commencing on June 1, 2014. CMI requests authorization to export the LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. CMI requests this authorization on its own behalf and as agent for other parties who hold title to the LNG at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 30, 2014.

ADDRESSES:

Electronic Filing by email: *fergas@hq.doe.gov*

Regular Mail: U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine Moore or Beverly Howard, U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478; (202) 586–9387.

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–9793.

SUPPLEMENTARY INFORMATION:

Background

Applicant. CMI states that it is a Delaware limited liability company with its principal place of business in Houston, Texas. CMI further states that it is a wholly-owned subsidiary of Cheniere Development, Inc., which in turn is a wholly-owned subsidiary of Cheniere Energy, Inc. Both Cheniere Development and Cheniere Energy are Delaware corporations with their primary place of business in Houston, Texas. According to CMI, Cheniere Energy is a developer of LNG import terminals and natural gas pipelines on the U.S. Gulf Coast, including the Sabine Pass LNG Terminal.

Procedural History. On June 7, 2012, DOE/FE issued Order No. 3102, in which it authorized CMI to export, on its own behalf or as agent for others, LNG previously imported from foreign sources in a volume equivalent to approximately 500 Bcf of natural gas on a cumulative basis over a two-year period commencing on June 7, 2012, and extending through June 6, 2014.[1] The Application subject to this Notice,

[1] *Cheniere Marketing, LLC,* DOE/FE Order No. 3102, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas by Vessel (June 7, 2012).

if granted by DOE/FE, would renew that existing blanket authorization.

Additionally, on December 3, 2012, DOE/FE issued Order No. 3208, in which it authorized CMI (in relevant part) to import LNG from various international sources in a total volume equivalent to approximately 1,600 Bcf for a two-year term beginning on January 29, 2013, and extending through January 28, 2015.[2] Under the terms of this authorization, CMI may import the LNG by vessel to any LNG terminal in the United States and its territories.

Current Application

CMI seeks to export LNG previously imported into the United States from foreign sources in a volume equivalent to approximately 500 Bcf of natural gas on a cumulative basis. CMI notes that it is not seeking authorization to export domestically-produced natural gas or LNG. CMI states that it plans to export the LNG from the Sabine Pass LNG Terminal to any country with the capacity to import the LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. CMI requests this blanket authorization for a two-year period commencing on June 7, 2014—the day after its blanket authorization in DOE/FE Order No. 3102 expires.

CMI proposes to export LNG that is derived from its LNG importing activities and that resides in LNG storage tanks at the Sabine Pass LNG Terminal. CMI states that the LNG either will be re-exported or regasified for consumption in the domestic natural gas market, contingent on U.S. and global market price signals. CMI states that no physical modification to the Sabine Pass LNG Terminal will be required to accommodate the proposed exports. CMI further states that there are no other proceedings related to this Application currently pending before DOE or any other federal agency.

CMI seeks to export the requested LNG on its own behalf and as agent for third parties who hold title to the LNG at the time of export. CMI states that it will comply with all DOE/FE requirements for exporters and agents as set forth in recent DOE/FE orders, including registering each LNG title holder for whom CMI seeks to export as agent. CMI proposes that this registration include a written statement by the title holder acknowledging and agreeing to comply with all applicable requirements set forth in CMI's export authorization, and to include those requirements in any subsequent purchase or sale agreement entered into by that title holder.

Public Interest Considerations

CMI states that section 3 of the NGA creates a statutory presumption in favor of approval of its Application, which opponents bear the burden of overcoming.[3] Citing DOE/FE policy on evaluating an export application,[4] CMI contends that the proposed export of previously imported LNG is consistent with section 3 of the NGA.

In support of its assertion that the requested authorization is in the public interest, CMI cites its existing blanket authorization—DOE/FE Order No. 3102—in which DOE/FE authorized the export of the same volume of previously-imported, foreign-sourced LNG as sought here. CMI states that, in granting that authorization in 2012, DOE/FE determined that the record showed sufficient supply of natural gas to satisfy domestic demand from multiple other sources at competitive prices, without relying on the volumes of imported LNG that CMI would seek to export.[5]

CMI states that DOE/FE made a similar finding in November 2103, when it issued DOE/FE Order No. 3359 to ConocoPhillips Company. In that order, DOE/FE granted ConocoPhillips blanket authority to export LNG previously imported from foreign sources in a cumulative volume equivalent to approximately 500 Bcf of natural gas.[6] CMI quotes DOE/FE's finding, ''United States consumers will continue to have access to substantial quantities of natural gas sufficient to meet domestic demand from multiple other sources at competitive prices without drawing on the LNG which ConocoPhillips seeks to export.'' [7]

CMI states that, in DOE/FE Order 3359 (as well as in other blanket authorizations issued in recent years), DOE/FE authorized the export of previously imported LNG based in part on data compiled by the U.S. Energy Information Administration (EIA). CMI asserts that this data substantiates U.S. consumer access to ample volumes of natural gas to meet domestic demand from other competitively-priced sources. In Order No. 3359, for example, CMI states that DOE/FE took administrative notice that EIA's *Annual Energy Outlook 2013* (AEO 2013) showed annual domestic dry natural gas production increasing from 21.33 trillion cubic feet (Tcf) in 2010 to a projection of 26.61 Tcf by 2020—an annual increase of 5.28 Tcf.[8] Consumption over the same period increased only by 2.54 Tcf annually. CMI cites DOE/FE's findings in these proceedings, in addition to EIA's more recent estimates in *Annual Energy Outlook 2014 Early Release Overview,*[9] to support the conclusion that the foreign-sourced LNG proposed for export in this Application is not needed to meet domestic demand.

Finally, CMI states that the requested authorization would provide CMI with necessary flexibility to respond to changes in domestic and global markets for natural gas and LNG. Under its existing authorization in DOE/FE Order No. 3102, CMI has been able to avail itself of spot-market LNG import cargoes, which promotes the liquidity of supply available to the U.S. market. According to CMI, natural gas derived from the imported LNG will be available to supply local markets when conditions support it, which may moderate the volatility of U.S. gas prices. For these reasons, CMI states that the requested export authorization is consistent with the public interest.

Additional details can be found in CMI's Application, which is posted on the DOE/FE Web site at: *http://www.fossil.energy.gov/programs/gasregulation/authorizations/2014_applications/14_31_lng_howard_re-export.pdf*

Environmental Impact

CMI states that the proposed export of previously-imported LNG would require no modifications to the Sabine Pass LNG Terminal. Therefore, CMI maintains that a grant of its Application would not constitute a federal action significantly affecting the human environment within the meaning of the National Environmental Policy Act

[2] *Cheniere Marketing, LLC,* DOE/FE Order No. 3208, Order Granting Blanket Authorization to Import and Export Natural Gas from and to Canada and Mexico, to Import Liquefied Natural Gas from Various International Sources by Vessel, and to Export Liquefied Natural Gas to Canada and Mexico by Vessel and Truck (Dec. 3, 2013).

[3] *See, e.g., Panhandle Producers & Royalty Owners Ass'n v. ERA,* 822 F.2d 1105, 1111 (D.C. Cir. 1987).

[4] New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 FR 6684 (Feb. 22, 1984).

[5] *See Cheniere Marketing, LLC,* DOE/FE Order No 3102, at 8.

[6] *ConocoPhillips Company,* DOE/FE Order No. 3359, Order Granting Blanket Authorization to Export Previously Imported Liquefied Natural Gas by Vessel (Nov. 7, 2013) (granting authority to export LNG from the LNG terminal facilities on Quintana Island, Texas, owned by Freeport LNG Development, L.P.).

[7] *Id.* at 7.

[8] *See id.* at 6–7.

[9] CMI states that, in December 2013, EIA issued its *Annual Energy Outlook 2014* Early Release Reference case, in which EIA increased its forecast of cumulative dry natural gas production (from 2012 to 2040) by 11% from its forecast in AEO 2013.

(NEPA), 42 U.S.C. 4321 *et seq.,* nor would an environmental impact statement or environmental assessment be required.

DOE/FE Evaluation

The Application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.00L (April 29, 2011) and DOE Redelegation Order No. 00–002.04F (July 11, 2013). In reviewing this LNG export application, DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

NEPA requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention, as applicable. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 14–31–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Oil and Gas Global Supply at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 14–31–LNG.

Please Note: If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Division of Natural Gas Regulatory Activities docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on April 22, 2014.

John A. Anderson,

Director, Division of Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

[FR Doc. 2014–09886 Filed 4–29–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–6–000]

Commission Information Collection Activities (FERC–600); Comment Request

AGENCY: Federal Energy Regulatory Commission, Department of Energy (DOE).

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection FERC–600 (Rules of Practice and Procedure: Complaint Procedures) to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (79 FR 7651, 2/10/2014) requesting public comments. The Commission received no comments on the FERC–600.

DATES: Comments on the collection of information are due by May 30, 2014.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0180, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Commission, in Docket No. IC14–6–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–600, Rules of Practice and Procedure: Complaint Procedures.

OMB Control No.: 1902–0180.

Type of Request: Three-year extension of the FERC–600 information collection requirements with no changes to the reporting requirements.

Abstract: The information is used by the Commission to implement the statutory provisions of the Federal Power Act (FPA), 16 U.S.C./791a–825r; the Natural Gas Act (NGA), 15 U.S.C. 717–717w; the Natural Gas Policy Act (NGPA), 15 U.S.C. 3301–3432; the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 2601–2645; the Interstate Commerce Act (ICA), 49 App. U.S.C. 1 *et. seq.;* the Outer Continental Shelf Lands Act, 43 U.S.C. 1301–1356; and the Energy Policy Act of 2005, (Pub. L. 109–58) 119 Stat. 594.

For the natural gas industry, section 14(a) of the NGA [1] provides that the Commission may permit any person to file with it a statement in writing, under oath or otherwise, as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of an investigation.

For public utilities, section 307(a) of the FPA [2] provides that the Commission may permit any person to file with it a statement in writing, under oath or otherwise, as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of an investigation.

Section 215(d)(5) of the FPA [3] provides that the Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

For hydropower projects, section 19 of the FPA [4] provides that, as a condition of a license, jurisdiction is conferred upon the Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control over services, rates, and charges until such time as the State shall have provided a commission or other authority for such regulation and control.

For qualifying facilities, section 210(h)(2)(B) of PURPA [5] provides that any electric utility, qualifying cogenerator, or qualifying small power producer may petition the Commission to enforce the requirements of the Commission's PURPA regulations.

For oil pipelines, in Part 1 of the Interstate Commerce Act, sections 1, 6 and 15 (recodified by Pub. L. 95–473 and found as an appendix to Title 49 U.S.C.),[6] the Commission is authorized to investigate the rates charged by oil pipeline companies subject to its jurisdiction. If such rate has been filed and allowed by the Commission to go into effect without suspension and hearing, the Commission can investigate the effective rate on its own motion or by complaint filed with the Commission. Section 13 of the ICA [7] provides that any person can file a complaint regarding anything done or omitted to be done by an oil pipeline.

In Order No. 602,[8] the Commission revised its regulations governing complaints filed with the Commission under the above statutes. Order No. 602 was designed to encourage and support consensual resolution of complaints, and to organize the complaint procedures so that all complaints are handled in a timely and fair manner. In order to achieve this result, the Commission revised Rule 206 of its Rules of Practice and Procedure (18 CFR 385.206) to require that a complaint satisfy certain informational requirements, to require that answers be filed in a 20-day time frame, and to provide that parties may employ various types of alternative dispute resolution procedures to resolve their disputes.

The data in complaints filed by interested/affected parties regarding jurisdictional oil, natural gas, electric and hydropower operations, facilities, and services are used by the Commission in establishing a basis to make an initial determination regarding the merits of the complaint and whether or not to undertake further investigation or provide relief. Investigations may range from whether there is undue discrimination in rates or services to questions regarding market power of regulated entities to environmental concerns. In order to make an informed determination, it is important to know the specifics underlying any oil, gas, electric, and hydropower complaint ''up-front'' in a timely manner and in sufficient detail to allow the Commission to act swiftly. In addition, such complaint data help the Commission and interested parties to monitor, e.g., the market for undue discrimination or exercises of market power. The information submitted is voluntary but submitted pursuant to prescribed filing requirements. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR parts 343 and 385.206.

Type of Respondents: Interested/affected parties regarding oil, natural gas, electric and hydropower operations, facilities, and services.

Estimate of Annual Burden [9]*:* The Commission estimates the annual public reporting burden for the information collection as:

[1] 15 U.S.C. 717m; *accord* 15 U.S.C. 717d.

[2] 16 U.S.C. 825f(a); *accord* 16 U.S.C. 824e.

[3] 16 U.S.C. 824o(d)(5).

[4] 16 U.S.C. 812.

[5] 16 U.S.C. 824a–3(h)(2)(B).

[6] 49 App. U.S.C. 1 *et seq* (1988).

[7] *Id.* 13.

[8] 64 FR 17087 (April 8, 1999)

[9] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

FERC–600, RULES OF PRACTICE AND PROCEDURE: COMPLAINT PROCEDURES

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
62	1	62	[10] 160 [11] $11,280	[12] 9,920 [13] $699,360	$11,280

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

Dated: April 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09802 Filed 4–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9951–052]

Charter Township of Van Buren, Michigan and STS Hydropower, Ltd.; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* None Project Use of Project Lands and Waters.

b. *Project No:* 9951–052.

c. *Date Filed:* October 17, 2013, as supplemented on April 15, 2014.

d. *Applicant:* Charter Township of Van Buren and STS Hydropower, Ltd.

e. *Name of Project:* French Landing Hydroelectric Project.

f. *Location:* Huron River in Wayne County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Arthur F. Mullen, Director-Planning and Economic Development, Charter Township of Van Buren, 46425 Tyler Road, Van Buren Township, Michigan 48111–5217, Telephone: (734) 699–8913.

i. *FERC Contact:* Patricia A. Grant at (312) 596–4435, or email: *patricia.grant@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* May 21, 2014

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–9951–052) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The Charter Township of Van Buren (licensee), with the concurrence of STS Hydropower, Ltd. (co-licensee) requests Commission approval to authorize Bayshore North Condominium Association (Association) to replace the existing boardwalk and all existing docks and boatlifts along the lakefront marina, located between 48001 and 48475 Bayshore Drive. This would occur on lakefront licensee-owned property adjacent to the Association's property, within the boundary of the French Landing Project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–9951) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit

[10] As indicated in the 60-day notice, we re-evaluated the time and effort involved in preparing and filing a complaint, in light of the current complexities of the industries regulated by FERC. As a result, we think an estimate of 160 hours per complaint is a more realistic average of the burden per filing. The reporting requirements have not been revised.

[11] $70.50/hour is the average hourly cost of a FERC employee (salary plus benefits) for Fiscal Year 2014. We assume that the respondents to this collection are similarly situated in terms of salary plus benefits.

Average cost per response = Average burden hours per response [160 hours] * $70.50 per hour.

[12] Total annual burden hours = Total number of responses [62] * Average burden hours per response [160].

[13] Total annual cost = Total annual burden hours [9,920] * hourly cost [$70.50].

comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09782 Filed 4–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR14–29–000]

Notice of Petition for Declaratory Order: Medallion Pipeline Company, LLC

Take notice that on April 21, 2014, pursuant to Rule 207(a)(2) of the Commission's Rules of Practices and Procedure, 18 CFR 385.207(a)(2)(2014), Medallion Pipeline Company, LLC (Medallion) filed a petition for a declaratory order concerning Medallion's proposed Wolfcamp Connector crude oil pipeline project, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

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

Comment Date: 5:00 p.m. Eastern time on May 21, 2014.

Dated: April 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09803 Filed 4–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14612–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications: New Summit Hydro, LLC

April 23, 2014.

On April 1, 2014, New Summit Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the New Summit Pumped Storage Project (New Summit Project or project) to be located in the City of Norton, Summit County, Ohio. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An excavated, diked, and asphalt-lined upper reservoir with a storage capacity of 8,000 acre-feet with a water surface area of 150 acres; (2) a lower underground reservoir created by previous limestone mining activities with a storage capacity of 7,760 acre-feet; (3) an underground powerhouse and appurtenant structures including six 250-megawatt (MW) variable speed reversible pump turbines for a total installed capacity of 1,500 MW; (4) power plant buildings and surface structures that occupy approximately 70 acres, including a 17.5 foot-diameter vent stack, up to 100 feet high and flaring to a 30-foot diameter at the top; (5) a concrete-lined power tunnel located 300 feet below the ground surface that extends from the upper reservoir to two 17.5-foot-diameter, 2400-foot-long, concrete-lined vertical shafts that connect the power tunnel with the underground powerhouse penstocks. The power tunnel would be approximately 30 feet in diameter and approximately 8,000 feet long; (6) an underground transformer gallery; (7) six steel concrete-lined penstocks, that would be approximately six feet in diameter and 235 feet long; (8) four 345-kilovolt overhead transmission line circuits, approximately 3 miles long, arranged in two parallel double circuit tower sets within an existing transmission line corridor located north of the proposed reservoir; (9) offsite and onsite recreational facilities. The estimated annual generation of the New Summit Project would between 1,300,000 megawatt-hours (MWh) and 2,000,000 MWh.

Applicant Contact: Mr. Kevin Young, Managing Member, New Summit Hydro, LLC, 2112 Talmage Drive, Leland, North Carolina 28451–9340; phone: (617) 645–3685.

FERC Contact: Bryan Roden-Reynolds; phone: (202) 502–6618.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60

days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14612–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14612) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09805 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–151–000]

Notice of Request Under Blanket Authorization; Pan Gas Storage, LLC d/b/a Southwest Gas Storage Company

Take notice that on April 14, 2014 Southwest Gas Storage Company (Southwest), P.O. Box 4967, Houston, Texas 77210–4967, filed in the above Docket, a prior notice request pursuant to sections 157.205, 157.208(b), 157.213(b) and 157.216(b)(2) of the Commission's regulations under the Natural Gas Act (NGA) and Southwest's blanket certificate issued in CP99–230–000, for authorization to construct, modify and abandon certain natural gas storage facilities located the Howell Storage Field in Livingston County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Stephen Veatch, Senior Director of Certificates, Southwest Gas Storage Company, 1300 Main Street, Houston, Texas 77002, or call (713) 989–2024, or fax (713) 989–1176, or by email *Stephen.veatch@sug.com.*

Specifically, Southwest is seeking authorization to continue modifying Southwest's Howell Storage Field to serve the needs of the applicant and its customers. The proposed modifications consist of reentering and modifying two existing injection-withdrawal vertical wells and drilling dual horizontal wellbore extensions from each existing well; converting six existing injection-withdrawal wells to observation well status; relaying/modifying three laterals lines; and abandoning in place six associated storage lateral lines and appurtenant facilities. Southwest states that the proposed modifications will have no impact on the certified physical parameters including total gas storage inventory, reservoir pressure, reservoirs and buffer boundaries, and certified capacity. Southwest also states that the estimated cost of the Project is $4,365,622 and $965,622 for the well conversion and to abandon and or modify the storage laterals respectively.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: April 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–09804 Filed 4–29–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0595; FRL—9910–17–OAR]

Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Detergent Gasoline (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Regulation of Fuels and Fuel Additives: Detergent Gasoline'' (EPA ICR No. 1655.09, OMB Control No. 2060–0275 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2014. An Agency may not conduct or sponsor and a person is not required

to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 30, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0595, online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jaimee Dong, Fuels Compliance Center, 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9672; fax number: 202–565–2085; email address: *dong.jaimee @epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Gasoline combustion results in the formation of engine deposits that contribute to increased emissions. Detergent additives deter deposit formation. The Clean Air Act requires gasoline to contain a detergent additive. The regulations at 40 CFR 80—Subpart G specify certification requirements for manufacturers of detergent additives, recordkeeping or reporting requirements for blenders of detergents into gasoline or post-refinery component (any gasoline blending stock or any oxygenate which is blended with gasoline subsequent to the gasoline refining process), and reporting or recordkeeping requirements for manufacturers, transferors, or transferees of detergents, gasoline, or post-refinery component (PRC). These requirements ensure that (1) a detergent is effective before it is certified by EPA, (2) a certified detergent, at the minimum concentration necessary to be effective (known as the lowest additive concentration (LAC)), is blended into gasoline, and (3) only gasoline which contains a certified detergent at its LAC is delivered to the consumer. EPA maintains a list of certified gasoline detergents, which is publicly available. As of March 2014, there were 374 certified detergents and 17 detergent manufacturers.

Form Numbers: None.

Respondents/affected entities: 1,368.

Respondent's obligation to respond: mandatory.

Estimated number of respondents: 69,504 (total).

Frequency of response: On occasion.

Total estimated burden: 220,181 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $20,180,587 (per year), includes $335,040 annualized capital or operation & maintenance costs.

Changes in Estimates: The previous clearance consisted of 220,181 hours (3.17 hours per response), labor costs of $18,500,528, and O&M costs of $335,040, for a total cost of $18,835,568. There is no increase of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The respondent universe and responses also remained the same in this collection. There was an increase in cost to the industry of $1,345,019 per year due to updated numbers used to calculate the industry burden and to account for inflation.

Dated: April 15, 2014.

Byron Bunker,

Director, Compliance Division.

[FR Doc. 2014–09856 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0223; FRL–9908–39]

Diflubenzuron; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Wyoming Department of Agriculture to use the pesticide diflubenzuron (CAS No. 35367–38–5) to treat up to 26,000 acres of alfalfa to control grasshoppers and Mormon crickets.

The applicant proposes a use which is supported by the Interregional (IR)–4 program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before May 15, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0223, 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.*

The docket for this action, identified by docket ID number EPA–HQ–OPP–2014–0223, 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, available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

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 pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. The Wyoming Department of Agriculture has requested the EPA Administrator to issue a specific exemption for the use of diflubenzuron on alfalfa to control grasshoppers and Mormon crickets. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that projected population levels for these damaging insect pests are expected to be extremely high for the 2014 season. The applicant claims that registered alternatives will not provide adequate control to avert significant economic losses from occurring.

The Applicant proposes to make no more than two applications of diflubenzuron, at a rate of 0.032 lbs. active ingredient (a.i.) (equivalent to 2 fl. oz. of product containing 2 lbs. a.i. per gallon). Application could be made on up to 26,000 acres of alfalfa, from the date of approval, if granted, until October 31, 2014, in the state of Wyoming. If the maximum proposed acreage were treated at the maximum rate, a total of 814 lbs. a.i. (407 gallons formulated product) could be applied.

This notice does not constitute a decision by EPA on the application itself. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a specific exemption proposing use which is supported by the Inter-Regional Project Number 4 (IR–4) program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency.

The notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Wyoming Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 18, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–09667 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2014–0138; FRL–9910–21–OW]

Peer Review of the Draft Health Effects Documents for Perfluorooctanoic Acid and Perfluorooctane Sulfonate—Interim List of Potential Peer Reviewers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comments.

SUMMARY: Environmental Protection Agency (EPA) requests public comments on the interim list of candidates being

considered as peer reviewers for the contractor-managed external peer review of the draft documents entitled, ''Health Effects Document for Perfluorooctanoic Acid'' and ''Health Effects Document for Perfluorooctane Sulfonate.'' This notice provides the names, professional affiliations, expertise, education, and professional experience of the candidate reviewers. The public is requested to provide relevant information or documentation on the candidates who are being evaluated by the contractor (Versar, Inc.). Once the public comments on the interim list of candidates have been reviewed and considered, Versar will select the final six to seven peer reviewers who, collectively, best provide expertise spanning the multiple subject matter areas covered by the draft documents and, to the extent feasible, best provide a balance of perspectives.

DATES: The public comment period on the interim list of peer reviewers begins on April 30, 2014 and ends on May 21, 2014.

ADDRESSES: Any interested person or organization may submit comments on the interim list of peer reviewers. Public comments should be submitted to the EPA contractor, Versar, Inc., no later than May 21, 2014, by one of the following methods:

- *Online: http://peerreview.versar.com/epa/pfoa/interim-list.html.*
- *Email: peerreview@versar.com* (subject line: PFOA/PFOS Peer Review).
- *Mail:* Versar, Inc., 6850 Versar Center, Springfield, VA 22151 (ATTN: Betzy Colon).

Please be advised that public comments are subject to release under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Questions concerning the comment process or Web site should be directed to the EPA contractor, Versar, Inc., at 6850 Versar Center, Springfield, VA 22151; by email *peerreview@versar.com* (subject line: PFOA/PFOS Peer Review); or by phone: (703) 642–6727 (ask for Betzy Colon). For additional information concerning the health effects documents, please contact Joyce Donohue at U.S. EPA, Office of Water, Health and Ecological Criteria Division (Mail Code 4304T), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: (202) 566–1098; or email: *donohue.joyce@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information on the Draft Health Effects Documents

EPA has prepared draft health effects documents for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) for purposes of public comment (scientific views) and peer review. EPA will consider any public comments and peer reviewer comments submitted in accordance with the **Federal Register** notice dated February 24, 2014 (*http://www.gpo.gov/fdsys/pkg/FR-2014-02-28/pdf/2014-04455.pdf*) when finalizing the documents. Once the health effects documents are finalized, they will be utilized to develop lifetime health advisory values for each chemical. PFOA and PFOS are listed on the third contaminant Candidate List (CCL3) [1] and both chemicals are currently being monitored under the third Unregulated Contaminant Monitoring Rule (UCMR3) [2]. The draft documents are available through *www.regulations.gov* (docket ID number EPA–HQ–OW–2014–0138) and at *http://peer review.versar.com/epa/pfoa.*

II. Process of Obtaining Candidate Reviewers

On February 24, 2014, EPA released the draft health effects documents on PFOA and PFOS for the purposes of public comment and peer review. Consistent with guidelines for the peer review of highly influential scientific assessments, EPA tasked a contractor (Versar, Inc.) to assemble six to seven scientific experts to evaluate the draft documents. As part of the peer review process, a public nomination period was held from February 24, 2014 to March 21, 2014, during which members of the public were able to nominate scientific experts with knowledge and experience in one or more of the following areas: (1) Epidemiology, (2) toxicology (liver effects, immunotoxicity, neurotoxicity, developmental and reproductive toxicology, etc.), (3) membrane transport, (4) human health risk assessment, (5) pharmacokinetic models, and (6) mode-of-action for cancer and noncancer effects. Versar also conducted an independent search for scientific experts to augment the list of publically-nominated candidates. In total, Versar evaluated the 29 candidates nominated during the public nomination period and identified by Versar.

Selection Process: Versar considered and screened all candidates against the selection criteria described in the **Federal Register** dated February 24, 2014 (*http://www.gpo.gov/fdsys/pkg/FR-2014-02-28/pdf/2014-04455.pdf*), which included having demonstrated expertise in the areas described above, being free of any conflict of interest, and being available to participate in-person in a two-day peer review meeting in the Washington, DC area (exact date to be determined). Following the screening process, Versar narrowed the list of potential reviewers to 15 candidates. This **Federal Register** notice is to solicit comments on the interim list of 15 candidates. The public is requested to provide relevant information or documentation on the candidates who are being evaluated by Versar. Once the public comments on the interim list of candidates have been reviewed and considered, Versar will select the final six to seven peer reviewers. Additional information on the scientific peer review process can be found at: *http://peerreview.versar.com/epa/pfoa.*

Responsibilities of Peer Reviewers: Peer reviewers will be charged with evaluating and preparing written comments on the draft PFOA and PFOS health effects documents. Specifically, reviewers will provide general comments, their overall impressions of the documents, and respond to 12 charge questions. This includes determining the appropriateness of the quality, accuracy, and relevance of the data in the documents. Any public comments submitted to EPA's public docket (docket ID number EPA–HQ–OW–2014–0138) during each document's 60-day public comment period will also be provided to the peer reviewers for their consideration. In addition, peer reviewers will participate in a two-day peer review meeting to discuss the scientific basis supporting EPA's draft health effects documents. The meeting will be held in the Washington, DC metro area and is anticipated to take place in the late July or August timeframe. Following the peer review meeting, Versar will provide a peer review summary report to EPA containing the comments and recommendations from the peer reviewers. The final peer review report will also be made available to the public. In preparing the final health effects documents, EPA will consider Versar, Inc.'s report of the comments and recommendations from the external peer review meeting, as well as written public comments received through the official public docket.

[1] CCL3 is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations, that are known or anticipated to occur in public water systems, and which may require regulation under the Safe Drinking Water Act (SDWA). Additional information about the CCL3 can be found at the following Web site: *http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl3.cfm.*

[2] EPA uses the Unregulated Contaminant Monitoring (UCM) program to collect data for unregulated contaminants suspected to be present in drinking water. Results from UCMR3 can be examined as they become available at the following Web site: *http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr/ucmr3/.*

III. Interim List of Peer Reviewers

Following are the names, professional affiliations, expertise, education, and professional experience of the current candidates being considered for the external peer review of the draft PFOA and PFOS Health Effects documents. After review and consideration of any public comments received, Versar will select from this list the final six to seven peer reviewers who, collectively, best provide expertise spanning the multiple areas listed above and, to the extent feasible, best provide a balance of perspectives. Once the final six to seven peer reviewers are selected by Versar, a third **Federal Register** notice will be published at least 30 days prior to the external peer review meeting with the names of the final peer reviewers, along with information on the meeting date, location, and registration details.

1. John C. Bailar III, M.D., Ph.D., University of Chicago (Emeritus).

i. *Expertise:* Epidemiology and Human Health Risk Assessment.

ii. *Education:* Yale University, M.D. (1955) and American University, Ph.D. in Statistics (1973).

iii. *Professional Experience:* Dr. Bailar is Professor Emeritus at the University of Chicago, where he was founding Chair of the Department of Health Studies. Prior to joining the University of Chicago, Dr. Bailar was at the U.S. National Cancer Institute from 1956–1980, Harvard University 1980–1988, and McGill University (where he was Chair of Epidemiology and Biostatistics) 1988–1995. Since he retired in 2001, Dr. Bailar has been Scholar in Residence at the National Academies. Dr. Bailar received his M.D. from Yale University in 1955 and his Ph.D. in Statistics from American University in 1973. His areas of expertise include statistics, biostatistics, epidemiology, and environmental and occupational hazards. For many years his professional interests centered on the causes and prevention of disease. More recently he has focused on improving quality and performance in science generally, with a special focus on communication. Dr. Bailar has served on more than 40 committees at the National Academies, and served as chair or co-chair of 13 of these committees. Dr. Bailar has received numerous special/prestigious honors, awards and recognitions, including MacArthur Fellow 1990–1995, elected member to both the Institute of Medicine and the International Statistical Institute, honorary Fellow, American Medical Writers Association, and most recently an Honored Member of the Board of Editors in the Life Sciences. In addition, for 11 years, he was the statistical consultant and a member of the editorial board for *The New England Journal of Medicine.* Association memberships of Dr. Bailar include the American Statistical Association (life member) and Council of Science Editors (Past President). Dr. Bailar has more than 250 scientific publications including articles in peer reviewed journals, books, book chapters, and proceedings, and has published widely in the statistics and epidemiology literature.

2. James V. Bruckner, Ph.D., University of Georgia.

i. *Expertise:* Toxicology (liver effects, neurotoxicology, and developmental/reproductive) and Human Health Risk Assessment.

ii. *Education:* University of Michigan, Ph.D. in Toxicology (1974).

iii. *Professional Experience:* Dr. Bruckner is currently Professor of Pharmacology and Toxicology at the University of Georgia College of Pharmacy. He is also Professor in the Department of Physiology and Pharmacology at the University of Georgia College of Veterinary Medicine. He received his Ph.D. in Toxicology from the University of Michigan in 1974. He has previously held faculty positions at the University of Kansas and the University of Texas Medical School at Houston. He is actively engaged in graduate education and in federally-funded research projects. Dr. Bruckner's research focus is on the toxicology and toxicokinetics of solvents, drug-solvent interactions at occupational exposure levels, and toxicokinetic bases for susceptibility of children to insecticides and other chemicals. Dr. Bruckner has published more than 200 journal articles, book chapters, and abstracts. He has also served on a variety of expert panels and committees for the EPA, National Institutes of Health, National Aeronautics and Space Administration, Agency for Toxic Substances and Disease Registry, Food and Drug Administration, and National Academy of Sciences.

3. Deborah A. Cory-Slechta, Ph.D., University of Rochester School of Medicine and Dentistry.

i. *Expertise:* Toxicology (neurotoxicology and developmental/reproductive) and Human Health Risk Assessment.

ii. *Education:* University of Minnesota, Ph.D. in Experimental Psychology (1977).

iii. *Professional Experience:* Dr. Cory-Slechta is currently a Professor in the Department of Environmental Medicine and the Department of Pediatrics at the University of Rochester School of Medicine and Dentistry, where she also serves as co-director of the Behavioral Sciences Facility Core and director of the Animal Behavior Core. Dr. Cory-Slechta received her Ph.D. from the University of Minnesota in 1977 and worked as a junior staff fellow of the Food and Drug Administration (FDA) National Center for Toxicological Research (NCTR) beginning in 1979. She was appointed to the faculty of the University of Rochester Medical School in 1982 and was appointed Chair of the Department of Environmental Medicine and Director of the National Institute of Environmental Health Sciences (NIEHS) Environmental Health Sciences Center at the University of Rochester in 1998. From 2000 to 2002, she was the Dean for Research and Director of the AAB Institute for Biomedical Sciences. Following her appointment as Dean, she served from 2003 to 2007 as the Chair of the Department of Environmental and Occupational Medicine at Robert Wood Johnson Medical School and as Director of the Environmental and Occupational Health Sciences Institute, a joint Institute of the Robert Wood Johnson Medical School and Rutgers. Dr. Cory-Slechta's research has focused largely on environmental neurotoxicants as risk factors for behavioral disorders and neurodegenerative disease. These research efforts have resulted in over 170 papers and book chapters to date. Dr. Cory-Slechta has served on numerous national research review and advisory panels, including committees of the National Institutes of Health, NIEHS, NCTR, EPA, National Academy of Sciences, Institute of Medicine, and the Agency for Toxic Substances and Disease Registry, Centers for Disease Control. In addition, Dr. Cory-Slechta has served on the editorial boards of several journals including *Environmental Health Perspectives, Neurotoxicology, Toxicology, Toxicological Sciences, Fundamental and Applied Toxicology, Neurotoxicology* and *Teratology,* and *American Journal of Mental Retardation.* She has held the elected positions of President of the Neurotoxicology Specialty Section of the Society of Toxicology, President of the Behavioral Toxicology Society, and been named a Fellow of the American Psychological Association.

4. Jamie C. DeWitt, Ph.D., East Carolina University.

i. *Expertise:* Toxicology (immunotoxicology, neurotoxicology, and developmental).

ii. *Education:* Indiana University, Ph.D. in Environmental Science and Neural Science (2004).

iii. *Professional Experience:* Dr. DeWitt is an Assistant Professor in the Department of Pharmacology and Toxicology at the Brody School of Medicine at East Carolina University (ECU). She is affiliated with The Harriet and John Wooten Laboratory for Alzheimer's and Neurodegenerative Diseases Research and holds an adjunct appointment in the ECU Department of Public Health. Dr. DeWitt received her Ph.D. in Environmental Science and Neural Science from the School of Public and Environmental Affairs and Program in Neural Science at Indiana University in 2004. She also completed postdoctoral training in Developmental Cardiotoxicity at Indiana University-Bloomington and in Immunotoxicology at EPA through a cooperative training agreement with the University of North Carolina at Chapel Hill. Dr. DeWitt's main research focus is on how toxicants found in the environment can lead to neurodevelopmental and neurodegenerative disorders via disruption of the developing immune system. Much of her past research has involved the immunotoxicity of PFOA and related polyfluoroalkyl substances (PFASs). Dr. DeWitt has published seven peer reviewed research articles, three review papers and two book chapters that address the biological effects of PFOA, as well as one paper on the effects of PFOS on immune function. Her publications describe effects as well as underlying mechanisms following adult and developmental exposure. Her research experience and publication record (more than 25 peer reviewed manuscripts, 6 review articles, 9 book chapters) extend beyond the effects of perfluoroalkyl acids and working with rodent models. She is currently editing a book on the general toxicity of PFASs and is a current member of the mechanistic working group for Monograph 110 of the International Agency for Research on Cancer, which will include an assessment of PFOA. She is on the editorial boards of the *Journal of Immunotoxicology* and the *Journal of Environmental Toxicology and Health* and has reviewed grants for the U.S. Department of Defense and the National Institute of Occupational Safety and Health (NIOSH). She has also been a manuscript reviewer for more than 20 journals. Dr. DeWitt is the current president of the North Carolina chapter of the Society of Toxicology (SOT) and the Junior Councilor for the Immunotoxicology Specialty Section of the SOT. She also was awarded the Outstanding Young Investigator Award from the Immunotoxicology Specialty Section in 2013.

5. Neeraja K. Erraguntla, Ph.D., DABT, Texas Commission on Environmental Quality.

i. *Expertise:* Toxicology (liver effects, neurotoxicology, immunotoxicology, and developmental/reproductive) and Human Health Risk Assessment.

ii. *Education:* Louisiana State University, Ph.D. in Physiology, Pharmacology, & Toxicology (1998).

iii. *Professional Experience:* Dr. Erraguntla is currently a Senior Toxicologist/Project Manager at the Texas Commission on Environmental Quality (TCEQ). She is also an Adjunct Assistant Professor at Texas A&M School of Public Health. Dr. Erraguntla received her Ph.D. in Physiology, Pharmacology, and Toxicology from Louisiana State University in 1998. Prior to joining TCEQ, Dr. Erraguntla served as a Scientific Advisor at Life Technologies (2001–2004) and as a Research Fellow/Research Associate at the University of Texas Southwestern Medical Center (1998–2001). Dr. Erraguntla was board-certified as a Diplomate of the American Board of Toxicology in 2012. Her work focuses on air toxics, multimedia risk assessment, and development of toxicity factors for various industrial chemicals. This involves general review of toxicological studies, weight-of-evidence (WOE) analysis by the integration of science along multiple lines of evidence (epidemiology, in vivo & in vitro experimental toxicology, and human clinical studies) and advising staff on hazard classification. Dr. Erraguntla is also a team leader working on developing a framework for conducting systematic reviews and determining WOE for toxicity factors. Dr. Erraguntla has been an invited speaker at over eight national and state/regional meetings. She is currently a member of EPA's Science Advisory Board Environmental Justice Technical Guidance Panel and has been a member of EPA's Acute Exposure Guideline Levels Committee. Dr. Erraguntla has also been a full member of the Society of Toxicology (SOT) since 2011 and has supported SOT's Specialty Sections and Special Interest Groups.

6. Penelope A. Fenner-Crisp, Ph.D., DABT, Independent Consultant.

i. *Expertise:* Human Health Risk Assessment and Mode-of-Action.

ii. *Education:* University of Texas Medical Branch, Ph.D. in Pharmacology (1968).

iii. *Professional Experience:* Dr. Fenner-Crisp has over 35 years of experience in human health and ecological risk assessments and is currently an independent consultant after retiring from her position as the Executive Director of the International Life Sciences Institute (ILSI) Risk Science Institute (2000–2004). Prior to joining ILSI, Dr. Fenner-Crisp was employed by EPA, where she served in a variety of capacities for over 22 years (1978–2000) including Senior Science Advisor to the Director and Deputy Director of the Office of Pesticide Programs, Director of the Health Effects Division of the Office of Pesticide Programs, Director of the Health and Environmental Review Division of the Office of Pollution Prevention and Toxic Substances, and Senior Toxicologist in the Health Effects Branch of the Office of Drinking Water. She was a charter member of EPA's Risk Assessment Forum (RAF), a group of EPA senior scientists who are experts in all areas of human, ecological, and exposure assessment, and served as the RAF chair from 1998 until her retirement from EPA in 2000. Dr. Fenner-Crisp received her Ph.D. in Pharmacology from the University of Texas Medical Branch in Galveston in 1968 and completed a Postdoctoral Fellowship in Pharmacology at Georgetown University Schools of Medicine and Dentistry (1971–1976), with an emphasis on reproductive endocrinology. Her 35 years of experience includes hands-on practice, and management oversight, of all components of both human health and ecological risk assessments related to drinking water contaminants, industrial chemicals, pesticides and foodborne pathogens. Dr. Fenner-Crisp has served on numerous committees and panels including expert panels charged with the review of EPA Integrated Risk Information System documents, EPA Advisory Committees, EPA Science Advisory Board Drinking Water Committee, and several World Health Organization Panels, to name a few. She has also played a key role in the development of many EPA science policies, including the policy guidance for use of Monte Carlo analyses in exposure assessment, the cumulative risk conceptual framework, implementation of the cancer guidelines, and those relevant to implementation of the 1996 Food Quality Protection Act. Dr. Fenner-Crisp is a member of the Society of Toxicology since 1983, and the Society for Risk Analysis (SRA) since 1981, where she was the recipient of the SRA's first Risk Practitioner award. She has been a Diplomate of the American Board of Toxicology since 1984 and served a four-year term on its Board of Directors from 2001–2005. Dr. Fenner-Crisp has

been an invited speaker at over 100 national and international meetings and workshops, and has authored or co-authored over 40 publications, including peer-reviewed journal articles, reports, and book chapters.

7. Jeffrey W. Fisher, Ph.D., U.S. Food and Drug Administration.

i. *Expertise:* Toxicology (developmental/reproductive), Human Health Risk Assessment, and Pharmacokinetic Models.

ii. *Education:* Miami University of Ohio, Ph.D. in Zoology/Toxicology (1987).

iii. *Professional Experience:* Dr. Fisher is currently a Research Toxicologist at the U.S. Food and Drug Administration (FDA), National Center for Toxicological Research. He was formerly a Professor in the Department of Environmental Health Science, College of Public Health at the University of Georgia (UGA). He joined UGA in 2000 and served as Department Head of the Department of Environmental Health Sciences from 2000 to 2006 and Director of the Interdisciplinary Toxicology Program from 2006–2010. Prior to joining UGA, he spent most of his career at Wright Patterson Air Force Base, where he was Principal Investigator and Senior Scientist in the Toxics Hazards Division and Technical Advisor for the Operational Toxicology Branch. Dr. Fisher's research interests are in the development and application of biologically based mathematical models to ascertain health risks from environmental, food-borne and occupational chemical exposures. Dr. Fisher's modeling experience includes working with chlorinated and non-chlorinated solvents, fuels, pesticides, perchlorate and bisphenol A. He has developed physiologically-based pharmacokinetic (PBPK) models for use in cancer risk assessment, estimating lactational transfer of solvents, understanding in utero and neonatal dosimetry, quantifying metabolism of solvent mixtures and developing biologically motivated models for the hypothalamic-pituitary-thyroid axis in rodents and humans. Dr. Fisher has published over 140 papers on pharmacokinetics and PBPK modeling in laboratory animals and humans. He has served on several national panels and advisory boards for the U.S. Department of Defense, Agency for Toxic Substances and Disease Registry, EPA and non-profit organizations. He was a U.S. delegate for the North Atlantic Treaty Organization. Dr. Fisher served on the International Life Sciences Institute Steering Committee, which evaluated chloroform and dichloroacetic acid using EPA-proposed Carcinogen Risk Guidelines. He is Past President of the Biological Modeling Specialty Section of the Society of Toxicology, reviewer for several toxicology journals, and was Co-Principal Investigator on a National Institutes of Health-supported workshop on Mathematical Modeling at the University of Georgia in the fall of 2003. Dr. Fisher was also a member of the National Academy of Sciences subcommittee on Acute Exposure Guideline Levels from 2004–2010 and for the EPA Science Advisory Board (SAB) (2007–2010). He is an ad hoc EPA SAB member for dioxin and perchlorate. Dr. Fisher is a Fellow of the Academy of Toxicological Sciences, an associate editor for Toxicological Sciences, and on the editorial board of *Journal of Environmental Science and Health Part C Environmental Carcinogenesis & Ecotoxicology Reviews*.

8. William L. Hayton, Ph.D., The Ohio State University.

i. *Expertise:* Membrane Transport, Pharmacokinetic Models, and Mode-of-Action.

ii. *Education:* State University of New York, Ph.D. in Pharmaceutics (1971).

iii. *Professional Experience:* Dr. Hayton is a Professor Emeritus in the College of Pharmacy at The Ohio State University. Dr. Hayton received a Ph.D. in Pharmaceutics from the State University of New York at Buffalo in 1967. He was a member of the Washington State University College of Pharmacy faculty for 19 years, rising to Chair of the Pharmacology/Toxicology Graduate Program in 1982 and Acting Dean at the College of Pharmacy in 1987. In 1990, he transferred to the Ohio State University as Chair of the Division of Pharmaceutics, where he later served as Associate Dean for the Graduate Programs and Research until his retirement in 2010. Dr. Hayton's expertise is pharmacokinetics, particularly construction and validation of mathematical models that describe or explain the kinetics of complex biological systems. One recent research interest is characterization of the Fc receptor-mediated transport and catabolism of albumin and IgG in wild type and FcR knockout mice. A second recent project is the quantitative modeling of the female hypothalamus-pituitary-gonad (HPG) axis in the female rainbow trout (Oncorhynchus mykiss). The model is based on and integrates the biology of gonadotropin, estrogen, androgen and maturational hormone signaling systems, and it includes key intermediate steps in the signaling pathways; viz., gonadotropin and sex steroid synthesis, hormone receptors and their corresponding mRNA levels. Dr. Hayton's expertise extends to interspecies scaling of pharmacokinetic model parameter values and xenobiotic metabolism. Dr. Hayton is author or co-author of over 100 peer-reviewed scientific publications and has held peer-reviewed grant support from the National Institutes of Health, EPA, U.S. Air Force Office of Scientific Research, U.S. Food and Drug Administration, and U.S. Fish and Wildlife Service. He previously served on the EPA Science Advisory Board Perfluorooctanoic Acid Risk Assessment Review Panel.

9. Matthew P. Longnecker, Sc.D, M.D., National Institute of Environmental Health Sciences.

i. *Expertise:* Epidemiology and Pharmacokinetic Models.

ii. *Education:* Harvard School of Public Health, Sc.D. in Epidemiology (1989); Dartmouth Medical School, M.D. (1981).

iii. *Professional Experience:* Dr. Longnecker, M.D., Sc.D., is the head of the Biomarker-based Epidemiology Group at the National Institute of Environmental Health Sciences (NIEHS). Dr. Longnecker received an M.D. from Dartmouth Medical School and completed a residency in internal medicine at Temple University Hospital in Philadelphia. After receiving a Sc.D. in Epidemiology from Harvard School of Public Health in 1989, he served as an Assistant Professor in the Department of Epidemiology at the University of California, Los Angeles, School Of Public Health. Since 1996, Dr. Longnecker has served as Adjunct Professor/Associate Professor in the Department of Epidemiology, School of Public Health, University of North Carolina at Chapel Hill. He came to the NIEHS Epidemiology Branch in 1995, as a tenure-track investigator. Dr. Longnecker's research program is focused on the health effects of persistent organic pollutants (e.g., the DDT metabolite p,p'-DDE, and polychlorinated biphenyls). He is particularly interested in the effects of intrauterine exposure to persistent organic pollutants in relation to intrauterine growth, preterm birth, birth defects, neurologic findings at birth, growth, neurodevelopment, intelligence, and hearing. Recently, Dr. Longnecker has completed and has ongoing a series of studies on perfluorinated alkyl substances in relation to reproductive and pediatric outcomes. In addition, he has begun studying the effects of early, low-level exposure to the nonpersistent pollutants, bisphenol A and organophosphate pesticides. Dr. Longnecker's research efforts have resulted in over 180 papers and book chapters to date. He has served as a

leader for numerous national and international committees, such as for the Society for Epidemiologic Research and the International Society for Environmental Epidemiology, and has been on numerous national and international scientific advisory boards, including the EPA Science Advisory Board for the Perfluorooctanoic Acid Risk Assessment Review.

10. Julie Melia, Ph.D., DABT, SRC, Inc.

i. *Expertise:* Toxicology (neurotoxicology, developmental/reproductive, liver effects), Human Health Risk Assessment, and Mode-of-Action.

ii. *Education:* Northeastern University, Ph.D. in Biomedical Sciences/Toxicology (1990).

iii. *Professional Experience:* Dr. Melia is currently a Senior Toxicologist at SRC, Inc. where she has served as Program Manager and provided toxicological support for several EPA programs and offices. She is also an Adjunct Scientist and member of the Maine Center for Toxicology and Environmental Health at the University of Southern Maine. She received her Ph.D. in Biomedical Sciences/Toxicology from Northeastern University in 1990 and has 24 years of experience in the design and management of chemical toxicity evaluations and human health and ecological risk assessments. Prior to joining SRC in 2003, Dr. Melia was employed in the private sector, where she managed multidisciplinary project teams and contributed to more than 50 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), and state-directed risk assessments. Dr. Melia was board-certified as a Diplomate of the American Board of Toxicology in 2004 and has expertise in the critical review of mechanistic toxicology studies and the evaluation of chemical-specific modes of action. Dr. Melia has addressed complex toxicological issues related to human exposure to many chemicals including, phthalates, PAHs, polychlorinated biphenyls (PCBs), pesticides (DDT, kepone), chlorinated solvents, brominated trihalomethanes, 1,4-dioxane, and ethanol. She has demonstrated innovative approaches to addressing challenging technical issues related to chemical toxicology and risk assessment and has significant experience in the critical review of epidemiology, toxicology, and mechanistic studies and the development of quantitative toxicity values. Dr. Melia has presented information to the EPA Science Advisory Board and has served as an external peer reviewer for Agency for Toxic Substances and Disease Registry Toxicological Profiles. She is a member of the Society of Toxicology, and the International Society of Regulatory Toxicology and Pharmacology.

11. Andy L. Nong, Ph.D., Health Canada.

i. *Expertise:* Pharmacokinetic Models.

ii. *Education:* Université de Montréal, Ph.D. in Public Health (Toxicology) (2007).

iii. *Professional Experience:* Dr. Nong is currently a Research Scientist at the Environmental Health Sciences and Research Bureau at Health Canada. He is also an Affiliate at the R. Samuel McLaughlin Centre for Population Health Risk Assessment within the University of Ottawa. He received his Ph.D. in Public Health from the Université de Montréal in 2007 and holds a Master's degree in Pharmaceutical Sciences (2001). Prior to joining Health Canada, Dr. Nong served as Research Investigator (2008–2009) and Postdoctoral Fellow (2005–2008) at The Hamner Institutes for Health Sciences. His work has been recognized, in particular, for pharmacokinetics and biological modeling approaches in risk assessment. Specifically, his research program explores the use of biological computer models to simulate and interpret the fate and effects of chemical exposure. This work has led to deriving drinking water dose estimates, evaluating chemical mixture exposure, interpreting biomonitoring and exposure surveys, and investigating models for toxicity screening approaches for human equivalent chemical exposures. Dr. Nong is a member of the expert panel for Genome Canada's Bioinformatics and Computational Biology roadmap. His international involvement includes a partnership with the EPA National Center for Computational Toxicology and Toxicity Forecaster (ToxCast™) program, providing technical support for documents on PBPK modeling in risk assessment for EPA and the World Health Organization/International Program on Chemical Safety. Dr. Nong has authored and co-authored several publications, including peer-reviewed articles and book chapters, and served on the Board of Editors of the *Journal of Applied Toxicology.*

12. Stephen M. Roberts, Ph.D., University of Florida.

i. *Expertise:* Toxicology (liver effects and immunotoxicology) and Human Health Risk Assessment.

ii. *Education:* University of Utah, Ph.D., Department of Pharmacology (1973).

iii. *Professional Experience:* Dr. Roberts is a Professor at the University of Florida with joint appointments in the College of Veterinary Medicine, College of Medicine, and College of Public Health and Health Professions. He also serves as Director of the Center for Environmental & Human Toxicology at the University of Florida. Dr. Roberts received a Ph.D. from the University of Utah College of Medicine Department of Pharmacology in 1973. After a National Institutes of Health postdoctoral fellowship in pharmacokinetics at SUNY Buffalo (1977–1980), he served on the faculties of the University of Cincinnati College of Pharmacy (1980–1986) and the College of Medicine at the University of Arkansas for Medical Sciences (1986–1989). Dr. Roberts has been a faculty member at the University of Florida since 1989. His research addresses mechanisms of toxicity, particularly involving the liver and immune system. Dr. Roberts also has an active research program in toxicokinetics, especially involving bioavailability of environmental toxicants, as well as approaches to evaluation of potential toxicity of nanomaterials. His teaching responsibilities at the University of Florida include graduate courses in toxicology and risk assessment, as well as invited lectures in other graduate and professional courses. Dr. Roberts' research efforts have resulted in over 100 papers and book chapters to date, as well as over 100 published abstracts and letters. Dr. Roberts has served on numerous national advisory panels, including for the EPA, Department of Health and Human Services, and the Food and Drug Administration. He is currently the Associate Editor for *Nanotoxicology* and is currently or recently on the Editorial Boards of *Toxicology and Applied Toxicology, Human and Ecological Risk Assessment,* and *Dose-Response.*

13. Angela L. Slitt, Ph.D., University of Rhode Island.

i. *Expertise:* Toxicology (liver effects) and Membrane Transport.

ii. *Education:* University of Connecticut, Ph.D. in Pharmacology and Toxicology (2000).

iii. *Professional Experience:* Dr. Slitt is currently an Associate Professor in the Department of Biomedical and Pharmaceutical Sciences at the University of Rhode Island. Dr. Slitt received her Ph.D. in Pharmacology and Toxicology from the University of Connecticut in 2000, and then served until 2004 as a postdoctoral fellow at the University of Kansas Medical Center. Dr. Slitt has been a faculty member at the University of Rhode

Island since 2006. Dr. Slitt's graduate and postdoctoral training was heavily focused on liver biology and health, with a focus in the area of toxicology, and included research in nuclear receptors, biotransformation, and transporter expression. Her current research interests focus on how (1) expression of drug transporters affects chemical disposition and toxicity, (2) nutrition and intake of dietary antioxidants affects the expression of drug transporters, (3) liver disease (i.e., diabetes, cholestasis, and ethanol cirrhosis) affects transporter expression and chemical disposition, and (4) transporter expression affects cholesterol transport and susceptibility to gallstone formation. She has also recently investigated the effect of PFOS on caloric restriction in mice. Dr. Slitt is presently on the Editorial Board of *BMC Pharmacology and Toxicology, Journal of Biochemical and Molecular Toxicology,* and *Toxicology Methods and Mechanism,* and is an ad-hoc reviewer for numerous other journals. She is author or co-author of over 50 peer-reviewed scientific publications, and was recently awarded the University of Rhode Island Early Career Faculty Research Excellence Award.

14. Calvin C. Willhite, Ph.D., Risk Sciences International and McLaughlin Centre for Population Health Risk Assessment.

i. *Expertise:* Toxicology (developmental/reproductive) and Human Health Risk Assessment.

ii. *Education:* Dartmouth Medical School, Ph.D. in Pharmacology (1980).

iii. *Professional Experience:* Dr. Willhite has more than 30 years of experience in the fields of toxicology and human health risk assessment. He is currently employed as a Contract Toxicologist for Risk Sciences International and McLaughlin Centre for Population Health Risk Assessment at the University of Ottawa, where he performs chemical-specific human health risk assessments for Health Canada and European Union REACH. Prior to his present employment, Dr. Willhite also conducted chemical specific risk assessment as a Toxicologist for the National Sanitation Foundation (2005–2012) and for the State of California (1985–2011). He received his Ph.D. in Pharmacology from the Dartmouth Medical School in 1980. Dr. Willhite has more than 100 publications in basic and applied toxicology and human health risk assessment. He has experience with many types of compounds including chemicals in occupational, submarine and ambient air; drugs in dermatology; endocrine-active drugs and environmental chemicals; inorganic elements; and dietary supplements. His editorial responsibilities include serving on the Editorial Board and/or as Reviewer of many peer reviewed toxicology journals. He is currently serving on the Editorial Board of *Toxicology and Applied Toxicology, Journal of Toxicology, Journal of Toxicology and Environmental Health Part A,* and the *International Journal of Toxicology.* He has been a member of the National Academy of Sciences Committee on Toxicology, EPA National Advisory Committee, American Conference of Industrial Hygienists, International Agency for Research on Cancer, Society of Toxicology, and National Institutes of Health advisory committees.

15. Raymond G. York, Ph.D., DABT, Fellow-ATS, RG York and Associates, LLC.

i. *Expertise:* Toxicology (developmental/reproductive and neurotoxicology).

ii. *Education:* University of Cincinnati, Ph.D. in Toxicology (1982).

iii. *Professional Experience:* Dr. York is a board-certified Toxicologist and operates his own consulting company, RG York and Associates, LCC. Dr. York received his Ph.D. in Toxicology at the University of Cincinnati Medical Center in 1982 and completed a two-year postdoctoral fellowship at the Children's Hospital Research Foundation in Cincinnati in the area of developmental toxicology. He has previously served as Senior Scientific Director at WIL Research Laboratories (2008–2011), Associate Director of Research/Program Manager at Charles River Laboratories (1995–2008), and Director of Reproductive Toxicology and Neurotoxicology at International Research and Development Corporation (now MPI Research) (1989–1995). Dr. York was board-certified as a Diplomate of the American Board of Toxicology in 1986 and served four years on its Board of Directors. His work focus is in the field of toxicology, particularly reproductive and developmental toxicology. Dr. York has served as a study director on over 700 safety evaluation studies, published over 100 manuscripts, review articles, book chapters and abstracts, and has been an invited speaker at international conferences. He is currently on the EPA Science Advisory Board for trimethylbenzene. Dr. York has also been a member of the Society of Toxicology (SOT) since 1985 and the American College of Toxicology since 1998. He is currently President of the Reproductive and Developmental Toxicology Specialty Section of SOT. In addition, Dr. York has been a member of the Teratology Society since 1984, and served as the President for both the Midwest Teratology Association (1989) and the Middle Atlantic Reproduction and Teratology Association (2004). He has served as a reviewer for *Toxicology and Applied Pharmacology* and *International Journal of Toxicology* and as a member of the Editorial Board of *Fundamental and Applied Toxicology.*

Dated: April 22, 2014.

Nancy K. Stoner,

Acting Assistant Administer, Office of Water.

[FR Doc. 2014–09888 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9910–27–OA]

Notification of a Request for Nominations of Experts for a Science Advisory Board Panel on Economy-Wide Modeling

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form an SAB panel to provide advice through the chartered SAB on the appropriate role of economy-wide modeling of the costs and benefits of air regulations in informing the regulatory process.

DATES: Nominations should be submitted by May 21, 2014 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2073 or via email at *stallworth.holly@epa.gov*. General information concerning the EPA SAB can be found at the EPA SAB Web site at *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB will comply with the

provisions of FACA and all appropriate SAB Staff Office procedural policies.

On February 5, 2014, the EPA's National Center for Environmental Economics (NCEE) and the Office of Air and Radiation (OAR) announced (79 FR 6899—6900) that they had developed a draft ''analytic blueprint'' of materials on the technical merits and challenges of using economy-wide models to evaluate the social costs, benefits and economic impacts associated with EPA's air regulations. These materials, along with draft charge questions for the SAB and public comments can be found in the docket at *http://www.regulations.gov* under the docket identification, EPA–HQ–OA–2014–0129.

The EPA has requested that the SAB provide review of the EPA's modeling and ability to measure full regulatory impacts and to make recommendations on the use of economy-wide modeling frameworks to characterize the social costs, benefits, and economic impacts of air regulations with the aim of improving benefit-cost and economic impact analyses used to inform decision-making at the agency. As a first step, the EPA has asked the SAB to provide feedback on its draft charge questions and analytic blueprint following the 60-day public comment period referenced in EPA–HQ–OA–2014–0129.

With today's Notice, the Science Advisory Board Staff Office is soliciting nominations for an expert panel to provide advice to EPA through the chartered SAB on its draft analytical blueprint and any subsequent materials developed on economy-wide modeling. To conduct this review, the SAB Staff Office is forming an expert panel under the auspices of the Chartered SAB.

Technical Contact for EPA's Draft Report: For information concerning EPA's draft charge questions and draft analytic blueprint on economy-wide modeling, please contact Dr. Ann Wolverton, National Center for Environmental Economics at *wolverton.ann@epa.gov* or 202–566–2278.

Request for Nominations: The SAB Staff Office requests nominations of environmental economists and other scientists with expertise in the following areas: Cost-benefit analysis; computable general equilibrium (CGE) modeling with experience in representing environmental and/or energy policy; the use of detailed sector models and linking CGE models to detailed sector models; non-CGE (macro) models for capturing general equilibrium effects of environmental policy; dynamic stochastic modeling in CGE and/or macro model contexts; representation of health improvements and other types of benefits in a CGE or non-CGE framework (e.g. use of state-dependent utility functions); transition dynamics in a general equilibrium framework (e.g., in labor or capital markets; spatial sorting models); interface of macro- and micro-economic modeling; quantifying and monetizing spatially differentiated mortality/morbidity/non-health welfare, and non-use effects of air quality; and the representation of non-use or environmental preferences in the utility function. The SAB Staff Office seeks labor economists with a macroeconomic or general equilibrium perspective who have expertise in the short-and long-run implications of regulatory decisions for household labor market decisions (e.g., labor-leisure trade-offs); and expertise in the labor market implications of productivity improvements due to better health. The SAB Staff Office is also seeking expertise on risk and uncertainty to formally characterize uncertainty in CGE and non-CGE models including representation of the effects of uncertainty on behavior of economic agents.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on this expert panel. Self-nominations are allowed as well. Nominations should be submitted in electronic format (preferred over hard copy) following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed,'' provided on the SAB Web site. The instructions can be accessed through the ''Nomination of Experts'' link on the blue navigational bar at the SAB Web site *http://www.epa.gov/sab*. To receive full consideration, nominations should include all of the information requested below.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Dr. Holly Stallworth, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than May 21, 2014. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates on the SAB Web site at *http://www.epa.gov/sab*. Public comments on this List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming this expert panel, the SAB Staff Office will consider public comments on the List of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and viewpoints.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by federal

regulation. The form may be viewed and downloaded from the following URL address *http://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument.*

The approved policy under which the EPA SAB Office selects subcommittees and reviews panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board (EPA–SAB–EC–02–010), which is posted on the SAB Web site at http://www.epa.gov/sab/pdf/ec02010.pdf.*

Dated: April 24, 2014.

Thomas H. Brennan,

Deputy Director, Science Advisory Board Staff Office.

[FR Doc. 2014–09902 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0254; FRL–9909–68]

Amendment of a Pesticide Experimental Use Permit; Notice of Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application from Robert I. Rose, Ph.D., on behalf of James Mains, Ph.D., Mosquito Mate, Inc., requesting to amend 89668–EUP–1 experimental use permit (EUP) to allow the applicant to add release and monitoring sites in California for *Aedes albopictus* male mosquitoes with *Wolbachia pipientis* ZAP strain bacteria and to extend the permit for the currently approved sites. The Agency has determined that the amendment request for the permit may be of regional and national significance. Therefore, because of the potential significance, and pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and is seeking comments on this application.

DATES: Comments must be received on or before May 30, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EUP File Symbol of interest as shown in the body of this document, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD), (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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 pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water. Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the amended EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an amended EUP will be announced in the **Federal Register**.

Therefore, pursuant to 40 CFR 172.11(a), the Agency has determined that the following amended EUP

application may be of regional and national significance, and therefore is seeking public comment on the following amended EUP application:

89668–EUP–1. (Docket ID Number: EPA–HQ–OPP–2013–0254). On July 26, 2013, EPA approved an application for an experimental use permit (EUP), 89668–EUP–1. A notice of the issuance of the EUP was published in the **Federal Register** on September 12, 2013 (78 FR 56227) (FRL–9397–7). This EUP was approved for the weekly release at specified sites and times for male *Aedes albopictus* mosquitoes with *Wolbachia pipientis* ZAP strain bacteria between July 29, 2013, and July 29, 2016. Releases were approved for certain areas of California, Florida, Kentucky, and New York in accordance with the EUP. The released *Aedes albopictus* male mosquitoes, infected with *Wolbachia pipientis* ZAP strain bacteria, are expected to mate with their indigenous female counterparts, causing conditional sterility, resulting in non-viable eggs. Thus, the mosquito population is expected to be substantially reduced using this technique. Adult and egg collection data from treated areas will be compared to those in an untreated control site to examine for the effect of the released product in the indigenous population.

On November 5, 2013, the applicant requested an amendment to Mosquito Mate, Inc., 1122 Oak Hill Dr., Lexington, KY 40505–3322, application (89668–EUP–1), to add San Gabriel Valley Mosquito and Vector Control District, West Covina, CA. The applicant is requesting to add 5379 acres for monitoring, including the six—one acre additional CA sites where the mosquitoes will be released, to the existing EUP's monitoring areas of 2059 acres. If approved, the total treatment and monitoring areas will be 7,438 acres.

In addition, the applicant requested a time-extension for this EUP on the currently approved sites in CA, FL, and KY until October 31, 2015; and in NY until September 30, 2016. The time-extensions are to allow for a full-season of test-trials, so that control efficacy can be determined for the full-season of expected mosquito occurrence. Additional information on the experimental use permit is available in the docket.

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection, Experimental use permits.

Dated: April 21, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–09668 Filed 4–29–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 4653, Nextbank, National Association, Phoenix, Arizona

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Nextbank, National Association, Phoenix, Arizona (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Nextbank, National Association on February 7, 2002. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: April 24, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–09777 Filed 4–29–14; 8:45 am]

BILLING CODE 6714–01–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.: 012069–002.

Title: CSCL/ELJSA Slot Exchange Agreement.

Parties: China Shipping Container Lines Co., Ltd.; China Shipping Container Lines (Hong Kong) Co. Ltd.; and Evergreen Line Joint Service Agreement.

Filing Party: Brett M. Esber, Esq.; Blank Rome, LLP; Watergate; 600 New Hampshire Avenue NW., Washington, DC 20037.

Synopsis: The amendment decreases the number of slots being exchanged under the agreement, extends the minimum term of the agreement, and makes other non-substantial changes.

Agreement No.: 012187–001.

Title: Siem Car Carriers AS/Hoegh Autoliners AS Space Charter Agreement.

Parties: Siem Car Carriers AS and Hoegh Autoliners, AS.

Filing Party: Ashley W. Craig Esq.; Venable LLP; 575 Seventh Street NW., Washington, DC 20004.

Synopsis: The amendment updates the names of the parties and revises the geographic scope of the agreement to include the U.S. East Coast and Mexico.

Agreement No.: 012266.

Title: HLAG/CSAV Trans-Atlantic Space Charter Agreement.

Parties: Hapag-Lloyd AG and Compania Sud Americana de Vapores S.A.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The agreement would authorize Hapag-Lloyd to charter space to CSAV in the trade between the U.S. Atlantic and Gulf Coasts and Mexico, on the one hand, and ports in North Europe, on the other hand.

Agreement No.: 012267.

Title: COSCON/CSCL Vessel Sharing and Slot Exchange Agreement.

Parties: China Shipping Container Lines Co., Ltd. and China Shipping Container Lines (Hong Kong) Co. Ltd. (collectively CSCL); COSCO Container Lines Company Limited.

Filing Party: Brett M. Esber, Esq.; Blank Rome, LLP; Watergate; 600 New Hampshire Avenue NW.; Washington, DC 20037.

Synopsis: The agreement authorizes the parties to cooperate to establish a

weekly liner service in the trade between China (including Hong Kong), South Korea, Vietnam, Singapore, Taiwan, and Canada, on the one hand, and the U.S. East and West Coasts on the other hand. The agreement also authorizes the parties to exchange slots on this service and other services operated by the parties.

Agreement No.: 012268.

Title: CSCL/PIL Slot Charter Agreement.

Parties: China Shipping Container Lines Co., Ltd. and China Shipping Container Lines (Hong Kong) Co. Ltd. (collectively CSCL) and Pacific International Lines (PTE) Ltd.

Filing Party: Brett M. Esber, Esq.; Blank Rome, LLP; Watergate; 600 New Hampshire Avenue NW.; Washington, DC 20037.

Synopsis: The agreement authorizes CSCL to charter space to PIL in the trade between China and the U.S. West Coast.

By Order of the Federal Maritime Commission.

Dated: April 25, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–09844 Filed 4–29–14; 8:45 am]

BILLING CODE 6730–01–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 27, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Platte Valley Financial Service Companies, Inc.,* Scottsbluff, Nebraska; to acquire 100 percent of the voting shares of Mountain Valley Bancshares, Inc., and thereby indirectly acquire Mountain Valley Bank, both in Walden, Colorado.

Board of Governors of the Federal Reserve System, April 25, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–09825 Filed 4–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 27, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Colonial Banc Corp. and Oculina Banc Corp.,* both in Vero Beach, Florida; to become savings and loan holding companies by retaining control of Oculina Bank, Fort Pierce, Florida.

Board of Governors of the Federal Reserve System, April 25, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–09824 Filed 4–29–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0014; Docket 2014–0055; Sequence 5]

Federal Acquisition Regulation; Information Collection; Statement and Acknowledgment (Standard Form 1413)

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning statement and acknowledgment Standard Form (SF) 1413.

DATES: Submit comments on or before June 30, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0014 by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0014. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0014, Statement and Acknowledgment SF 1413''. Follow the instructions provided

on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0014, Statement and Acknowledgment SF 1413'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0014, Statement and Acknowledgment SF 1413.

Instructions: Please submit comments only and cite Information Collection 9000–0014, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Procurement Analyst, Acquisition Policy Division, via telephone 202–501–0650 or via email to *edward.loeb@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

SF 1413, Statement and Acknowledgment, is used by all executive agencies, including the Department of Defense, to obtain a statement from contractors that the proper clauses have been included in subcontracts. The form is used by the prime contractor to identify and report all applicable subcontracts (all tiers) awarded under the prime contract, identify specific scopes of work the subcontractors will be performing, subcontract award date, and subcontract number, and provide formal notification to the applicable subcontractors of the labor laws and associated clauses they are responsible for complying with.

B. Annual Reporting Burden

A reassessment of the number of contracts awarded that required the inclusion of the SF 1413 was performed for Fiscal Year (FY) 2010, FY 2011, and FY 2012 using data obtained from the Federal Procurement Data System. Based on the comprehensive reassessment performed, it was determined that no changes to the annual number of responses and the annual time burden (from the previous information collection published in the **Federal Register** at 76 FR 28039 on May 13, 2011) was warranted at this time. No public comments were received in prior years that have challenged the validity of the Government's estimate.

Respondents: 31,500.

Responses per Respondent: 2.

Total Responses: 63,000.

Hours per Response: .05.

Total Burden Hours: 3,150.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0014, Statement and Acknowledgment SF 1413, in all correspondence.

Dated: April 24, 2014

Karlos Morgan,

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

[FR Doc. 2014–09845 Filed 4–29–14; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice-MV–2014–01; Docket No. 2014–0002; Sequence 16]

Public Availability of General Services Administration FY 2013 Service Contract Inventory

AGENCY: General Services Administration (GSA).

ACTION: Notice of Public Availability of FY 2013 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of Fiscal Year (FY) 2010 Consolidated Appropriations Act Public Law 111–117, GSA is publishing this notice to advise the public of the availability of the FY 2013 Service Contract Inventories.

DATES: April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Questions regarding the Service Contract Inventory should be directed to Mr. Paul F. Boyle in the Office of Acquisition Policy at 202–501–0324 or *Paul.Boyle@gsa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Section 743 of Division C of Fiscal Year (FY) 2010 Consolidated Appropriations Act Public Law 111–117, GSA is publishing this notice to advise the public of the availability of the FY 2013 Service Contract Inventories. These inventories provide information on service contract actions over $25,000 that were made in FY 2013. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.*

The GSA has posted its inventory and a summary of the inventory on the GSA.Gov homepage at the following link: *http://www.gsa.gov/gsasci.*

Dated: April 25, 2014.

Jeffrey A. Koses,

Senior Procurement Executive, Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration.

[FR Doc. 2014–09846 Filed 4–29–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–new–30D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of Adolescent Health, Office of the Assistant Secretary for Health, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 30, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–new–30D for reference.

Information Collection Request Title: Pregnancy Assistance Fund Feasibility and Design Study (FADS).

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a new collection. The Pregnancy Assistance Fund (PAF) evaluation will provide information about program design, implementation, and impacts through two core components: A rigorous assessment of program impacts and implementation, and a descriptive examination of program design. This proposed information collection activity includes (a) program design and early implementation data collected through telephone interviews with PAF grantees and (b) baseline data in up to three impact sites through self-administered questionnaires.

Need and Proposed Use of the Information: Design and implementation data will build on knowledge about the grantees and their program plans gathered from other sources as well as identify sites for the impact study. *Baseline survey data* will be used to confirm the integrity of the random assignment process, define subgroups for which impacts will be estimated, adjust impact estimates to account for survey non-response, and to improve the precision of impact estimates.

Likely Respondents: The 17 PAF grantee administrators and expectant or parenting young women in 2–3 grantee sites.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information.

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Telephone Interview Protocol	6	1	2	12
Baseline Survey	950	1	.5	475
Total				487

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–09785 Filed 4–29–14; 8:45 am]

BILLING CODE 4150–30–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14VK]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Improving the Understanding of Traumatic Brain Injury through Policy and Program Evaluation Research—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Traumatic brain injury (TBI) is one of the highest priorities in public health because of its magnitude, economic and human impact, and preventability. Improving the recognition and management of mild TBIs—such as concussions that occur during youth sports—can help reduce the harm caused by such injuries and prevent future consequences.

More than 7 million U.S. high school students participate in organized sports each year. Sports-related concussions are common injuries among youth and have potentially serious consequences. CDC's public health efforts have included the development of the ''Heads Up'' education campaign, which focuses on raising awareness of the signs and symptoms of concussions and improving the management of concussions among youth athletes.

Individual states and the District of Columbia have taken the initiative and passed laws aimed at improving the management of youth sports-related concussions. In 2009, Washington State enacted the first such law to manage youth sports-related concussions—the

Lystedt Law. Since there is currently no model law for managing youth sports-related concussions, 48 other states and the District of Columbia have developed their own laws independently. While there are similarities across the states, an examination of the laws shows considerable variation in the breadth and scope of the laws. Despite the proliferation of state laws and the dissemination of concussion education materials, little is known about the reach, use, and effectiveness of these laws in improving the management of youth sports-related concussions.

The major danger faced by young athletes who have experienced a concussive event is that they are allowed to return to play while still experiencing symptoms. If the state laws are effective, they should reduce the number of athletes who return to play while symptomatic.

The primary goal of the current proposal is to examine the relationship between state laws aimed at managing youth sports-related TBIs and youth athletes returning to play while symptomatic. In addition, the study also intends to assess variations in knowledge, attitudes, and behavior regarding concussions; the use of concussion education materials, including Heads Up; and state policies governing requirements for identification and management of concussions in youth athletics. With the data collected during the proposed study, CDC will be able to assess the effectiveness of state laws in reducing the number of youth athletes who return to play with concussion symptoms, the general knowledge and understanding of concussions, and the effectiveness of education and training about concussions. This will enable CDC to make recommendations for improving state policies and improve the agency's Heads Up concussion education training program.

CDC requests OMB approval for one year to collect data from three national subsamples: (1) Soccer coaches, coaching boys and girls ages 14–18 on club soccer teams; (2) boys and girls youth soccer players ages 14–18 playing club soccer; and (3) parents of boys and girls ages 14–18 who are club soccer players. The samples will be drawn from the U.S. Youth Soccer Association, a national youth soccer organization with over 3 million youth players.

CDC will use an online data collection tool for a pre-season survey, followed by a brief weekly surveillance survey administered through an automated phone system once a week for ten weeks. Respondents will receive a randomly generated identification number that will be used to complete the online and phone surveys. The database linking these identification numbers to participant data will only be available to a limited number of evaluation contractor staff.

The pre-season survey will be administered to the coaches, players, and parents, while the weekly surveillance survey will only be completed by players and parents. Athletes who report suffering a hit with associated concussive symptoms and the parent of such an athlete will also be administered a phone interview about the athlete's symptoms and management. These electronic data collection tools provide CDC the means to efficiently collect data from a large number of respondents from across the country.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Total burden (hours)
U.S. Youth Soccer Coach	Pre-season survey	115	1	10/60	19
Parent	Pre-season survey	1,294	1	10/60	216
Parent	Weekly Surveillance survey	970	10	3/60	485
Parent	Injury Follow-up survey	576	1	10/60	96
Athlete	Pre-season survey	1,294	1	10/60	216
Athlete	Weekly Surveillance survey	970	10	3/60	485
Athlete	Injury Follow-up survey	576	1	10/60	96
Total					1,613

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09763 Filed 4–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–4–14VN]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR), as part of their continuing efforts to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, CDC/ATSDR 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.

CDC/ATSDR is soliciting comment concerning the renewal of its information collection titled, ''Generic

Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Written comments should be received within 60 days of this notice. 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.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—Revision—Centers for Disease Control and Prevention (CDC) and Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

CDC/ATSDR will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Average expected annual number of activities	Average number of respondents per activity	Annual responses	Frequency of response (per request)	Average burden per response (in hrs.)	Total burden (in hrs.)
Individuals and Households, Businesses and Organizations, State, Local or Tribal Government	50	6,000	300,000	1	30/60	150,000
Total						

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09765 Filed 4–29–14; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–14–14VT]

Proposed Data Collections Submitted for Public Comment and Recommendations

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Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Reaching Underserved Populations through *Learn the Signs. Act Early*. Materials—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The *Learn the Signs. Act Early*. (LTSAE) campaign, developed by the Centers for Disease Control and Prevention, is designed to increase awareness of developmental milestones among parents, healthcare professionals, childcare providers and others who regularly interact with young children. Increased awareness is expected to lead to increased developmental screening, the first in a series of steps toward early intervention which is essential for the health and well-being of children with developmental delays.

Developmental delays are increasingly common among all young children, with recent national estimates ranging from 13–15%. However, children from minority and low-income groups are particularly vulnerable due to lags in identification. Not only do healthcare and early childhood professionals frequently fail to identify children with developmental disabilities, but parents also need to be educated about child development, especially parents living in poverty who are less likely to recognize a child's special needs. Because early identification of developmental delays is critical to positive outcomes, young children from minority and low-income groups may miss a critical window of opportunity if developmental concerns are not identified in a timely way.

The purpose of this study is to understand how the LTSAE campaign is meeting the needs of underserved families when delivered as part of the Women, Infant and Children (WIC) nutrition program. By understanding how LTSAE materials and messages affect awareness and behavior of WIC participants and staff, the CDC can determine what improvements may be needed in order to effectively reach this at-risk population. The three phases of the study will measure changes in parents' awareness, knowledge and intention to act, and WIC staff responses to the LTSAE materials and messages. This information will help guide the CDC in developing the messages, materials, partnerships and strategies that are most effective for families served by WIC.

The data collection system consists of four questionnaires and a structured focus group. These form the basis of three phases of the study designed to determine the effectiveness of LTSAE materials and messages with WIC participants and staff.

In Phase 1, pre- and post-implementation parent-report surveys will determine the LTSAE campaign's impact on parental awareness, knowledge and intention to act if there is a developmental concern. These will be paper surveys administered during routine WIC clinic visits. The parent survey was pilot tested by three parents receiving WIC services and reviewed by 14 WIC staff. The Pre-intervention Survey will be completed by 450 respondents, who are parents/guardians of children enrolled in the WIC Nutrition Program at nine WIC clinics in four counties in the St. Louis, Missouri area. The Post-intervention Survey will be completed by the same 450 parents/guardians of children enrolled in the WIC Nutrition Program who completed the Pre-intervention Survey.

In Phase 2, a referral outcome tracking form will be completed by 100 parents/guardians of children enrolled in the WIC Nutrition Program and will document whether the study protocols will impact the behavior of parents of children with possible delays. If a developmental delay is suspected, WIC staff will give the parent a referral to the child's doctor and encourage the parent to talk with the doctor about the child's development. WIC staff will complete a referral outcome tracking form during the parent's subsequent visits to the WIC clinic to determine whether the parent followed up with the doctor, how

the doctor responded to the parent's concerns and whether the child accessed screening, diagnostic and treatment services. We estimate each parent will return to the clinic twice during the study for activities such as WIC eligibility re-certification. This offers the opportunity to track referral outcomes over time. The Referral Outcome Tracking Form will be completed twice by the same 100 parent/guardian respondents.

In Phase 3, two measures will evaluate the WIC staff's response to the study to help determine program and message improvements, feasibility and sustainability. An online survey will assess staff perceptions of factors such as key elements, such as ease of use, time requirements and perceived impact on children and families. The WIC Developmental Milestones Staff Survey will be completed by 47 WIC staff members who work in the WIC clinics in the 9 sites where the project will be implemented. Each staff member also will be sent an email invitation to attend one 60-minute focus group meeting. This will allow for further clarification of the group's response. WIC staff members have provided feedback to refine questions, ensure accurate programming and establish the estimated time required to complete this data collection process.

The estimate for burden hours is based on the number of questions included in the questionnaires, as well as survey pre-testing to determine the typical length of time for completion. To obtain maximum potential burden estimates, we did not factor in attrition during the course of the study but rather assumed that all participants would complete all measures.

The total estimated burden is 255 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Parents/guardians of children receiving WIC enrolled in Phase 1.	Pre-Intervention Survey	450	1	10/60	75
	Post-Intervention Survey	450	1	10/60	75
Parents/guardians of children enrolled in Phase 2.	Referral Outcome Tracking Form	100	2	15/60	50
WIC staff enrolled in Phase 3	WIC Developmental Milestones Staff Survey.	47	1	10/60	8
WIC staff enrolled in Phase 3	Focus Group Questions	47	1	1	47
Total					255

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14VS]

Proposed Data Collections Submitted for Public Comment and Recommendations

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Proposed Project

Developmental Studies to improve the National Health Care Surveys—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes the Secretary of Health and Human Services (DHHS), acting through the Division of Health Care Statistics (DHCS) within NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States.

The DHCS conducts the National Health Care Surveys, a family of nationally representative surveys of encounters and health care providers in inpatient, outpatient, and long-term care settings. This information collection request (ICR) is for a new generic to conduct developmental studies to improve this family of surveys. This three year clearance period will include studies to evaluate and improve upon existing survey design and operations, as well as to examine the feasibility of, and address challenges that may arise with, future expansions of the National Health Care Surveys.

Specifically, this request covers developmental research with the following aims: (1) To explore ways to refine and improve upon existing survey designs and procedures; and (2) to explore and evaluate proposed survey designs and alternative approaches to data collection. The goal of these research studies is to further enhance DHCS existing and future data collection protocols to increase research capacity and improve health care data quality for the purpose of monitoring public health and well-being at the

national, state and local levels, thereby informing health policy decision-making process. The information collected through this generic ICR will not be used to make generalizable statements about the population of interest or to inform public policy; however, methodological findings may be reported.

This generic ICR would include studies conducted in person, via the telephone or internet, and by postal or electronic mail. Methods covered would include qualitative (e.g., usability testing, focus groups, ethnographic studies, and respondent debriefing questionnaires) and/or quantitative (e.g., pilot tests, pre-tests and split sample experiments) research methodologies. Examples of studies to improve existing survey designs and procedures may include evaluation of incentive approaches to improve recruitment and increase participation rates; testing of new survey items to obtain additional data on providers, patients, and their encounters while minimizing misinterpretation and human error in data collection; testing data collection in panel surveys; triangulating and validating survey responses from multiple data sources; assessment of the feasibility of data retrieval; and development of protocols that will locate, identify, and collect accurate survey data in the least labor-intensive and burdensome manner at the sampled practice site.

To explore and evaluate proposed survey designs and alternative approaches to collecting data, especially with the nationwide adoption of electronic health records, studies may expand the evaluation of data extraction of electronic health records and submission via continuity of care documentation to small/mid-size/large medical providers and hospital networks, managed care health plans, prison-hospitals, and other inpatient, outpatient, and long-term care settings that are currently either in-scope or out-of-scope of the National Health Care Surveys. Research on feasibility, data quality and respondent burden also may be carried out in the context of developing new surveys of health care providers and establishments that are currently out-of-scope of the National Health Care Surveys.

Specific motivations for conducting developmental studies include: (1) Within the National Ambulatory Medical Care Survey (NAMCS), new clinical groups may be expanded to include dentists, psychologists, podiatrists, chiropractors, optometrists), mid-level providers (e.g., physician assistants, advanced practice nurses, nurse practitioners, certified nurse midwives) and allied-health professionals (e.g., certified nursing aides, medical assistants, radiology technicians, laboratory technicians, pharmacists, dieticians/nutritionists). Current sampling frames such as those from the American Medical Association may be obtained and studied, as well as frames that are not currently in use by NAMCS, such as state and organizational listings of other licensed providers. (2) Within the National Study of Long-Term Care Providers, additional new frames may be sought and evaluated and data items from home care agencies, long-term care hospitals, and facilities exclusively serving individuals with intellectual/developmental disability may be tested. Similarly, data may be obtained from lists compiled by states and other organizations. Data about the facilities as well as residents and their visits will be investigated. (3) In the inpatient and outpatient care settings, the National Hospital Care Survey (NHCS) and the National Hospital Ambulatory Medical Care Survey (NHAMCS) may investigate the addition of facility and patient information especially as it relates to insurance and electronic medical records.

The National Health Care Surveys collect critical, accurate data that are used to produce reliable national estimates—and in recent years, state-level estimates—of clinical services and of the providers who delivered those services in inpatient, outpatient, ambulatory, and long-term care settings. The data from these surveys are used by providers, policy makers and researchers to address important topics of interest, including the quality and disparities of care among populations, epidemiology of medical conditions, diffusion of technologies, effects of policies and practice guidelines, and changes in health care over time. Research studies need to be conducted to improve existing and proposed survey design and procedures of the National Health Care Surveys, as well as to evaluate alternative data collection approaches particularly due to the expansion of electronic health record use, and to develop new sample frames of currently out-of-scope providers and settings of care. There is no cost to respondents other than their time to participate. Average burdens are designed to cover 15–40 minute interviews as well as 90-minute focus groups, longer on-site visits, and situations where organizations may be preparing electronic data files.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Health Care Providers and Business entities.	Interviews, surveys, focus groups, experiments (in person, phone, internet, postal/electronic mail).	18,000	1	1	18,000
Health Care Providers, State/local government agencies, and business entities.	Interviews, surveys, focus groups, experiments (in person, phone, internet, postal/electronic mail).	500	1	2.5	1,250
Total					19,250

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09767 Filed 4–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14VU]

Proposed Data Collections Submitted for Public Comment and Recommendations

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Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Promoting Adolescent Health Through School-Based HIV/STD Prevention—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Many young people engage in sexual behaviors that place them at risk for HIV infection, other sexually transmitted diseases (STD), and pregnancy. According to the 2011 National Youth Risk Behavior Survey (YRBS) results, 47% of U.S. high school students never had sexual intercourse; 34% had sexual intercourse with at least one person during the 3 months before the survey; and 15% had had sexual intercourse with four or more persons during their lifetime. Of those sexually active high school students, 40% reported that either they or their partner had not used a condom during last sexual intercourse, and 77% reported that either they or their partner had not used birth control pills or Depo-Provera (or any injectable birth control), Nuva Ring (or any birth control ring), Implanon (or any implant), or any intrauterine device (IUD) before last sexual intercourse.

Establishing healthy behaviors during childhood and adolescence is easier and more effective than trying to change unhealthy behaviors during adulthood. Since 1987, the Division of Adolescent and School Health (DASH), which is now a part of the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), has been a unique source of support for HIV prevention efforts in the Nation's schools.

CDC requests Office of Management and Budget (OMB) approval to collect data over a three-year period from funded agencies under award PS13–1308: *Promoting Adolescent Health through School-Based HIV/STD Prevention and School-Based Surveillance.* Funded agencies include non-governmental organizations, state education agencies, and local education agencies. The primary purpose of PS–13–1308 is to build the capacity of priority districts and priority schools to effectively contribute to the reduction of HIV infection and other STD among adolescents; the reduction of disparities in HIV infection and other STD experienced by specific adolescent sub-populations; and the conducting of school-based surveillance, a component not included in this data collection for evaluation.

CDC will be using a web-based system to collect data on the approaches that funded agencies are using to meet their goals. Approaches include helping districts and schools deliver exemplary sexual health education emphasizing HIV and other STD prevention; increasing adolescent access to key sexual health services; and establishing safe and supportive environments for students and staff.

To track funded agency progress and evaluate the effectiveness of program activities, CDC will be collecting data using a mix of process and performance measures. Process measures, which will be completed by all funded agencies, are important to assess the extent to which planned program activities have been implemented and lead to feasible and sustainable programmatic outcomes. Process measures include items on school health policy assessment and monitoring, and on providing training and technical assistance to partner education agencies and schools. Performance measures, which will be completed by only state and local education agencies, assess whether funded activities at each site are leading to intended outcomes including public health impact of systemic change in schools. These measures drove the development of questionnaires that have been tailored to each funded agencies' approach (i.e., exemplary sexual health education, sexual health services, and safe and supportive environments).

Respondents include 19 state education agencies, 17 local education agencies, and 6 non-governmental organizations that have all been funded under PS13–1308. The questionnaires will be submitted to CDC semi-annually using the Program Evaluation and Reporting System, an electronic web-based interface specifically designed for this data collection.

Each funded agency will receive a unique log-in to the system and technical assistance to ensure they can use the system easily. The dates when data are requested reflect Procurement and Grants Office deadlines to provide timely feedback to funded agencies and CDC staff for accountability and optimal use of funds. CDC anticipates that semi-annual information collection will begin in October 2014 and will describe activities conducted during the period August 2014–July 2017.

The estimated burden per response ranges from 0.5 hours to 6 hours. This variation in burden is due to the variability in the questions on the forms based on the approach and type of funded agency. For instance, non-governmental organizations have fewer questions to respond to because they only have questions for process evaluation. Local education agencies have the highest burden because it takes more time to gather information as they gather data at the school- and student-level as compared with state education agencies that report only state- and district-level data. Annualizing this collection over three years results in an estimated annualized burden of 820 hours for all funded agencies.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
State Education Agency	Exemplary Sexual Health Education Measures.	19	2	4	152
	Sexual Health Services Measures	19	2	3	114
	Safe and Supportive Environments Measures.	19	2	1	38
Local Education Agency	Exemplary Sexual Health Education Measures.	17	2	6	204
	Sexual Health Services Measures	17	2	3	102
	Safe and Supportive Environments Measures.	17	2	6	204
Non-governmental organization	Exemplary Sexual Health Education Measures.	2	2	0.5	2
	Sexual Health Services Measures	2	2	0.5	2
	Safe and Supportive Environments Measures.	2	2	0.5	2
Total					820

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09769 Filed 4–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14VL]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Assessing the Adoption and Utility of National Diabetes Education Program (NDEP) Tools and Resources for Healthcare Professionals and Health Education Facilitators—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Diabetes is one of the nation's leading causes of death and disability. An estimated 25.8 million children and adults (of whom 7.0 million are undiagnosed) have diabetes and are at risk for disabling and life-threatening complications, such as heart attack and stroke, and kidney, eye, and nerve disease. Research shows that Type 2 diabetes, and much of the illness and premature death caused by diabetes, can be prevented or delayed. The National Diabetes Education Program (NDEP) is a joint program of the Centers for Disease Control and Prevention and the National Institutes of Health. The NDEP develops, disseminates, and supports the adoption of evidence-based, culturally and linguistically appropriate tools and resources that emphasize the importance of controlling blood glucose levels, blood pressure, and blood lipids, as well as carrying out other preventive care practices in a timely manner to improve health outcomes and overall quality of life.

In 2012 and 2013, CDC/NDEP collaborated with relevant partners to update two major diabetes education resources: ''New Beginnings: A Discussion Guide for Living Well with Diabetes'' (hereafter referred to as New Beginnings), and ''Working Together to Manage Diabetes: A Guide and Toolkit for Pharmacy, Podiatry, Optometry, and Dentistry'' (hereafter referred to as the PPOD Guide and Toolkit). New Beginnings was developed for diabetes educators, health educators, health ministers, lay health workers and others who facilitate discussion groups about diabetes self-management. The discussion guide uses a storytelling approach to facilitate discussions focused on the social-emotional impact of diabetes. Through story-telling, the guide teaches skills related to goal setting, building self-efficacy, managing stress, problem solving, and communication. New Beginnings has been revised to make it a more accessible and flexible resource that can be adapted for use in diabetes self-management education classes and in other settings. The PPOD Guide and Toolkit are targeted to health care providers in pharmacy, podiatry, optometry, and dentistry. The PPOD Guide and Toolkit are designed to promote a collaborative, team-based approach to comprehensive diabetes care. Both resources are being promoted to key target audiences in 2014.

In order to understand how target audiences use the resources and apply the recommended diabetes control strategies, CDC plans to conduct a series

of surveys that will assess adoption, use, and satisfaction with the resources. Respondents for the PPOD Guide and toolkit assessment will include health care providers in the private sector, state and local government, and federal government. Respondents for the New Beginnings assessment will include health education facilitators in the private sector and state and local government. CDC will coordinate the information collection and assessment activities with events and opportunities sponsored by professional organizations, and CDC-sponsored Webinars.

Office of Budget and Management (OMB) approval is requested for one year. All information will be collected electronically. Survey findings will be used to guide further improvements to the resources, make adjustments to promotional and educational strategies, and inform CDC's technical assistance related to diabetes education. Participation in the surveys is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Private sector health care providers	PPOD Guide and Toolkit Follow-up Survey.	80	1	15/60	20
State and Local government healthcare providers.	PPOD Guide and Toolkit Follow-up Survey.	80	1	15/60	20
Federal Government healthcare providers.	PPOD Guide and Toolkit Follow-up Survey.	40	1	15/60	10
Private sector heath education facilitators.	New Beginnings Assessment Survey.	700	1	20/60	233
State and local government health education facilitators.	New Beginnings Assessment Survey.	100	1	20/60	33
Total					316

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09764 Filed 4–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14VP]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Community Context Matters Study—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The daily use of specific antiretroviral medications by persons without human immunodeficiency virus (HIV) infection, but at high risk of sexual or injection exposure to HIV has been shown to be a safe and effective HIV prevention method. The Food and Drug Administration approved the use of Truvada® for preexposure prophylaxis (PrEP) in July 2012 and CDC has issued clinical practice guidelines for its use. With approximately 50,000 new HIV infections each year, increasing rates of infection for young MSM, and continuing severe disparities in HIV infection among African-American men and women, incorporation of PrEP into HIV prevention is important. However, as a new prevention tool in very early stages of introduction and use, there is much we need to learn about how to implement PrEP in a real world setting and the need to develop and validate new measurement tools to capture this information.

CDC is requesting Office of Management and Budget (OMB) approval to collect data over a three-year period that will be used to (1) assess the utility of new measures developed or adapted to collect information related to this new intervention (PrEP) and (2) evaluate community contextual factors that may impact the acceptability and successful introduction of a new HIV prevention method. The project will be conducted in communities in each of four cities where PrEP has recently become available through a local community health center.

Once per year for three years, two surveys will be conducted: (1) A community-based survey to be administered to 40 persons per city approached in public venues in the catchment areas of the PrEP clinics, and (2) a key stakeholder survey to be administered to 10 community HIV leaders nominated by PrEP clinic staff and HIV community-based organizations in the clinic communities.

Both surveys will collect data on the demographics of the participants, knowledge of PrEP, misinformation about PrEP, and attitudes about it. The neighborhood survey will also include questions about basic HIV knowledge, attitudes, and beliefs as well as information about sexual and drug use behaviors that are indications for PrEP use. For the stakeholder survey, additional questions will be included about type of organization where they work and organizational experience with PrEP.

Surveys will be administered face-to-face by trained, local interviewers.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
Neighborhood Survey Street Interview Participant.	Neighborhood Interview Recruitment Script and Informed Consent.	720	1	5/60	60
Key Stakeholder Participant	Key Stakeholder Telephone Recruitment Script and Informed consent.	180	1	5/60	15
Street Interview Participant	Survey	480	1	20/60	160
Key Stakeholder Participant	Survey	120	1	20/60	40
Total					275

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09766 Filed 4–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14QJ]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to LeRoy, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluation of Hospital Preparedness for Public Health Emergencies and Mass Causality Events Project—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Hospital preparedness for responding to public health emergencies including mass casualty incidents and epidemics have become a major national challenge. Following the World Trade Center attack of September 11, Hurricane Katrina of 2005, and the 2011 Alabama tornadoes, there is continued and heightened interest of using surveys to assess hospital readiness for various disasters and mass casualty incidents. Current patterns in terrorist activity increase the potential for civilian casualties from explosions. Explosions, particularly in confined spaces, can inflict severe multisystem injuries on numerous patients and produce unique challenges to health care providers and the systems that support them. The U.S. healthcare system and its civilian healthcare providers have minimal experience in treating patients with explosion-related injuries and deficiencies in response capability could result in increased morbidity and mortality and increased stress and fear in the community. Additionally, the surge of patients after an explosion typically occurs within minutes of the event and can quickly overwhelm nearby hospital resources. This potential for many casualties and an immediate surge of patients may stress and limit the ability of EMS systems, hospitals, and other health care facilities to care for critically injured victims.

CDC requests a 6-month Office of Management and Budget (OMB) approval to collect readiness and preparedness data. The purpose of this project will be to (1) develop and pilot an interview tool to assess hospital readiness for a rapid surge of large numbers of casualties; (2) develop minimum standards into the assessment tool to enable a review or an evaluation of hospital readiness and (3) develop strategies for dissemination and implementation of the interview tool.

A national sample of randomly selected hospitals will be selected for participation. Four hundred Chief Executive Officers (CEOs) from sampled hospitals will be mailed an introductory letter, contacted by telephone a few days later and asked if the hospital's emergency preparedness coordinator/manager can complete the survey. The time to read and respond to the introductory letter is expected to take 17 minutes. The emergency preparedness coordinator/manager will complete the main survey online using the survey Web site with a goal of 320 completed surveys. CDC estimated the total time required to complete the survey as two hours, including reading the instructions. The survey covers hospital preparedness efforts across departments, number of staff, participation in training and exercises, agreements with other responders, and hospital characteristics.

After data are gathered from the survey, responses will be compiled, analyzed and summarized. The results will be used to develop an implementation manual, training

materials and dissemination plan for dissemination. A final study report will also be created.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs)
CEO	Screen	400	1	17/60	113
Emergency Preparedness Coordinator/Manager Survey.	320	1	2	640	
Total					753

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–09762 Filed 4–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10054]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 30, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Recognition of Payment for New Technology Services for New Technology Ambulatory Payment Classification (APC) Groups Under the Outpatient Prospective Payment System and Supporting Regulations in 42 CFR part 419; *Use:* To keep pace with emerging new technologies and to make them accessible to Medicare beneficiaries in a timely manner, it is necessary that we continue to collect appropriate information from interested parties such as hospitals, medical device manufacturers, pharmaceutical companies and others that bring to our attention specific services that they wish us to evaluate for New Technology APC payment. *Form Number:* CMS–10054 (OCN: 0938–0860); *Frequency:* Once; *Affected Public:* Private sector—business or other for-profits; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Barry Levi at 410–786–4529.)

Dated: April 28, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–09970 Filed 4–29–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0383]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Radioactive Drug Research Committees

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 30, 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 0910–0053. 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.

Radioactive Drug Research Committees—(OMB Control Number 0910–0053)—Extension

Under sections 201, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 355, and 371), FDA has the authority to issue regulations governing the use of radioactive drugs for basic scientific research. Section 361.1 (21 CFR 361.1) sets forth specific regulations regarding the establishment and composition of Radioactive Drug Research Committees (RDRC) and their role in approving and monitoring basic research studies utilizing radiopharmaceuticals. No basic research study involving any administration of a radioactive drug to research subjects is permitted without the authorization of an FDA-approved RDRC (§ 361.1(d)(7)). The type of research that may be undertaken with a radiopharmaceutical drug must be intended to obtain basic information and not to carry out a clinical trial for safety or efficacy. The types of basic research permitted are specified in the regulation, and include studies of metabolism, human physiology, pathophysiology, or biochemistry.

Section 361.1(c)(2) requires that each RDRC shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least once each quarter in which research activity has been authorized or conducted. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. Under § 361.1(c)(3), each RDRC shall submit an annual report to FDA. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the RDRC, using Form FDA 2914, and a summary of each study conducted during the preceding year, using Form FDA 2915.

Under § 361.1(d)(5), each investigator shall obtain the proper consent required under the regulations. Each female research subject of childbearing potential must state in writing that she is not pregnant, or on the basis of a pregnancy test be confirmed as not pregnant.

Under § 361.1(d)(8), the investigator shall immediately report to the RDRC all adverse effects associated with use of the drug, and the committee shall then report to FDA all adverse reactions probably attributed to the use of the radioactive drug.

Section 361.1(f) sets forth labeling requirements for radioactive drugs. These requirements are not in the reporting burden estimate because they are information supplied by the Federal Government to the recipient for the purposes of disclosure to the public (5 CFR 1320.3(c)(2)).

Types of research studies not permitted under this regulation are also specified, and include those intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety or effectiveness of the drug in humans for such purposes (i.e., to carry out a clinical trial for safety or efficacy). These studies require filing of an investigational new drug application under 21 CFR part 312, and the associated information collections are covered in OMB control number 0910–0014.

The primary purpose of this collection of information is to determine whether the research studies are being conducted in accordance with required regulations and that human subject safety is assured. If these studies were not reviewed, human subjects could be subjected to inappropriate radiation or pharmacologic risks.

Respondents to this information collection are the chairperson(s) of each individual RDRC, investigators, and participants in the studies.

The burden estimates are based on FDA's experience with these reporting and recordkeeping requirements over the past few years and the number of submissions received by FDA under the regulations.

In the **Federal Register** of January 27, 2014 (79 FR 4348), 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]

21 CFR Sections/Forms	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
361.1(c)(3) & (4); Form FDA 2914	69	1	69	1	69
361.1(c)(3); Form FDA 2915	48	10	480	3.5	1,680
361.1(d)(8)	10	5	50	[2] 0.5	25
Total					1,774

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] 30 minutes.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
361.1(c)(2)	69	4	276	10	2,760
361.1(d)(5)	35	18	630	[2] 0.75	472.5
Total					3,232.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] 45 minutes.

Dated: April 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09773 Filed 4–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0599]

Allergy Laboratories, Inc., Opportunity for Hearing on Proposal To Revoke U.S.; License No. 103

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for a hearing on a proposal to revoke the biologics license (U.S. License No. 103) issued to Allergy Laboratories, Inc. for the manufacture of nonstandardized allergenic extract Dust, House Mixture. The proposed revocation is based on available scientific and medical information that does not support the safety and effectiveness of this nonstandardized allergenic extract.

DATES: Allergy Laboratories, Inc., may submit electronic or written requests for a hearing by May 30, 2014, and any data and information justifying a hearing by June 30, 2014. Other interested persons may submit electronic or written comments on the proposed revocation by June 30, 2014.

ADDRESSES: Submit electronic requests for a hearing and any data and information justifying a hearing, or comments to *http://www.regulations.gov.* Submit written requests for a hearing, any data and information justifying a hearing, and any written comments on the proposed revocation to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Paul E. Levine, Jr., Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7252, Silver Spring, MD 20992–0002, 240–402–8105.

SUPPLEMENTARY INFORMATION: FDA is initiating proceedings to revoke the biologics license (U.S. License No. 103) issued to Allergy Laboratories, Inc., 1005 SW 2nd St., Oklahoma City, OK 73109, for the manufacture of nonstandardized allergenic extract Dust, House Mixture. The proposed revocation is being initiated because FDA has concluded that nonstandardized allergenic extract Dust, House Mixture is not safe and effective for all of its intended uses or is misbranded with respect to any such use.

FDA recently conducted a comprehensive review of the published literature, available manufacturer data, and data from other external sources in order to assess the safety and effectiveness of nonstandardized allergenic extracts. FDA's review identified 17 nonstandardized allergenic extracts that raised potential safety issues, in addition to issues regarding inadequate evidence of their efficacy. FDA presented its findings to the public and to the Allergenic Product Advisory Committee (Advisory Committee) in September and October 2011, and received comments on the findings both at the Advisory Committee meeting and to the public docket that remained open through April 25, 2012. FDA received no evidence in support of any of the 17 specific nonstandardized allergenic extracts, either at the Advisory Committee meeting or to the docket. These 17 extracts were produced by a variety of manufacturers; however, 6 of the 17 extracts were listed in Allergy Laboratories, Inc.'s biologics license.

In a letter dated March 15, 2013, FDA notified Allergy Laboratories, Inc. that FDA intended to institute proceedings to revoke the biologics license issued to Allergy Laboratories, Inc. with regard to six nonstandardized allergenic extracts. FDA advised Allergy Laboratories, Inc. that the six nonstandardized allergenic extracts are not safe and effective for all of their intended uses or are misbranded with respect to any such use. The letter also provided Allergy Laboratories, Inc. with a reasonable period of time to provide data that had not been considered and reviewed by FDA, and an opportunity for a hearing under § 12.21(b) (21 CFR 12.21(b)).

In a letter dated March 25, 2013, Allergy Laboratories, Inc. informed FDA that the manufacturer intended to provide additional detailed data not previously considered by FDA regarding the safety and effectiveness of the remaining nonstandardized allergenic extract Dust, House Mixture. On April 12, 2013, Allergy Laboratories, Inc. submitted information regarding Dust, House Mixture. FDA reviewed the information provided by Allergy Laboratories, Inc. and in a letter dated June 12, 2013, advised Allergy Laboratories, Inc. that the manufacturer had failed to provide additional information or data that had not previously been considered and reviewed by FDA.

In accordance with § 601.5(b) (21 CFR 601.5(b)), in the June 12, 2013, letter, FDA advised Allergy Laboratories, Inc. that FDA would institute proceedings to revoke Allergy Laboratories, Inc.'s U.S. License No. 103, with regard to nonstandardized allergenic extract Dust, House Mixture. FDA offered Allergy Laboratories, Inc., the option to voluntarily request that the license for nonstandardized allergenic extract Dust, House Mixture be revoked. In the June 12, 2013, letter, FDA further advised Allergy Laboratories, Inc. that if it failed to voluntarily request that the license be revoked, FDA would initiate proceedings to revoke the license with regard to nonstandardized allergenic extract Dust, House Mixture, by publishing in the **Federal Register** a notice of opportunity for a hearing on a proposal to revoke the license under § 12.21(b), as provided in § 601.5(b). Allergy Laboratories, Inc. did not

respond to FDA's letter within the specified response period.

In accordance with §§ 601.5(b) and 12.21(b), FDA is issuing a notice of opportunity for a hearing on a proposal to revoke the U.S. License No. 103, of Allergy Laboratories, Inc. with regard to nonstandardized allergenic extract Dust, House Mixture.

FDA has placed copies of letters between FDA and Allergy Laboratories, Inc. relevant to the proposed revocation on file, with the Division of Dockets Management (see **ADDRESSES**) under the docket number found in brackets in the heading of this notice. These documents include the following: (1) March 15, 2013, letter from FDA to Allergy Laboratories, Inc. providing notice of the intent to institute proceedings to revoke its biologics license with regard to six specific nonstandardized allergenic extracts that raised specific safety concerns; (2) April 12, 2013, response letter from Allergy Laboratories, Inc. to FDA; and (3) June 12, 2013, letter from FDA to Allergy Laboratories, Inc. These documents are available for public examination 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.*

Allergy Laboratories, Inc. may submit an electronic or written request for a hearing to the Division of Dockets Management May 30, 2014, and any data and information justifying a hearing must be submitted by June 30, 2014 . Other interested persons may submit comments on the proposed license revocation to the Division of Dockets Management byJune 30, 2014. The failure of the licensee to file a timely written request for a hearing constitutes an election by the licensee not to avail itself of the opportunity for a hearing concerning the proposed license revocation (§ 12.22(b)).

FDA's procedures and requirements governing a notice of opportunity for a hearing, notice of appearance and request for a hearing, grant or denial of a hearing, and submission of data and information to justify a hearing on proposed revocation of a license are contained in 21 CFR parts 12 and 601. A request for a hearing may not rest on mere allegations or denials, but must set forth a genuine and substantial issue of fact that requires a hearing (§ 12.24(b)). If it conclusively appears from the face of the data, information, and factual analyses submitted in support of the request for a hearing that there is no genuine and substantial issue of fact for resolution at a hearing, the Commissioner of Food and Drugs will deny the hearing request, making findings and conclusions that justify the denial.

Only one copy of any submission need be provided to FDA. Submissions are to be identified with the docket number found in brackets in the heading of this document. Submissions, except for data and information prohibited from public disclosure under 21 CFR 10.20(j)(2)(i), 21 U.S.C. 331(j), or 18 U.S.C. 1905, may be examined in the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 351 of the Public Health Service Act (42 U.S.C. 262) and sections 201, 501, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 355, and 371), and under the authority delegated to Commissioner of Food and Drugs and redelegated to the Director and Deputy Director of the Center for Biologics Evaluation and Research (FDA Staff Manual Guide 1410.203).

Dated: April 24, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09771 Filed 4–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2012–E–0036; FDA–2012–E–0149; FDA–2012–E–0150; and FDA–2012–E–0151]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRILINTA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for BRILINTA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product BRILINTA (ticagrelor). BRILINTA is indicated to reduce the rate of thrombotic cardiovascular events in patients with acute coronary syndrome. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for BRILINTA (U.S. Patent Nos. 6,525,060; 6,251,910; 7,250,419; and 7,265,124) from AstraZeneca UK Limited, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated

August 7, 2012, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of BRILINTA represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for BRILINTA is 2,976 days. Of this time, 2,364 days occurred during the testing phase of the regulatory review period, while 612 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* May 29, 2003. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on May 29, 2003.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* November 16, 2009. FDA has verified the applicant's claim that the new drug application (NDA) for BRILINTA (NDA 22–433) was submitted on November 16, 2009.

3. *The date the application was approved:* July 20, 2011. FDA has verified the applicant's claim that NDA 22–433 was approved on July 20, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,014 days, 1,032 days, or 1,794 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 30, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by October 27, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610.

Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 24, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–09772 Filed 4–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DS10100000/33D5670LC/DLCAP0000.000000/DX.10120]

Land Buy-Back Program for Tribal Nations Under Cobell Settlement

AGENCY: Office of the Deputy Secretary, Interior.

ACTION: Notice of tribal listening session.

SUMMARY: The Office of the Secretary will conduct a listening session on the status of implementation of the Land Buy-Back Program for Tribal Nations. The purpose of the session is to meet with Indian tribes to discuss progress to date and receive feedback. Indian landowners may also attend to provide input.

DATES: The listening session will take place on May 29, 2014, from 1 p.m. to 4 p.m. Pacific Time.

ADDRESSES: Federal Building, Auditorium, 911 NE 11th Avenue, Portland, OR 97232–4128.

FOR FURTHER INFORMATION CONTACT: Genevieve Giaccardo, Senior Advisor on Tribal Relations, (202) 208–1541.

SUPPLEMENTARY INFORMATION:

I. Background

The *Cobell* Settlement was approved with finality on November 24, 2012, following the exhaustion of appeals through the U.S. Supreme Court. Within a month following final approval, the Department of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program) and published an Initial Implementation Plan. The Department engaged in government-to-government consultation on this plan and released an Updated Implementation Plan in November 2013.

The Department is currently implementing the Buy-Back Program at multiple locations across Indian Country. Since November 24, 2012, the Department has sent offers to nearly 19,000 landowners. Thus far, Interior has paid over $40 million to Indian landowners across the United States for voluntarily restoring the equivalent of more than 122,000 acres of land to tribal governments. Tribal governments are helping plan for and implement the Buy-Back Program at specific locations through cooperative agreements or other arrangements.

The purpose of this session is to gather input from tribes in order for the Department to continue to refine its land consolidation processes. Landowners may also attend the session to provide input.

II. Additional Resources

The Updated Implementation Plan and additional information about the Buy-Back Program is available at: *http://www.doi.gov/buybackprogram.* In addition, landowners can contact their local Fiduciary Trust Officer or call Interior's Trust Beneficiary Call Center at (888) 678–6836.

III. Listening Session Details

Time and Date: May 29, 2014, 1 p.m.–4 p.m. PT.

Place: Federal Building, Auditorium, 911 NE 11th Avenue, Portland, OR 97232–4128.

Dated: April 24, 2014.

Michael L. Connor,

Deputy Secretary.

[FR Doc. 2014–09817 Filed 4–29–14; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N080; FXIA16710900000–145–FF09A30000]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals,

or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before May 30, 2014. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by May 30, 2014.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Dallas Zoo, Dallas, TX; PRT–32376B

The applicant requests a permit to import one male, captive-bred gorilla (*Gorilla gorilla*) from the Granby Zoo, Quebec, Canada, for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Woodland Park Zoological Society, Seattle, WA; PRT–23152B

The applicant requests a permit to export one male, captive-bred jaguar (*Panthera onca*) to Canada for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: San Antonio Zoological Society, San Antonio, Texas; PRT–22808B

The applicant requests a permit to export one male captive-born Tomistoma (*Tomistoma schlegelii*) to the Toronto Zoo, Ontario, Canada, for the purpose of enhancement of the survival of the species.

Applicant: IUCN Iguana Specialist Group, Chicago, IL, PRT–836457

The applicant requests renewal of their permit to import biological samples from the following species: Mayaguana iguana (*Cyclura carinata bartschi*), Turks and Caicos iguana (*Cyclura carinata carinata*), Jamaican iguana (*Cyclura collei*), rhinoceros iguana (*Cyclura cornuta*), Bahamas iguana (*Cyclura cychlura*), Cuban ground iguana (*Cyclura nubila*), Anegada ground iguana (*Cyclura pinguis*), Ricord's ground iguana (*Cyclura ricordi*), San Salvador iguana (*Cyclura rileyi*), Grand Cayman blue iguana (*Cyclura lewisi*), and Mona ground iguana (*Cyclura stejnegeri*), for the purpose of scientific research. This notification covers activities to be conducted by the applicant of a 5-year period.

Applicant: Patricia Tucker, Feathering Crest Aviary, Sudbury, MA; PRT–31599B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for golden parakeet (*Guarouba guarouba*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Connecticut Zoological Society, Bridgeport, CT; PRT–24407B

The applicant requests a permit to import one male and one female captive-bred Amur leopard (*Panthera pardus orientalis*) from the Copenhagen Zoological Garden, Denmark, for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Sedgwick County Zoological Society, Inc., Wichita, KS; PRT–28147B

The applicant requests a permit to import one female Sumatran orangutan (*Pongo abelii*) captive bred from Zoo Dortmund, Dortmund, Germany, for the purpose of enhancement of the survival of the species and zoological display.

Applicant: Roger Williams Park Zoo, Providence, RI; PRT–738517

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the families: Bovidae, Cebidae, Felidae (does not include jaguar, margay or ocelot), Hylobatidae, Lemuridae, Macropodidae, Mustelidae, and Rheidae, and the species: African wild dog (*Lycaon pictus*), Babirusa (*Babyrousa babyrussa*), Mexican prairie dog (*cynomys Mexicanus*), and Rothschild's starling (*Leucopsar rothschildi*), to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Jeffrey Kengor, Brunswick, MD; PRT–171815

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Astrochelys radiata*), to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Boulder Ridge Ranch LLC, Alto, MI; PRT–80856A

The applicant requests an amendment of his captive-bred wildlife registration under 50 CFR 17.21(g) to add the species listed below to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Species

Spotted pond turtle (*Geoclemys hamiltonii*)
Dwarf crocodile (*Osteolaemus tetraspis*)
Caiman (*Caiman yacare*)
Blyth's tragopan (*Tragopan blythii*)
Cabot's tragopan (*Tragopan caboti*)
Red-ruffed lemur (*Varecia rubra*)
South American tapir (*Tapirus terrestris*)
Przewalski's horse (*Equus przewalskii*)
Scimitar-horned oryx (*Oryx dammah*)
Bontebok (*Damaliscus pygargus pygargus)*
Anoa (*Bubalus depressicornis*)
Seladang (*Bos gaurus*)

Applicant: Melvin Bass, Kingwood, TX; PRT–28169B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Arabian oryx (*Oryx leucoryx*), addax (*Addax nasomaculatus*), and scimitar-horned oryx (*Oryx dammah*), dama gazelle (*Nanger dama*), red lechwe (*Kobus leche*), swamp barasingha (*Cervus duvaucelii*), and Eld's deer (*Rucervus eldii*), to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: City of San Jose dba Happy Hollow Zoo, San Jose, CA; PRT–717994

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for family *Macropodidae* and cottontop tamarin (*Saguinus oedipus*), to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Tarzan Zerbini Circus, Webb City, Missouri; PRT–065146 and 065149

The applicant requests re-issuance of their permits to re-export and re-import two Asian elephants (*Elephas maximus*) born in the wild to worldwide locations for the purposes of enhancement of the species. The permit numbers and animals are 065146, Schell; and 065149, Marie. This notification covers activities to be conducted by the applicant over a 3-year period.

Applicant: Virginia Institute of Marine Science, Gloucester Point, VA; PRT–230437

The applicant requests the renewal of the permit to export/re-export and re-imports nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: University of Hawaii at Manoa, Honolulu, HI; PRT–28506B

The applicant requests a permit to export/re-export and re-import nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Zeev Nederman, San Antonio, TX; PRT–31433B

Applicant: Paul Jackson, Evergreen, CO; PRT–31023B

Applicant: James Kelly, Richmond, VA; PRT–33019B

Applicant: Dan Dinges, Houston, TX; PRT–33754B

B. Endangered Marine Mammals and Marine Mammals

Applicant: Steven Kazlowski, Kingston, WA; PRT–30427B

The applicant requests a permit to photograph polar bears in the wild on the north slope of Alaska from August to November from land-based vehicles and boats for commercial and educational purposes. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–09828 Filed 4–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON00000 L10200000 DF0000.LXSS080C0000]

Notice of Public Meetings, Northwest Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest Colorado Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Northwest Colorado RAC scheduled meetings May 29, August 21 and December 4, 2014, from 8 a.m. to 3 p.m., with public comment periods regarding matters on the agenda at 10 a.m. and 2 p.m. A specific agenda for each meeting will be available prior to the meetings at *www.blm.gov/co/st/en/BLM_Resources/racs/nwrac.html.*

ADDRESSES: The May 29 meeting will be held at the Clarion Inn, 300 South Colorado Highway 13, Craig, CO 61625; the August 21 meeting will be held at the Allington Inn, 215 West Central Ave, Kremmling, CO 80459; and the December 4 meeting will be held at the Springhill Suites, 236 Main St., Grand Junction, CO 81501.

FOR FURTHER INFORMATION CONTACT: David Boyd, Public Affairs Specialist, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, (970) 876–9008. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Northwest Colorado RAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues in northwestern Colorado.

Topics of discussion during Northwest Colorado RAC meetings may include management of the Greater Sage-Grouse, working group reports, recreation, fire management, land use planning, invasive species management, energy and minerals management, travel management, wilderness, wild horse herd management, land exchange proposals, cultural resource management and other issues as appropriate. These meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time, as identified above, allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Ruth Welch,

BLM Colorado Acting State Director.

[FR Doc. 2014–09836 Filed 4–29–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X L5017AR L51050000.AP0000 LVRCJ14UT040]

Notice of Temporary Closure for Selected Public Lands in Iron County, Utah, During the Operation of the 2014 Southern Nevada Off Road Enthusiasts ''SNORE'' Off-Highway Vehicle (OHV) Event

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: Notice is hereby given that a temporary closure will be in effect on public lands described in this notice that are administered by the Cedar City Field Office, Bureau of Land Management (BLM). The temporary closure will be for a special event being held on May 30 and 31, 2014.

DATES: This temporary closure will be in effect from 6 a.m., May 30, 2014 to 11:59 p.m., May 31, 2014, Mountain Daylight Time (MDT).

FOR FURTHER INFORMATION CONTACT: Dave Jacobson, Outdoor Recreation Planner, telephone (435) 865–3010 or the BLM Cedar City Field Office, 176 East D.L. Sargent Dr., Cedar City, UT 84721. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: This temporary closure affects selected public lands within and adjacent to the Greater Three Peaks Special Recreation Management Area (SRMA) 10 miles northwest of Cedar City in Iron County, Utah. The BLM OHV trailhead and large group campsite will be closed to the public along with portions of the mountain bike trail system. The legal description of the affected public lands is:

Salt Lake Meridian, Utah

T. 34 S., R. 12 W.,
- Sec. 23, S1/2NE1/4, S1/2NW1/4, and S1/2;
- Ssecs. 26, 27, 28 and 33;
- Sec. 34, excluding patented mineral survey;
- Sec. 35, excluding patented mineral survey.

T. 35 S., R. 12 W.,
- Sec. 2, E1/2, N1/2NE1/4NW1/4, and SW1/4;
- Sec. 3, excluding patented mineral surveys;
- Sec. 4, N1/2, N1/2SW1/4, N1/2SE1/4, and SW1/4SE1/4;
- Sec. 9, E1/2NE1/4, E1/2SE1/4NW1/4NE1/4, SW1/4SE1/4NW1/4NE1/4, E1/2SW1/4NE1/4,E1/2NW1/4SW1/4NE1/4, and SW1/4NW1/4SW1/4NE1/4, excluding patented mineral surveys;
- Sec. 10, excluding patented mineral surveys;
- Sec. 11;
- Sec. 14, NW1/4, N1/2SW1/4, N1/2SW1/4SW1/4, and N1/2SE1/4SW1/4;
- Sec. 15;
- Sec. 16, E1/2, E1/2NW1/4, NW1/4NW1/4, and SW1/4, excluding patented mineral surveys.

The areas described aggregate 9,098 acres.

The Three Peaks Radio Control Airplane Model Port, mountain bike trailhead, the Lost World Trail, Practice Loop Trail, portions of the Race Course Trail and the equestrian trailhead within the Three Peaks SRMA will be available for public use during the event. The Iron County Recreation and Public Purposes Act Recreation Area will be open to the public as a spectator area for the OHV event.

The temporary closure is necessary to provide for the safety of participants, spectators, permittees and the general public. The closure will also prevent unnecessary environmental degradation and protect natural and cultural resources adjacent to the event site. The BLM will post closure signs at main entry points to the area. This closure order will be posted in the BLM Cedar City Field Office. Maps of the affected area and other documents associated with this closure are available at the BLM Cedar City Field Office at 176 East D.L. Sargent Dr., Cedar City, UT 84721.

Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following within the closure area:

Unless otherwise authorized, within the closure area no person shall:

- Camp or engage in camping in any area outside of the designated spectator areas.
- Enter any portion of the racecourse or any wash located within or adjacent to the race course.
- Discharge any firearm or weapon.
- Park, stop, or stand along the racecourse, in designated pit stop areas, or other areas outside of the designated spectator viewing areas.
- Park any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or feature. Vehicles so parked are subject to citation, removal and impoundment at owner's expense.

• Take, drive, or operate any vehicle through, around or beyond a restrictive sign, barricade, fence or traffic control barrier or device.

Exceptions to Closure

1. Any Federal, state, or local officer or employees in the scope of their official duties.

2. Members of any organized rescue or firefighting force in performance of an official duty.

3. Vehicles owned by the United States, the state of Utah, and Iron County.

4. Any person authorized in writing by the BLM-Utah Cedar City Field Manager.

Effect of Closure

The entire area encompassed by the legal description above is closed to all unauthorized personnel and will be marked clearly as such on the ground prior to and during the event. Access routes leading to the designated racecourse are closed to vehicles and people and will be marked as such. Unless specifically addressed by regulations set forth in 43 CFR, the laws of the state of Utah shall govern the use and operation of vehicles. The authorized event organizer or their representatives, in conjunction with the BLM, will post warning signs, control access to and clearly mark, the race course, spectator areas, common access roads and road crossings during the closure period. Spectator and support vehicles may be driven on open roads only. Spectators may only observe from designated spectator areas. Support vehicles under permit for operation by event participants must follow the race permit stipulations.

Any person who violates the above rule(s) and/or restriction(s) may be tried before a United States Magistrate and fined no more than $1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Authority: 43 CFR 8364.1.

Jenna Whitlock,

Associate State Director.

[FR Doc. 2014–09890 Filed 4–29–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–14735; PX.P0073969J.00.1]

Final Environmental Impact Statement for General Management Plan for Golden Gate National Recreation Area and Muir Woods National Monument, Counties of Marin, San Francisco, and San Mateo, CA

AGENCY: National Park Service.

ACTION: Notice of availability.

SUMMARY: The National Park Service has prepared the Final Environmental Impact Statement (Final EIS) for the proposed General Management Plan (GMP) for Golden Gate National Recreation Area and Muir Woods National Monument. The Final EIS/GMP evaluates four alternatives for managing Golden Gate National Recreation Area and Muir Woods, and upon approval the GMP will serve as a blueprint to guide management of these units of the National Park System over the next 20 years.

DATES: The National Park Service will execute a Record of Decision (ROD) no sooner than 30 days following **Federal Register** publication by the Environmental Protection Agency of its notice of filing and availability of the Final EIS.

ADDRESSES: An electronic version of the Final EIS/GMP will be available for public inspection on the project Web site, and a limited number of CDs and printed copies will be made available at park headquarters. Printed or CD copies may also be requested by contacting Golden Gate National Recreation Area, Fort Mason, Building 201, San Francisco, CA 94123; telephone (415) 561–4930.

Background

Established in 1972 to bring ''parks to the people'', until now Golden Gate National Recreation Area (GGNRA) has been operating under the 1980 GMP. During the 30 years since the first GMP was approved, GGNRA has doubled in size and visitation now approaches 16 million annually. The management staff has gained a better understanding of the natural and cultural resources of the park and the many recreational uses that occur within the park areas. Muir Woods was declared a national monument in 1908 and is currently managed as part of GGNRA.

Public scoping was initiated in the spring of 2006. The Notice of Intent to prepare an EIS was published in the **Federal Register** on March 29, 2006. Five public scoping meetings were held in the area; approximately 300 participants overall provided relevant information which was duly considered in drafting preliminary alternatives. The preliminary alternatives were initially reviewed with the public at meetings held in June, 2008 (over 1,500 substantive comments were collected). Additionally, numerous coordination meetings were conducted with local agencies and partner organizations. An update on the evolving preferred alternative was provided to the public in the summer, 2009. The Draft EIS/GMP was released on September 9, 2011 with comments accepted through December 9, 2011. Three public meetings were hosted. Approximately 540 pieces of correspondence were received. Some plan content was modified based on public comments, but there have been very few substantial changes to the alternatives under consideration.

Proposed Plan and Alternatives

The Final EIS/GMP describes and analyzes four alternatives. The no-action alternative consists of the existing park management and serves as a comparative basis for evaluating the other alternatives.

Alternative 1, ''Connecting People with the Parks,'' would further the founding idea of ''parks to the people'' and would engage the community and other visitors in the enjoyment, understanding, and stewardship of the park's resources and values. Park management would focus on ways to attract and welcome people, connect people with the resources, and promote understanding, enjoyment, preservation, and health. Alternative 1 is the ''*agency-preferred''* alternative for managing most park lands in Marin, San Francisco, and San Mateo Counties.

Alternative 2, ''Preserving and Enjoying Coastal Ecosystems,'' would place an emphasis on preserving, enhancing, and promoting the dynamic and interconnected coastal ecosystems in which marine resources are valued and prominently featured. Recreational and educational opportunities would allow visitors to learn about and enjoy the ocean and bay environments, and gain a better understanding of the region's international significance and history.

Alternative 3, ''Focusing on National Treasures,'' would place an emphasis on the park's nationally important natural and cultural resources. The fundamental resources of each showcased site would be managed at the highest level of preservation to protect the resources in perpetuity and to

promote appreciation, understanding, and enjoyment of those resources. Visitors would have the opportunity to explore locally the wide variety of experiences that are associated with many different types of units of the National Park System. All other resources would be managed to complement the nationally significant resources and associated visitor experiences. Alternative 3 is the ''*agency-preferred''* alternative for Alcatraz Island and Muir Woods National Monument.

Alternative 1 is the ''*environmentally preferred''* course of action for lands in Marin, San Francisco, and San Mateo Counties. Alternative 3 is ''*environmentally preferred''* for Muir Woods National Monument and Alcatraz Island.

Decision Process: As a delegated EIS the official responsible for approval of the GMP is the Regional Director, Pacific West Region. Subsequently the official responsible for implementing the new GMP is the General Superintendent, Golden Gate National Recreation Area.

Dated: December 27, 2013.

Martha J. Lee,

Acting Regional Director, Pacific West Region.

[FR Doc. 2014–09883 Filed 4–29–14; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Robotics Technology Consortium, Inc.

Notice is hereby given that, on March 25, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Robotics Technology Consortium, Inc. (''RTC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following members have been added as parties to this venture: Alliant Techsystems (ATK), Tucson, AZ; Dragonfly Pictures, Inc., Essington, PA; Insitu, Inc., Bingen, WA; L–3 Communications, Communication Systems-West, Salt Lake City, UT; OpenSource Robotics Foundation, Inc., Mountain View, CA; Sikorsky Aircraft Corporation, Stratford, CT; and Telefactor Robotics, LLC, West Conshohocken, PA.

Also, the following members have withdrawn from this venture: ABB, Inc., Cary, NC; Action Engineering, LLC, Lakewood, CA; Advanced Scientific Concepts, Santa Barbara, CA; Applied Research Associates, Inc., Albuquerque, NM; Barrett Technology, Inc., Cambridge, MA; Battelle, Columbus, OH; Battelle Energy Alliance, Idaho Falls, ID; Boston Dynamics, Inc., Waltham, MA; Broadcast Microwave Service, Poway, CA; Caterpillar Inc., Peoria, IL; Cedar Creek Defense, Cartersville, VA; Chatten Associates, Inc., West Conshohocken, PA; Defined Business Solutions, Washington, DC; DeVivo AST, Inc., Huntsville, AL; Dezudio, LLC, Pittsburgh, PA; DRS Sustainment Systems, Inc., St. Louis, MO; Eurisko Institute LLC, Monticello, FL; General Dynamics Robotics Systems, Westminster, MD; Integrated Solutions for Systems Inc., Huntsville, AL; Intelligent Automation, Inc., Rockville, MD; Jacobs Technology, Tullahoma, TN; Jochem Consulting, Gibsona, PA; Kairos Autonomi, Sandy, UT; KT-Tech, Incorporated, Bowie, MD; Kicker Studio, San Francisco, CA; KJVision LLC, Philadelphia, PA; L–3 Communications CyTerra, Woburn, MA; Nomadio, Inc., Philadelphia, PA; Northport Systems, LLC, Nashua, NH; NovaSol, Honolulu, HI; NuVision Engineering, Inc., Pittsburgh, PA; Oakland University, Rochester, MI; OpenJAUS, LLC, Allison Park, PA; Polaris Sensor Technologies, Inc., Huntsville, AL; Quantum Signal, LLC, Ann Arbor, MI; Rehg Enterprises, Atlanta, GA; San Diego State University, San Diego, CA; SAIC, San Diego, CA; SAVIT Corporation, Rockaway, NJ; Scientific Applications & Research Association, Cypress, CA; SkEyes Unlimited Corp., Monterey, CA; Stealth Composites, LLC, Salt Lake City, UT; Teledyne Scientific & Imaging, LLC, Durham, NC; Textron Systems Corp., Hunt Valley, MD; Think-a-Move, Ltd, Beachwood, OH; TRACLabs, Inc., Houston, TX; Ultra Electronics Measurement Systems Inc., Wallingford, CT; University of Detroit Mercy, Detroit, MI; The University of North Carolina at Chapel Hill, Chapel Hill, NC; UrsaNav, Inc., Chesapeake, VA; Velodyne Lidar, Inc., Morgan Hill, CA; VELOXITI, Inc., Alpharetta, VA; Vision Robotics Federal Systems, LLC, San Diego, CA; West Virginia High Tech, Fairmont, VA; and WINTEC, Incorporated, Walton Beach, FL.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RTC intends to file additional written notifications disclosing all changes in membership.

On October 15, 2009, RTC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 30, 2009 (74 FR 62599).

The last notification was filed with the Department on February 5, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 1, 2013 (78 FR 13896).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–09786 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Electrical and Electronics Engineers

Notice is hereby given that, on March 26, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Institute of Electrical and Electronics Engineers (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 68 new standards have been initiated and 29 existing standards are being revised. More detail regarding these changes can be found at *http://standards./ieee./org/about/sba/jun2013.html, http://standards./ieee./org/about/sba/aug2013.html, http://standards./ieee./org/about/sba/oct2013.html* and *http://standards./ieee./org/about/sba/dec2013.html.*

On September 17, 2004, IEEE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on May 31, 2013. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on July 1, 2013 (78 FR 39326).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–09788 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Health Product Declaration Collaborative, Inc.

Notice is hereby given that, on April 2, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Health Product Declaration Collaborative, Inc. (''HPDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aden Company, Charleston, SC; GGLO, LLC, Seattle, WA; Pankow Corporation, Oakland, CA; Rachel Routman (individual member), Atlanta, GA; ThyssenKrupp Elevator Americas, Frisco, TX; U.S. Green Building Council, Washington, DC; and William Hawkins (individual member), Bethany, CT, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HPDC intends to file additional written notifications disclosing all changes in membership.

On February 12, 2013, HPDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 7, 2013 (78 FR 14837).

The last notification was filed with the Department on July 18, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 26, 2013 (78 FR 52786).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–09784 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on March 25, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Center for Manufacturing Sciences, Inc. (''NCMS'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following members have been added as parties to this venture: Adapx, Inc., Seattle, WA; Anark Corporation, Boulder, CO; Bi-Phase Technologies, LLC, Eagan, MN; Caelynx, LLC, Ann Arbor, MI; Carnegie Melon University, Pittsburgh, PA; Dassault Systemes Corporation, Waltham, MA; Eagle Systems, Inc., California, MD; Engineering Technology Associates, Inc. (ETA, Inc.), Troy, MI; International TechneGroup Inc. dba ITI TranscenData, Milford, OH; Lectromechanical Design Company, LLC (Lectromec), Chantilly, VA; MET–L–FLO, Inc., Sugar Grove, IL; Perficient, Inc., St. Louis, MO; Saratoga Data Systems, Inc. (SDS), Carlile, MA; Sustainable Water Works, Detroit, MI; TECK CORP, Williamsburg, VA; United Global Group, Fredericksburg, VA; Unity Advisors Group, Lake Orion, MI; WinTec Arrowmaker, Inc., Fort Washington, MD; and Ziota Technology, Inc., St. Hubert, Quebec, CANADA.

Also, the following members have withdrawn as parties to this venture: Aerowing, Inc., Nashville, TN; Chicago Coatings Group, Skokie, IL; Curtiss-Wright Surface Technologies, Paramus, NJ; Dr. Diesel Technologies, Temecula, CA; EADS North America, Arlington, VA; Goodrich Corporation, Jacksonville, FL; KALO, LLC, Arlington, VA; Morris Technologies, Cincinnati, OH; Onodi Tool and Engineering Company, Melvindale, MI; Pratt & Miller Engineering & Fabrication, Inc., New Hudson, MI; Russells Technical Products, Inc., Holland, MI; Services & Solutions Group LLC, N. Charleston, SC; Solidica, Inc., Ann Arbor, MI; and University of Louisville, Louisville, KY.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written notifications disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 17, 1987 (52 FR 8375).

The last notification was filed with the Department on February 5, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 7, 2013 (78 FR 14838).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–09783 Filed 4–29–14; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on March 21, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Canal Plus, Boulogne-Billancourt, FRANCE; Extreme Reach, Needham, MA; Masstech Group, Inc., and Markham, Ontario, CANADA, have been added as parties to this venture.

Also, DG, Irving, TX; Discovery Communications, Silver Spring, MD; and Metaglue Corporation, Lexington, MA, have withdrawn as parties to this venture. No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, Inc. filed its original notification pursuant to Section

6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on December 20, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 28, 2014 (79 FR 4492).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–09787 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April 24, 2014, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States* v. *City of Akron, et al.,* Civil Action No. 5:14-cv-00884.

In the Complaint, the United States alleges that the City of Akron (''City'') and Akron Energy Systems LLC (''AES'') (collectively ''Defendants'') violated, at a steam generating facility that they own and operate, respectively, in Akron, Ohio, the Prevention of Significant Deterioration regulations and the New Source Performance Standards, both promulgated under the Clean Air Act, 42 U.S.C. 7401 *et seq.*

Under the consent decree, the Defendants will shut down the facility's coal-fired boiler by no later than September 30, 2015. The City will either replace the steam-generating capacity of the coal-fired boiler with one or more cleaner-burning natural gas-fired boilers or elect to shut down the facility. The City will pay a civil penalty of $75,000 and undertake a project costing no less than $390,000 to mitigate the harm of the alleged prior excess emissions from the coal-fired boiler.

The publication of this notice opens a period of public comment on the consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *City of Akron, et al.,* D.J. Ref. No. 90–5–2–1–08720/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Acting Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. Please enclose a check in the amount of $19.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–09801 Filed 4–29–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: PCAS–NANOSYN, LLC

ACTION: Notice of application with opportunity for comment.

DATES: Registered bulk manufacturers of the affected basic classes and applicants therefore may file written comments or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before June 30, 2014.

ADDRESSES: Written comments should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been re-delegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR pt. 0, subpt. R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on December 4, 2013, PCAS-Nanosyn, LLC, 3331–B Industrial Drive, Santa Rosa, California 95403, made application by renewal to the DEA to be registered as a bulk manufacturer of the following basic classes of narcotic and nonnarcotic controlled substances:

Controlled substance	Schedule	Narcotic/ Nonnarcotic
Amphetamine (1100).	II	nonnarcotic.
Methamphetamine (1105).	II	nonnarcotic.
Methylphenidate (1724).	II	nonnarcotic.
Phencyclidine (7471).	II	nonnarcotic.
Codeine (9050) ...	II	narcotic.
Oxycodone (9143).	II	narcotic.
Hydromorphone (9150).	II	narcotic.
Hydrocodone (9193).	II	narcotic.
Methadone (9250)	II	narcotic.
Morphine (9300)	II	narcotic.
Oripavine (9330)	II	narcotic.
Oxymorphone (9652).	II	narcotic.
Fentanyl (9801) ...	II	narcotic.

The company is a contract manufacturer. At the request of the company's customers, it manufactures derivatives of controlled substances only in bulk form.

Dated: April 21, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–09576 Filed 4–29–14; 8:45 am]

BILLING CODE 4410–09–P

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting and Hearing Notice No. 05–14]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

THURSDAY, MAY 8, 2014: 10:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2014–09863 Filed 4–28–14; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

Meeting of the President's Committee on the International Labor Organization

ACTION: Notice of closed meeting.

AGENCY: Bureau of International Labor Affairs, Department of Labor.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given of a meeting of the President's Committee on the International Labor Organization (ILO).

Purpose: The Secretary of Labor will chair a meeting of the President's Committee on the International Labor Organization to review and discuss current issues relating to the United States' tripartite participation in the ILO. The discussion will involve information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. Accordingly, the meeting will be closed to the public, pursuant to Section 10(d) of the Federal Advisory Committee Act and the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

DATES: *Date, Time and Place:* May 15, 2014; 10:30 a.m.; U.S. Department of Labor, Secretary's Conference Room, 200 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Carol Pier, Deputy Undersecretary for International Affairs, U.S. Department of Labor; Phone (202) 693–4770.

SUPPLEMENTARY INFORMATION: The President's Committee on the ILO consists of the Secretaries of Labor (chair), State and Commerce, the Assistants to the President for National Security Affairs and Economic Policy, and the Presidents of the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO) and the U.S. Council for International Business. Under its Charter, the Committee's objective is ''to formulate and coordinate United States policy towards the International Labor Organization in order to promote continued reform and progress in that organization.'' The Committee considers all matters relating to United States participation in the ILO.

Signed at Washington, DC, this 23 day of April, 2014.

Thomas E. Perez,

Secretary of Labor.

[FR Doc. 2014–09838 Filed 4–29–14; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of Disability Employment Policy

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employment First Leadership State Mentoring Program Community of Practice Survey; Proposed Information Collection Request

AGENCY: Office of Disability Employment Policy, DOL.

ACTION: Notice.

SUMMARY: The U.S. Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, DOL's Office of Disability Employment Policy (ODEP) is soliciting comments concerning the proposed collection of information for the Employment First Leadership State Mentoring Program Community of Practice Survey.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Submit comments on or before June 30, 2014.

ADDRESSES: Submit written comments to the Office of Disability Employment Policy, Room S–1303, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Serena Lowe; Telephone number: (202) 693–7880; Fax: (202) 693–7888; Email: *lowe.serena.d@dol.gov.*

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and collection name identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Serena Lowe, Senior Policy Advisor, Office of Disability Employment Policy, U.S. Department of Labor, Room S–1303, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–7880 (this is not a toll free number). Copies of this notice may be obtained in alternative formats (Large print, Braille, Audio Tape, or Disc) by calling (202) 693–7880 (this is not a toll-free number). TTY/TTD callers may dial (202) 693–7881 to obtain information or to request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background

ODEP is committed to increasing employment opportunities for youth and adult with disabilities, with a focus on employment that is truly integrated and supports individuals moving from poverty to economic self-sufficiency. In its 12 years of operation, ODEP has influenced the workforce development system, as well as the disability field with the introduction of customized employment, flexible workplace approaches, and universal strategies for workforce development, among other innovative initiatives. Building on this history of innovation, ODEP launched an Employment First (EF) technical assistance initiative to provide States with technical assistance to facilitate the use of integrated employment. This is accomplished by removing barriers at State and local levels to the placement of individuals with disabilities in integrated employment and promoting policy changes to make integrated

employment the first option for youth and adults with significant disabilities.

ODEP launched the Employment First Leadership State Mentoring Program (EFLSMP) to assist States in developing and implementing EF policies. Thirty States started to participate in technical assistance sessions and discussions on a number of topics related to implementing, assessing, and disseminating information regarding EF policies via an online Community of Practice (CoP). The CoP sessions started in the fall of 2012 and will run monthly until the spring of 2014 via the portal ePolicyWorks.

Promoting and disseminating EF practices and strategies is a critical step toward addressing the persistent problem of low participation rates of individuals with disabilities in the workforce and fulfilling the promise of full integration. As a multitude of local, State, and Federal agencies are involved in making the adoption and implementation of EF strategies a success, initiatives to align policies, regulations, and funding are needed. Technical assistance provided through the EFLSMP provides participating States with information on how to restructure funding patterns, support collaboration, build staff capacity, and ultimately increase competitive, integrated employment outcomes for individuals with disabilities. ODEP's EF initiative is innovative in its inclusion of a variety of State partners, including:

1. Department of Rehabilitation Services;
2. Department of Mental Health;
3. Department Intellectual and Developmental Disabilities;
4. Workforce Development System;
5. Department of Education (Special Education Division); and
6. Medicaid agencies.

This data collection is also designed to gauge the effectiveness of ODEP's efforts to promote the implementation of EF policies and practices and determine how well remote training and online forums facilitate the implementation of EF activities in each participating state. Findings from this census of participating CoP states also will provide the DOL with important information for strategic planning, program replication, and development of disability employment policies, approaches, and practices.

II. Review Focus

DOL is interested in comments that:

* Evaluate whether the proposed collection of information is necessary, and whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond.

Comments submitted in response to this Notice will be summarized and included in the request for Office of Management and Budget approval of the ICR; they will also become a matter of public record.

III. Current Actions

Agency: Department of Labor, Office of Disability Employment Policy.

Title: Employment First Leadership State Mentoring Program Community of Practice Survey.

Affected Public: State, Local, and Tribal Governments.

Total Respondents: 30.

Frequency: Once for each of 6 staff-members of the respondent.

Total Responses: 180.

Average Time per Response: 15–20 minutes.

Estimated Total Burden Hours: 47.

Total Other Burden Cost: $1,850.

Signed at Washington, DC, April 22, 2014.

Kathleen Martinez,

Assistant Secretary, Office of Disability Employment Policy.

[FR Doc. 2014–09813 Filed 4–29–14; 8:45 am]

BILLING CODE 4510–27–P

LEGAL SERVICES CORPORATION

Notice of Proposed Revisions for the LSC Grant Assurances for Calendar Year 2015 Funding

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed changes and request for comments.

SUMMARY: The Legal Services Corporation (''LSC'') intends to revise the LSC Grant Assurances for calendar year 2015 funding and is soliciting public comment on the proposed changes. The proposed revisions affect Grant Assurances 8, 9, 10, 11, 15, and 16. The proposed LSC grant assurances for calendar year 2015 funding, in redline format indicating the proposed changes to the current ''LSC 2014 Grant Assurances,'' are available at *http://grants.lsc.gov/sites/default/files/Grants/ReferenceMaterials/2015-GrantAssurances-Proposed.pdf.*

DATES: All comments and recommendations must be received on or before the close of business on May 30, 2014.

ADDRESSES: Written comments may be submitted by mail, email, or fax to Reginald J. Haley, Office of Program Performance, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; *LSCGrantAssurances@lsc.gov;* or (202) 337–6813 (fax). Comments may also be submitted online at *http://www.lsc.gov/contact-us.*

FOR FURTHER INFORMATION CONTACT: Reginald J. Haley, *haleyr@lsc.gov,* (202) 295–1545.

SUPPLEMENTARY INFORMATION: The purpose of the LSC grant assurances is to delineate the rights and responsibilities of LSC and the recipient pursuant to the provisions of the grant. As a grant making agency created by Congress, LSC has grant assurances that are intended to reiterate and/or clarify the responsibilities and obligations already applicable through existing law and regulations and/or obligate the recipient to comply with specific additional requirements in order to effectuate the purposes of the Legal Services Corporation Act, as amended, and other applicable law. A summary of the changes proposed follows.

Grant Assurance #8 requires LSC recipients to have an information security system, the capacity to conduct program-wide conflicts checking, a system for backing up program data, the capacity to digitally transmit data to LSC, and appropriate computer hardware and software for casehandlers. The proposed change is a technical edit in the last sentence of grant assurance #8, paragraph (e).

Grant Assurance #9 requires LSC recipients to work with other LSC and non-LSC funded legal services providers in the state to ensure that there is a statewide Web site that publishes a full range of legal information covering the common issues facing the client community. The proposed changes to the grant assurance requires LSC recipients to notify site visitors that LSC recipients' participation in the Web site is consistent with LSC restrictions and provides recipients with sample disclaimer language to that effect.

Grant Assurance #10 requires LSC recipients to give LSC and the U.S. Comptroller General access to records they are entitled to under the provisions of the LSC Act and other applicable law. The proposed change to the grant assurance requires LSC recipients to provide access to records in accordance with Federal law. The proposed change results from the recent decision of the Court of Appeals for the District of Columbia Circuit in *U.S.* v. *Cal. Rural Legal Assistance,* 722 F.3d 424. In that

case, which involved an action to enforce a subpoena for documents held by an LSC recipient, the DC Circuit held that Federal law regarding privilege, not state law, governs. The proposed change also includes technical edits in the last two sentences, which further clarify the grant assurance.

Grant Assurance #11 requires LSC recipients to provide LSC and other Federal agencies auditing the recipient access to financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, except for those reports or records that may be properly withheld under Federal law. As with Grant Assurance #10, the proposed change results from the decision in *U.S. v. Cal. Rural Legal Assistance.* The proposed change also includes technical edits, which further clarify the grant assurance.

Grant Assurance #15 requires LSC recipients to notify LSC of any crime, fraud, misappropriation, embezzlement, or theft or loss of $200 or more or theft involving property regardless of whether the funds or property are recovered; when local, state, or Federal law enforcement officials are contacted by the program about a crime; or when it has been the victim of a theft that could lead to a loss of $200 or more. The proposed change to the grant assurance notifies LSC recipients that fraudulent timekeeping must also be reported to LSC.

Grant Assurance #16 requires recipients to notify LSC of a receipt of any notice of a claim for attorney's fees from the recipient; any monetary judgment, sanction, or penalty entered against the recipient; or a force majeure event. The proposed change to the grant assurance requires LSC recipients to notify LSC if any of the recipient's key officials is charged with fraud, misappropriation, embezzlement, theft, or any similar offense, or is subjected to suspension, loss of license, or other disciplinary action by a bar or other professional licensing organization.

Dated: April 25, 2014.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2014–09826 Filed 4–29–14; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–025]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before May 30, 2014. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001

E-Mail: request.schedule@nara.gov.

Fax: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If

NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Risk Management Agency (DAA–0258–2014–0002, 4 items, 3 temporary items). Records related to the Federal Crop Insurance Corporation, including cost benefit analysis studies, proposed and draft rules and regulations, and Paper Reduction Act records. Proposed for permanent retention are final regulations, crop insurance policies, and administrative rules.

2. Department of the Army, Agency-wide (DAA–AU–2013–0007, 1 item, 1 temporary item). Master files of an electronic information system that contains data on individuals seeking access to military facilities including biographic information, contact information, and security clearance level.

3. Department of Commerce, Economic Development Administration (DAA–0378–2014–0001, 7 items, 4 temporary items). Records of the Office of the Assistant Secretary, including invitations, daily schedules, briefing materials, and weekly reports. Proposed for permanent retention are the Assistant Secretary's briefing books, high level correspondence, and agency performance reports.

4. Department of Commerce, Economic Development Administration (DAA–0378–2014–0004, 10 items, 8 temporary items). Records of the Public Affairs Division, including speeches, press releases, social media posts, media advisories, blog posts, Federal funding opportunity notices, and newsletters. Proposed for permanent retention are the speeches of the Assistant Secretary and photographs of significant events.

5. Department of Commerce, Economic Development Administration (DAA–0378–2014–0005, 6 items, 4 temporary items). Records of the Legislative Affairs Division, including correspondence and grant announcements. Proposed for permanent retention are congressional hearing briefing books and annual reports.

6. Department of Commerce, Economic Development Administration (DAA–0378–2014–0007, 6 items, 6 temporary items). Records of the Office of Finance and Management Services, including loan management files and real property records for public works, business development, and drought programs.

7. Department of Commerce, Economic Development Administration (DAA–0378–2014–0012, 4 items, 4 temporary items). Video productions of routine agency services, miscellaneous videos of conferences and presentations, and records related to awards given to community groups, private sector companies, and universities.

8. Department of Defense, Office of the Secretary of Defense (DAA–0330–2013–0018, 1 item, 1 temporary item). Master files of an electronic information system used to provide continuous security updates on individuals seeking access to Department facilities.

9. Department of Defense, Office of the Secretary of Defense (DAA–0330–2014–0011, 1 item, 1 temporary item). Master files of an electronic information system that contains biometric information for security background investigations.

10. Department of Defense, Defense Logistics Agency (DAA–0361–2013–0011, 5 items, 5 temporary items). Records relating to equipment management and control systems including disposal and maintenance histories.

11. Department of Defense, Defense Logistics Agency (DAA–0361–2014–0002, 1 item, 1 temporary item). Certificates and general reports relating to the demilitarization of property.

12. Department of Defense, Defense Logistics Agency (DAA–0361–2014–0003, 1 item, 1 temporary item). Records relating to the registration of privately owned firearms.

13. Department of Defense, Defense Logistics Agency (DAA–0361–2014–0004, 5 items, 5 temporary items). Records relating to morale, welfare, and recreation programs, including marketing and sponsorship files.

14. Department of Education, Agency-wide (DAA–0441–2013–0001, 1 item, 1 temporary item). Debarment and suspension case files related to the administration of the grants program.

15. Department of Justice, Drug Enforcement Administration (DAA–0170–2014–0002, 1 item, 1 temporary item). Control sheets and correspondence documenting administrative amendments to investigative case files.

16. Department of Justice, Drug Enforcement Administration (DAA–0170–2014–0003, 2 items, 2 temporary items). Records documenting court ordered expungements and expunged records.

17. Department of the Navy, Agency-wide (DAA–0024–2013–0001, 3 items, 1 temporary item). Copies of monthly rosters of enlisted personnel. Proposed for permanent retention are monthly Department of Navy rosters and legacy microfilm of rosters.

Dated: April 24, 2014.

Laurence Brewer,

Director, National Records Management Program.

[FR Doc. 2014–09827 Filed 4–29–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Submission for OMB Review; Comment Request

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling Joel Schwartz, Chief Guidelines Officer, NEH (202–606–8473) or may be requested by email to *jschwartz@neh.gov.* Comments on the ICR should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Humanities, Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316), within 30 days from the date of this publication in the **Federal Register**.

SUPPLEMENTARY INFORMATION: OMB is particularly interested in comments which (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: National Endowment for the Humanities.

Title of Proposal: General Clearance Authority to Develop Evaluation

Instruments for the National Endowment for the Humanities.

OMB Number: N/A.

Affected Public: NEH grantees.

Total Respondents: 600.

Frequency of Collection: On occasion.

Average Time per Response: 60 minutes.

Estimated Total Burden Hours: 600 hours.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: NEH seeks approval from OMB for a general clearance authority to develop evaluation instruments for its grant programs. These evaluation instruments will be used to collect information from NEH grantees from one to three years after the grantee has submitted the final performance report.

FOR FURTHER INFORMATION CONTACT: Mr. Joel Schwartz, Chief Guidelines Officer, National Endowment for the Humanities, Washington, DC 20506, or by email to *jschwartz@neh.gov*. Telephone: 202–606–8473.

Dated: April 23, 2014.

Carole Watson,

Acting Chairman.

[FR Doc. 2014–09861 Filed 4–29–14; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that three meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference at the National Endowment for the Arts, Washington, DC 20506 as follows (all meetings are Eastern time and ending times are approximate):

Arts Education (application review): This meeting will be closed.

Dates: May 20, 2014. 12:00 p.m. to 12:30 p.m..

Literature (application review): This meeting will be closed.

Dates: May 21, 2014. 3:00 p.m. to 5:00 p.m..

Literature (application review): This meeting will be closed.

Dates: May 22, 2014. 3:00 p.m. to 5:00 p.m..

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov,* or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: April 25, 2014.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2014–09820 Filed 4–29–14; 8:45 am]

BILLING CODE 7537–01–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.

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 fourth 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, the second notice was published on April 16, 2014, and the third notice was published on April 23, 2014.

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: 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.

Dated at Rockville, Maryland, this 22nd 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. 2014–09884 Filed 4–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0515]

Manual Operator Actions in Diversity and Defense-in-Depth Analyses

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan section; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to the following section of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Appendix 18–A, ''Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth Analyses.''

DATES: The effective date of this Standard Review Plan (SRP) update is May 30, 2014.

ADDRESSES: Please refer to Docket ID NRC–2009–0515 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2009–0515. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The final revision for Appendix 18–A, ''Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth Analyses,'' is available under ADAMS Accession No. ML13115A156. The staff also prepared a redline version of SRP Appendix 18–A showing the differences between the proposed and final version of the document (ADAMS Accession No. ML13240A359).
- *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.
- The NRC posts its issued staff guidance on the NRC's external Web page (*http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/*).

FOR FURTHER INFORMATION CONTACT: Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6992: email: *Jonathan.DeGange@nrc.gov*.

SUPPLEMENTARY INFORMATION: On November 27, 2009 (74 FR 62355), the NRC published for public comment the proposed appendix ''Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth (D3) Analyses'' in Chapter 18, ''Human Factors Engineering''. The staff received a total of 12 comments on the draft appendix from one industry stakeholder and the Advisory Committee for Reactor Safeguards. These comments can generally be characterized as: (1) Requesting clarification of the draft guidance, (2) requesting additional guidance to address uncertainty in the analysis of time available and time required for operator action, and (3) requesting that the guidance be amended to allow for the crediting of actions in procedures other than emergency operating procedures (EOPs) and in locations other than the main control room. The staff made changes to the draft SRP in response to the first two categories of comments but did not make changes in response to the third category of comment. A summary of the comments and the staff's disposition of the comments are available in a separate document, Response to Public Comments on Draft Standard Review Plan (SRP) Appendix 18–A, ''Guidance for Crediting Manual Operator Actions in Diversity and Defense-in-Depth (D3) Analyses'' (ADAMS Accession No. ML13115A144).

Backfitting and Issue Finality

Appendix 18–A of the SRP provides guidance to the staff for reviewing applications for a construction permit and an operating license under Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) with respect to human factors engineering. The SRP also provides guidance for reviewing an application for a standard design approval, a standard design certification, a combined license, and a manufacturing license under 10 CFR part 52 with respect to those same subject matters.

Issuance of these SRP section revisions does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. The SRP positions would not constitute backfitting, in as much as the SRP is internal guidance to NRC staff.

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. The NRC staff has no intention to impose the SRP positions on existing licensees either now or in the future.

The NRC staff does not intend to impose or apply the positions described in the SRP to existing licenses and regulatory approvals. Hence, the issuance of this SRP—even if considered guidance within the purview

of the issue finality provisions in 10 CFR part 52—does not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP section in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Congressional Review Act:

This action is a rule as defined in the Congressional Review Act (5 U.S.C. §§ 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 22nd day of April 2014.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2014–09882 Filed 4–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8907; NRC–2014–0096]

United Nuclear Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking comment from interested parties on the license amendment application request from United Nuclear Corporation (UNC or the licensee), a subsidiary of General Electric (GE), for a 5-year extension for the final emplacement of the radon barrier and erosion protection for the UNC Church Rock Mill site located in McKinley County, New Mexico. Specifically, UNC is requesting an amendment to Source Material License No. SUA–1475, for License Conditions 35.A(3) and 35.B(1), which would extend the dates for emplacement of the final radon barrier and the erosion protection from December 31, 2014, to December 31, 2019.

DATES: Submit comments by May 30, 2014. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0096. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Yolande Norman, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7741; email: *Yolande.Norman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0096 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0096.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0096 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission.

Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction and Solicitation of Comments

The NRC has received, by letter dated September 18, 2013, an application to amend Source Materials License No. SUA–1475 (the UNC license) for the UNC Church Rock Mill site located in New Mexico (ADAMS Accession Nos. ML13277A287, ML13266A361). Specifically, UNC, a subsidiary of General Electric (GE), requested to extend the projected dates for (1) the completion of groundwater corrective actions, and (2) the emplacement of the final radon barrier and erosion protection for the UNC Church Rock Mill Site. On November 7, 2013, the NRC issued License Amendment No. 48, subsequently corrected by License Amendment No. 49 (ADAMS Accession Nos. ML13277A287 and ML14043A475), granting the licensee's request regarding its groundwater corrective actions. However, prior to making a final determination on the UNC's second request to extend the date for emplacing the final radon barrier and the erosion protection, the NRC is providing an opportunity for public participation required under Criterion 6A(2) of Appendix A to Title 10 of the *Code of Federal Regulations* Part 40, through the provision of this opportunity to provide comments. Specific comments are requested on the requested changes to License Conditions 35.A(3) and 35.B(1), which would extend the date for emplacement of the final radon barrier and the erosion protection from December 31, 2014 to December 31, 2019. Comments should be provided within 30 days of the publication date of this notice.

Dated at Rockville, Maryland this 17th 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. 2014–09735 Filed 4–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission [NRC–2012–0002].

DATE: Week of April 28, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of April 28, 2014

Friday, May 2, 2014

10:25 a.m. Affirmation Session (Public Meeting) (Tentative)

a. SECY–14–0020 *Exelon Generation Co., LLC* (Byron Nuclear Station, Units 1 and 2; Braidwood Nuclear Station, Units 1 and 2)—Environmental Law and Policy Center Appeal of LBP–13–12 and Request for a Protective Stay.

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov/about-nrc/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Bill Dosch, Chief, Work Life and Benefits Branch, at 301–415–6200, TDD: 301–415–2100, or by email at *william.dosch@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: April 25, 2014.

Kenneth Hart,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2014–09966 Filed 4–28–14; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Vogtle Electric Generating Plant, Units 3 and 4; Southern Nuclear Operating Company; Turbine Building Battery Room and Electrical Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 18 to Combined Licenses (COL), NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company (SNC), Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensee), for construction and operation of the Vogtle Electric Generating Plant (VGEP), Units 3 and 4, located in Burke County, Georgia. The amendment revises the UFSAR by making changes to the Non-Class 1E dc and Uninterruptible Power Supply System (EDS) and Class 1E dc and Uninterruptible Power Supply System (IDS) and making changes to the corresponding Tier 1 information in Appendix C to the Combined Licenses.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. 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. The request for the amendment and exemption were submitted by letter dated July 10, 2013 (ADAMS Accession No. ML13192A216) (original application was submitted on March 15, 2013 (ADAMS Accession No. ML13077A072)) and supplemented by a letter dated April 11, 2013 (ADAMS Accession No. ML13101A370). The licensee supplemented this request by letters dated August 16 (ADAMS Accession No. ML13233A109), and December 11, 2013 (ADAMS Accession No. ML13345A274), and February 3, 2014 (ADAMS Accession No. ML14034A157).

• *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: Ravindra Joshi, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6191; email: *Ravindra.Joshi@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, ''Scope and Contents,'' of Appendix D, ''Design Certification Rule for the AP1000,'' to Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment No. 18 to COLs, NPF–91 and NPF–92, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' Appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought changes to the VEGP Tier 1 (COL Appendix C) Tables 2.6.2–1, 2.6.2–2, 2.6.3–1, and 2.6.3–4 and Figure 2.6.2–1, and to the UFSAR (Tier 2 material) by making changes to the Non-Class 1E dc and EDS and Class 1E dc and IDS.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4. of Appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML14065A565.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). These documents can be found in ADAMS under Accession Nos. ML14065A558 and ML14065A561, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML14065A554 and ML14065A556, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated July 10, 2013 and supplemented by the letters dated August 16, December 11, 2013, and February 3, 2014, Southern Nuclear Operating Company (licensee) requested from the Nuclear Regulatory Commission (Commission) an exemption from the provisions of Title 10 of the *Code of Federal Regulation* (10 CFR) part 52, Appendix D, Section III.B, ''Design Certification Rule for the AP1000 Design, Scope, and Contents,'' as part of license amendment request (LAR) 13–007, ''Turbine Building Battery Room and Electrical Changes'' (LAR 13–007).

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found at ADAMS Accession No. ML14065A565, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR part 52, Appendix D, Section III.B, to allow deviations from the certified DCD Tier 1 Tables 2.6.2–1, 2.6.2–2, 2.6.3–1, and 2.6.3–4 and Figure 2.6.2–1, as described in the licensee's request dated July 10, 2013 and supplemented by the letters dated August 16, December 11, 2013, and February 3, 2014. This exemption is related to, and necessary for the granting of License Amendment No. 18, which is being issued concurrently with this exemption.

3. As explained in Section 5 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML14065A565), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of April 2, 2014.

III. License Amendment Request

By letter dated March 15, 2013 (ADAMS Accession No. ML13077A072), and supplemented by a letter dated April 11, 2013 (ADAMS Accession No. ML13101A370), the licensee requested that the NRC amend the COLs for VEGP Units 3 and 4. The licensee replaced the March 15, 2013 and April 11, 2013 letters in their entirety with a letter dated July 10, 2013 (ADAMS Accession No. ML13192A216). The proposed license amendment request would depart from the plant-specific DCD Tier 1 and Tier 2 material by making changes to the Non-Class 1E DC and EDS and Class 1E DC and IDS and making changes to the corresponding Tier 1 information in Appendix C to the Combined License.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on September 3, 2013 (78 FR 54287). No comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on July 10, 2013, and supplemented by letters dated August 16, December 11, 2013 and February 3, 2014. The exemption and amendment were issued on April 2, 2014 as part of a combined package to the licensee (ADAMS Accession No. ML14065A534).

Dated at Rockville, Maryland, this 23rd day of April 2014.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhart,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2014–09879 Filed 4–29–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ac3–1(a); SEC File No. 270–96; OMB Control No. 3235–0151.

Form TA–W (1669); SEC File No. 270–96; OMB Control No. 3235–0151.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ac3–1(a) and Form TA–W, under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 17A(c)(4)(B) of the Exchange Act authorizes transfer agents registered with an appropriate regulatory agency (''ARA'') to withdraw from registration by filing a written notice of withdrawal with the ARA and by agreeing to such terms and conditions as the ARA deems necessary or appropriate in the public interest, for the protection of investors, or in the furtherance of the purposes of Section 17A.

In order to implement Section 17A(c)(4)(B) of the Exchange Act, the Commission promulgated Rule 17Ac3–1(a) (17 CFR 240.17Ac3–1(a)) and accompanying Form TA–W (17 CFR 249b.101) on September 1, 1977. Rule 17Ac3–1(a) provides that notice of withdrawal from registration as a transfer agent with the Commission shall be filed on Form TA–W. Form TA–W requires the withdrawing transfer agent to provide the Commission with certain information, including: (1) The locations where transfer agent activities are or were performed; (2) the reasons for ceasing the performance of such activities; (3) disclosure of unsatisfied judgments or liens; and (4) information regarding successor transfer agents.

The Commission uses the information disclosed on Form TA–W to determine whether the registered transfer agent applying for withdrawal from registration as a transfer agent should be allowed to deregister and, if so, whether the Commission should attach to the granting of the application any terms or conditions necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of Section 17A of the Exchange Act. Without Rule 17Ac3–1(a) and Form TA–W, transfer agents registered with the Commission would not have a means to voluntarily deregister when it is necessary or appropriate to do so.

On average, respondents have filed approximately 22 TA–Ws with the Commission annually from 2009 to 2013. A Form TA–W filing occurs only once, when a transfer agent is seeking to deregister. Approximately 80 percent of Form TA–Ws are completed by the transfer agent or its employees and approximately 20 percent of Form TA–Ws are completed by an outside filing agent that is hired by the registrant to prepare the form and file it electronically. In view of the readily-available information requested by Form TA–W, its short and simple presentation, and the Commission's experience with the filers, we estimate that approximately 30 minutes is required to complete and file Form TA–W. For transfer agents that complete Form TA–W themselves, we estimate the internal labor cost of compliance per filing is $25 (0.5 hours × $50 average hourly rate for clerical staff time). We estimate that outside filing agents charge $100 to complete and file at TA–W on behalf of a registrant, reflecting an external labor cost to respondents. The total annual time burden to the transfer agent industry is approximately 11 hours (22 filings × 0.5 hours). The total annual external labor cost to respondents is $400 (22 annual forms × $100 × 20%).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov*.

Dated: April 24, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09810 Filed 4–29–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ad–3(b); SEC File No. 270–424; OMB Control No. 3235–0473.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ad–3(b) (17 CFR 240.17Ad–3(b)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ad–3(b) requires registered transfer agents to send a copy of the written notice required under Rule 17Ad–2(c), (d), and (h) to the chief executive officer of each issuer for which the transfer agent acts when it has failed to turnaround at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a), or to process at least 75% of all items in accordance with the requirements of Rule 17Ad–2(b), for two consecutive months. The issuer may use the information contained in the notices to: (1) Provide an early warning to the issuer of the transfer agent's non-compliance with the Commission's minimum performance standards regarding registered transfer agents; and (2) assure that the issuer is aware of problems and poor performance with respect to the transfer agents that are servicing the issuer's securities. If the issuer does not receive notice of a registered transfer agent's failure to comply with the Commission's minimum performance standards then the issuer will be unable to take remedial action to correct the problem or to find another registered transfer agent. Pursuant to Rule 17Ad–3(b), a transfer agent that has already filed a Notice of Non-Compliance with the Commission pursuant to Rule 17Ad–2 will only be required to send a copy of that notice to issuers for which it acts when that transfer agent fails to turnaround 75% of all routine items or to process 75% of all items.

The Commission estimates that only two transfer agents will meet the requirements of Rule 17Ad–3(b). If a transfer agent fails to meet those requirements under 17Ad–3(b), it would simply send a copy of the notice that had already been produced for the Commission. The Commission estimates the requirement will take each respondent approximately one hour to complete, for a total annual estimate burden of two hours at an internal labor costs cost of approximately $60.00 an hour. There are no external labor costs associated with sending the notice to issuers.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 24, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09811 Filed 4–29–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72016; File No. SR–EDGX–2014–13]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend Footnote 4 of the Exchange's Fee Schedule To Permit Members To Designate Their Retail Orders To Be Identified as Retail on the EDGX Book Feed

April 24, 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 17, 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, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Footnote 4 of its Fee Schedule to permit Members to designate that their Retail Orders be identified as Retail on the EDGX Book Feed. 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.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Footnote 4 of its Fee Schedule to permit Members to designate that their Retail Orders be identified as Retail on the EDGX Book Feed. Footnote 4 of the Exchange's Fee Schedule defines a Retail Order [3] and provides an attestation requirement [4] that Members must complete to send Retail Orders to the Exchange. Footnote 4 of the Exchange's Fee Schedule also provides that Members may designate orders as Retail Orders on an order-by-order basis or a port level basis by designating particular FIX ports as Retail Order Ports.[5]

Currently, Members may elect that their display-eligible orders entered into the Exchange utilize Attributable Orders [6] to include their market participant identifier (''MPID'') with their published quotations on the EDGX Book Feed. The Exchange now proposes to amend Footnote 4 of its Fee Schedule to permit Members to designate that their Retail Orders be identified as Retail on the EDGX Book Feed, rather than by their MPID.[7] A Member may elect that their Retail Orders be identified as Retail on an order-by-order basis or instruct the Exchange to identify all its Retail Orders as Retail on a port-by-port basis where that port is also designated as a Retail Order Port. However, if a Member instructs the Exchange to identify all its orders as Retail on a Retail Order Port, it will not be able to designate any Retail Order from that port as an Attributable Order or as a Non-Attributable Order.[8]

Implementation Date

The Exchange will announce the effective date of the proposed rule change in a Trading Notice to be published no later than 30 days following approval of the proposed rule change by the Commission.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposal will benefit market participants and help to promote transparency by providing additional information regarding quotations displayed on the Exchange and disseminated via the EDGX Book Feed. Specifically, any Member who satisfies the requirement under Footnote 4 of the Fee Schedule that wishes to disclose via the EDGX Book Feed that their order is a Retail Order will be permitted to do so, and such retail quotations will be analogous to identified trading interest in other contexts.[11] The proposal also promotes transparency by disseminating additional order information from Members who may otherwise designate their order as Non-Attributable, and thereby not include their MPID with their published quote on the EDGX Book Feed. As a result, the proposal will provide Members additional visibility into the types of orders they may interact with when an order is identified as a Retail Order. The Exchange also believes that the proposed rule change is reasonable, equitable and not unfairly discriminatory because it would encourage Members who wish to execute against Retail Orders to send additional orders to the Exchange. For example, the Exchange conducted a study of its execution data from January 1, 2014 to March 31, 2014, which indicated that Members who represent Retail Orders and utilize Attributable Orders to include their MPID with their published quote on the EDGX Book Feed received an 18% higher execution rate than Members who represent Retail Orders that elected not to include their MPID on the EDGX Book Feed via the use of a Non-Attributable Order.[12] Therefore, the Exchange believes the increased liquidity would potentially stimulating further price competition for Retail Orders, deepening the Exchange's liquidity pool, supporting the quality of price discovery, and promoting market transparency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed amendment will not burden intramarket competition because the ability to designate Retail Orders to be identified as Retail on the EDGX Book Feed, rather than by their MPID, would be open to all Members that wish to send Retail Orders to the Exchange. The Exchange believes the proposed rule change would increase intermarket competition by identifying orders as Retail via the EDGX Book Feed would enable the Exchange to better compete with other exchanges that offer similar

[3] A Retail Order is defined as (i) an agency order or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person; (ii) is submitted to EDGX by a Member, provided that no change is made to the terms of the order; and (iii) the order does not originate from a trading algorithm or any other computerized methodology. *See* Footnote 4 of the Exchange's Fee Schedule *available at http://www.directedge.com/Trading/EDGXFeeSchedule.aspx*; Securities Exchange Act Release No. 68310 (November 28, 2012), 77 FR 71860 (December 4, 2012) (SR–EDGX–2012–47) (Notice of Filing and Immediate Effectiveness); Securities Exchange Act Release No. 69378 (April 15, 2013), 78 FR 23617 (April 19, 2013) (SR–EDGX–2013–13) (Notice of Filing and Immediate Effectiveness).

[4] Members must submit a signed written attestation, in a form prescribed by the Exchange, that they have implemented policies and procedures that are reasonably designed to ensure that substantially all orders designated by the Member as a ''Retail Order'' comply with the above requirements. *See* Footnote 4 of the Exchange's Fee Schedule *available at http://www.directedge.com/Trading/EDGXFeeSchedule.aspx*; Securities Exchange Act Release No. 68310 (November 28, 2012), 77 FR 71860 (December 4, 2012) (SR–EDGX–2012–47) (Notice of Filing and Immediate Effectiveness). *See also* Securities Exchange Act Release No. 69852 (June 25, 2013), 78 FR 39420 (July 1, 2013) (SR–EDGX–2013–20) (Notice of Filing and Immediate Effectiveness).

[5] *See* Securities Exchange Act Release No. 68554 (December 31, 2012), 78 FR 966 (January 7, 2013) (SR–EDGX–2012–48) (Notice of Filing and Immediate Effectiveness).

[6] An Attributable Order is defined as, ''[a]n order that is designated for display (price and size) including the Member's market participant identifier ('MPID').'' *See* Rule 11.5(c)(18).

[7] A Member's decision on whether to identify their Retail Order as Retail under the proposed rule change will not impact that Member's eligibility to qualify for a rebate under the Retail Order Tier included in Footnote 4 of the Exchange's Fee Schedule.

[8] A Non-Attributable Order is defined as ''[a]n order that is designated for display (price and size) on an anonymous basis by the Exchange. *See* Rule 11.5(c)(19).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] For example, under the New York Stock Exchange, Inc.'s (''NYSE'') Retail Liquidity Program, when there is a Retail Price Improvement Order in a particular security, the NYSE disseminates an indicator, known as the Retail Liquidity Identifier. *See* NYSE Rule 107C(j). *See also* NYSE MKT LLC (''NYSE MKT'') Rule 107C(j); NYSE Arca, Inc. (''NYSE Arca'') Rule 7.44(j).

[12] The Exchange compared the execution rates of Attributed Orders to Non-Attributed Orders submitted by Members whose primary business is representing retail customers or who designate their orders as Retail Orders for purposes of Footnote 4 of the Exchange's Fee Schedule. The Exchange calculated the execution rate by dividing the total executed quantity by the total order quantity for buy orders with a limit price greater than or equal to the National Best Bid (''NBB'') and less than National Best Offer (''NBO'') and sell orders with limit price greater than the NBB and less than or equal to the NBO.

retail order programs.[13] The Exchange believes that the amendment, by increasing the amount of disseminated information regarding Retail Orders, will increase the level of competition around retail executions resulting in better prices for retail investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 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–2014–13 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–2014–13. 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–2014–13, and should be submitted on or before May 21, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09809 Filed 4–29–14; 8:45 am]

BILLING CODE 8011–01–P

[13] *Id.*

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72014; File No. SR–NASDAQ–2014–038]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Proposed Rule Change Relating to the Listing and Trading of the Shares of the Reality Shares NASDAQ–100 Isolated Dividend Growth Index ETF of the Reality Shares ETF Trust Under Rule 5705

April 24, 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 10, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''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 NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to list and trade the shares of the Reality Shares NASDAQ–100 Isolated Dividend Growth Index ETF (the ''Fund'') of the Reality Shares ETF Trust (the ''Trust'') under Rule 5705 (Exchange Traded Funds: Portfolio Depository Receipts and Index Fund Shares).[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item III below, and is set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under NASDAQ Rule 5705(b), which governs the listing and trading of Index Fund Shares [4] on the Exchange. The Fund is an exchange-traded fund (''ETF'') which seeks to track the performance of an underlying index, as discussed herein.[5]

[3] The Commission approved NASDAQ's Rule 5705, as well as Rule 5735 regarding managed fund shares, in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039).

[4] Index Fund Shares that are issued by an open-end investment company and listed and traded on the Exchange under NASDAQ Rule 5705 seek to provide investment results that correspond generally to the price and yield performance of a specific foreigh or domestic stock index, fixed income securities index or combination thereof. *See* Rule 5705(b)(1)(A).

[5] The Exchange notes that its proposal to list shares of the Fund which tracks the performance of an index of U.S. exchange listed options is similar to the proposal and resultant order issued to the NYSE ARCA to list and trade under NYSE Arca Equities Rule 5.2(j)(3) (which is similar to NASDAQ Rule 5705(b)) Investment Company Units based on

Continued

The Shares will be offered by the Trust, which was established as a Delaware statutory trust on March 26, 2013. The Trust will be registered with the Commission as an open-end management investment company.[6] The Fund is a series of the Trust.

Reality Shares Advisors, LLC will be the investment adviser (''Adviser'') to the Fund. ALPS Distributors, Inc. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon (''BNY'') will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

As described in more detail below, the Fund will seek long-term capital appreciation by tracking the Reality Shares NASDAQ–100 Isolated Dividend Growth Index (the ''Index''). The Index measures market expectations for dividend growth of the companies included in the NASDAQ–100 Index.[7] The Index consists of options on the NASDAQ–100 Index and options on ETFs designed to track the NASDAQ–100 Index. All options included in the Index will be listed and traded on a U.S. national securities exchange. The Index will consist of a minimum of 20 components.

Paragraph (b)(5)(A)(i) of Rule 5705 states that if an index is maintained by a broker-dealer or fund advisor, the broker-dealer or fund advisor shall erect a ''fire wall'' around the personnel who have access to information concerning changes and adjustments to the index. If the investment adviser to the investment company issuing Index Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[8] In addition, paragraph (b)(5)(A)(iii) requires that any advisory committee, supervisory board, or similar entity that advises a Reporting Authority [9] or that makes decisions on index composition, methodology and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index.

The Adviser is not a broker-dealer and is not affiliated with any broker-dealers. The Index was developed by Reality Shares, Inc., the parent company of the Adviser, in conjunction with The NASDAQ OMX Group, Inc., and is maintained by Reality Shares, Inc. (the ''Index Provider'').[10] The Index Provider is not a broker-dealer and is not affiliated with any broker-dealers.[11] In the event (a) the Adviser, any sub-adviser or the Index Provider becomes registered as a broker-dealer or is newly affiliated with a broker dealer, or (b) any new adviser, sub-adviser or Index Provider is a registered broker-dealer or becomes affiliated with a broker dealer, the Adviser, sub-adviser or Index Provider will implement a fire wall with respect to its relevant personnel and/or such broker dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Fund does not currently intend to use a sub-adviser.

The Exchange is submitting this proposed rule change because the Index for the Fund does not meet all of the ''generic'' listing requirements of paragraph (b)(3)(A)(i) of Rule 5705 applicable to the listing of Index Fund Shares based upon an index of ''US Component Stocks.'' [12] Specifically, Rule 5705(b)(3)(A)(i) sets forth the requirements to be met by components of an index or portfolio of US Component Stocks. As described in more detail herein, the Index will consist primarily of U.S. exchange-listed and traded options on the NASDAQ–100 Index and U.S. exchange-listed and traded options on ETFs that track the NASDAQ–100 Index.[13] The Fund may also invest up to 20% of its total assets in other securities such as over-the-counter (''OTC'') options, futures, and forward contracts on the NASDAQ–100 Index and OTC options, futures and forward contracts on ETFs that track the

indexes of U.S. exchange listed options. *See* Securities Exchange Act Release Nos. 68667 (January 16, 2013), 78 FR 4955 (January 23, 2013) (SR–NASDAQ–2012–109) (order approving listing and trading of U.S. Equity High Volatility Put Write Index Fund); and 69373 (April 15, 2013), 78 FR 23601 (April 19, 2913) (SR–NYSEArca–2012–108) (order approving listing and trading of NYSE Arca U.S. Equity Synthetic Reverse Convertible Index Fund). The Exchange believes the proposed rule change does not raise any significant issues not previously addressed in those prior Commission orders.

[6] The Trust will be registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (the ''1940 Act''). On November 12, 2013, the Trust filed a registration statement on Form N–1A under the Securities Act of 1933 (the ''1933 Act'') (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–192288 and 811–22911), as amended by Pre-Effective Amendment Number 1, filed with the Commission on February 6, 2014 (the ''Registration Statement''). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement. In addition, the Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30678 August 27, 2013 (the ''Exemptive Order''). Investments made by the Fund will comply with the conditions set forth in the Exemptive Order.

[7] The NASDAQ–100 Index is an index of 100 of the largest domestic and international securities (based on market capitalization) listed on The NASDAQ Stock Market. The NASDAQ–100 Index includes companies across major industry groups, including computer hardware and software, telecommunications, retail/wholesale trade and biotechnology, and excludes securities of financial companies.

[8] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[9] Rule 5705(b)(1)(C).

[10] The Index will be calculated by International Data Corporation (''IDC''), which is not affiliated with the Adviser, Index Provider or The NASDAQ OMX Group, and which is not a broker-dealer or fund advisor.

[11] The Adviser and the Index Provider have represented that a fire wall exists around the respective personnel who have access to information concerning changes and adjustments to the Index.

[12] Paragraph (b)(1)(D) of Rule 5705 states that the term ''US Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Exchange Act, or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act. Rule 5705(b)(1)(D).

[13] Paragraph (b)(3)(A)(i) of Rule 5705 states, in relevant part, that upon the initial listing of a series of Index Fund Shares pursuant to 19b–4(e) under the Act, all securities in the index or portfolio shall be U.S. Component Stocks listed on NASDAQ (including The NASDAQ Capital Market) or another national securities exchange and shall be NMS Stocks as defined in Rule 600 of Regulation NMS under the Act. Each component stock of the NASDAQ–100 Index is a U.S. Component Stock that is listed on a national securities exchange and is an NMS Stock. Options are excluded from the definition of NMS Stock. The Fund and the Index meet all of the requirements of the listing standards for Index Fund Shares in Rule 5705 except the requirements in 5705(b)(3)(A)(i)(a)–(e), as the Index consists of options on U.S. Component Stocks. The NASDAQ–100 Index consists of Component Stocks and satisfies the requirements of Commentary [sic] 5705(b)(3)(A)(i)(a)–(e).

NASDAQ–100 Index. The Exchange has represented that the Shares will conform to the initial and continued requirements of listing criteria under Rule 5705(b), except to the extent that the Index is comprised of options based on U.S. Component Stocks (*i.e.,* ETFs based on the NASDAQ 100 Index) and options on an index of U.S. Component Stocks (*i.e.,* the NASDAQ–100 Index).

Reality Shares NASDAQ–100 Isolated Dividend Growth Index ETF

Principal Investments

According to the Registration Statement, the Fund will seek long-term capital appreciation and will seek investment results that, before fees and expenses, generally correspond to the performance of the Index. At least 80% of the Fund's total assets (exclusive of collateral held from securities lending, if any) will be invested in the component securities of the Index. The Fund will seek a correlation of 0.95 or better between its performance and the performance of its Index. A figure of 1.00 would represent perfect correlation. The Fund generally will use a representative sampling investment strategy.

The Fund will buy (*i.e.,* hold a ''long'' position in) and sell (*i.e.,* hold a ''short'' position in) put and call options. The Fund has a strategy of taking both a long position in a security through its ex-dividend date (the last date an investor can own the security and receive dividends paid on the security) and a corresponding short position in the same security immediately thereafter. This is designed to allow the Fund to isolate its exposure to the growth of the level of dividends expected to be paid on such security while minimizing its exposure to changes in the trading price of such security.

The Fund will buy and sell U.S. exchange-listed options on the NASDAQ–100 Index and U.S. exchange-listed options on ETFs designed to track the NASDAQ–100 Index. A put option gives the purchaser of the option the right to sell, and the issuer of the option the obligation to buy, the underlying security or instrument on a specified date or during a specified period of time. A call option on a security gives the purchaser of the option the right to buy, and the writer of the option the obligation to sell, the underlying security or instrument on a specified date or during a specified period of time. The Fund will invest in a combination of put and call options designed to allow the Fund to isolate its exposure to the growth of the level of expected dividends reflected in options on the NASDAQ–100 Index and options on ETFs tracking the NASDAQ–100 Index, while minimizing the Fund's exposure to changes in the trading price of such securities.

Index Methodology

The Index will be calculated using a proprietary, rules-based methodology designed to track market expectations for dividend growth conveyed in real-time using the mid-point of the bid-ask spread on NASDAQ–100 Index options and options on ETFs designed to track the NASDAQ–100 Index.[14] All options included in the Index will be listed and traded on a U.S. national securities exchange. The Index will consist of a minimum of 20 components.[15]

The prices of index and ETF options reflect the market trading prices of the securities included in the applicable underlying index or ETF, as well as market expectations regarding the level of dividends to be paid on such indexes or ETFs during the term of the option. The Index constituents, and therefore most of the Fund's portfolio holdings, will consist of multiple corresponding near-term and long-term put and call option combinations on the same reference assets (*i.e.,* options on the NASDAQ–100 Index or the NASDAQ–100 ETF) with the same strike price. Because option prices reflect both stock price and dividend expectations, they can be used in combination to isolate either price exposure or dividend expectations. The use of near-term and long-term put and call option combinations on the same reference asset with the same strike price, but with different maturities, is designed to gain exposure to the expected dividends of the securities in the NASDAQ–100 Index while neutralizing the impact of the stock price.

Once established, this portfolio construction of option combinations will accomplish two goals. First, the use of corresponding buy or sell positions on near and long-term options at the same strike price is designed to neutralize underlying stock price movements. In other words, the corresponding ''buy'' and ''sell'' positions on the same reference asset are designed to net against each other and eliminate the impact that changes to the stock price of the reference asset would otherwise have on the value of the Index (and Fund). Second, by minimizing the impact of price fluctuations through the construct of the near- and long-term contract combinations, the strategy is designed to isolate market expectations for dividends implied between the expiration dates of the near-term and long-term option contracts. Over time, the Index will increase or decrease in value as the dividend spread between the near-term and long-term option combinations increases or decreases as a result of changing market expectations for dividend growth.

Other Fund Investments

While, as described above, at least 80% of the Fund's total assets (exclusive of collateral held from securities lending, if any) will be invested in the component securities of the Index, the Fund may invest up to 20% of the Fund's total assets in other securities and financial instruments, as described below.

The Fund may invest in U.S. exchange-listed futures contracts on the NASDAQ–100 Index and ETFs designed to track the NASDAQ–100 Index and may invest in forward contracts on the NASDAQ–100 Index and ETFs designed to track the NASDAQ–100 Index. The Fund's use of exchange-listed futures contracts and forward contracts is designed to allow the Fund to isolate its exposure to the growth of the level of expected dividends reflected in options on the NASDAQ–100 Index and options on ETFs tracking the NASDAQ–100 Index, while minimizing the Fund's exposure to changes in the trading price of such securities. The Fund may also buy and sell OTC options on the NASDAQ–100 Index and on ETFs designed to track the NASDAQ–100 Index.

The Fund may enter into dividend and total return swap transactions (including equity swap transactions) based on the NASDAQ–100 Index and ETFs designed to track the NASDAQ–100 Index.[16] In a typical swap transaction, one party agrees to make periodic payments to another party (''counterparty'') based on the change in market value or level of a specified rate, index, or asset. In return, the counterparty agrees to make periodic payments to the first party based on the return of a different specified rate, index, or asset. Swap transactions are usually done on a net basis, the Fund receiving or paying only the net amount of the two payments. In a typical

[14] There is no guarantee that either the level of overall dividends paid by such companies will grow over time, or that the Index or Fund's investment strategies will capture such growth. The Fund will include appropriate risk disclosure in its offering documents disclosing these risks, which will be available for free on the SEC's Web site and on the Fund's Web site, *www.realityshares.com.*

[15] Rule 5705(b)(3).

[16] The Fund will transact only with swap dealers that have in place an ISDA agreement with the Fund.

dividend swap transaction, the Fund would pay the swap counterparty a premium and would be entitled to receive the value of the actual dividends paid on the subject index during the term of the swap contract. In a typical total return swap transaction, the Fund might exchange long or short exposures to the return of the underlying securities or index to isolate the value of the dividends paid on the underlying securities or index constituents. The Fund also may engage in interest rate swap transactions. In a typical interest rate swap transaction one stream of future interest payments is exchanged for another. Such transactions often take the form of an exchange of a fixed payment for a variable payment based on a future interest rate. The Fund intends to use interest rate swap transactions to manage or hedge exposure to interest rate fluctuations.

The Fund may invest up to 20% of its assets (exclusive of collateral held from securities lending, if any) in exchange-listed equity securities and derivative instruments (specifically, futures contracts, forward contracts and swap transactions) [17] relating to the Index and its component securities that the Adviser believes will help the Fund track the Index. For example, the Fund may buy and sell ETFs and, to a limited extent, individual large-capitalization equity securities listed and traded on a U.S. national securities exchange.

The Fund may invest in the securities of other investment companies (including money market funds) to the extent permitted under the 1940 Act.

The Fund's short positions and its investments in swaps, futures contracts, forward contracts and options based on the NASDAQ–100 Index and ETFs designed to track the NASDAQ–100 Index will be backed by investments in cash, high-quality, short-term debt securities and money-market instruments in an amount equal to the Fund's maximum liability under the applicable position or contract or will otherwise be offset in accordance with Section 18 of the 1940 Act. Short-term debt securities and money market instruments include shares of fixed income or money market mutual funds, commercial paper, certificates of deposit, bankers' acceptances, U.S. Government Securities (including securities issued or guaranteed by the U.S. government or its authorities, agencies, or instrumentalities), repurchase agreements [18] and bonds that are rated BBB or higher.

In addition to the investments described above, and in a manner consistent with its investment objective, the Fund may invest a limited portion of its net assets in high-quality, short-term debt securities and money market instruments for cash management purposes.[19]

The Fund will attempt to limit counterparty risk in non-cleared swap, forward and OTC option contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.[20]

The Fund's investments in swaps, futures contracts, forward contracts and options will be consistent with the Fund's investment objective and with the requirements of the 1940 Act.[21]

Investment Restrictions

To the extent the Index concentrates (*i.e.,* holds 25% or more of its total assets) in the securities of a particular industry or group of industries, the Fund will concentrate its investments to approximately the same extent as the Index.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser, consistent with Commission guidance.[22] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[23]

The Fund may make secured loans of its portfolio securities; however, securities loans will not be made if, as a result, the aggregate amount of all outstanding securities loans by the Fund exceeds 33⅓% of its total assets (including the market value of collateral received). To the extent the Fund engages in securities lending, securities loans will be made to broker-dealers that the Adviser believes to be of relatively high credit standing pursuant to agreements requiring that the loans

[17] Where practicable, the Fund intends to invest in swaps cleared through a central clearing house (''Cleared Swaps''). Currently, only certain of the interest rate swaps in which the Fund intends to invest are Cleared Swaps, while the dividend and total return swaps (including equity swaps) in which the Fund may invest are currently not Cleared Swaps.

[18] The Fund may enter into repurchase agreements with banks and broker-dealers. A repurchase agreement is an agreement under which securities are acquired by a fund from a securities dealer or bank subject to resale at an agreed upon price on a later date. The acquiring fund bears a risk of loss in the event that the other party to a repurchase agreement defaults on its obligations and the fund is delayed or prevented from exercising its rights to dispose of the collateral securities.

[19] The Fund may invest in shares of money market mutual funds to the extent permitted by the 1940 Act.

[20] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser will evaluate each approved counterparty using various methods of analysis, such as, for example, the counterparty's liquidity in the event of default, the counterparty's reputation, the Adviser's past experience with the counterparty, and the counterparty's share of market participation.

[21] To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations arising from such transactions. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[22] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[23] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release Nos. [sic] 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also* Investment Company Act Release Nos. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); and 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release Nos. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); and 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

continuously be collateralized by cash, liquid securities, or shares of other investment companies with a value at least equal to the market value of the loaned securities. The Fund will be classified as a ''non-diversified'' investment company under the 1940 Act.[24]

The Fund intends to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[25]

The Fund's investments will be consistent with its investment objective and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

The Shares

According to the Registration Statement, the Fund will issue and redeem Shares only in Creation Units at the net asset value (''NAV'')[26] next determined after receipt of an order on a continuous basis every business day. The NAV of the Fund will be determined once each business day, normally as of the close of trading of the Exchange, generally, 4:00 p.m. Eastern Time. Creation Unit sizes will be 25,000 Shares per Creation Unit. The Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis through the Distributor, without a sales load (but subject to transaction fees), at their NAV per Share next determined after receipt of an order, on any business day, in proper form pursuant to the terms of the Authorized Participant agreement (as referred to below).

The consideration for purchase of a Creation Unit generally will consist of either (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and the Cash Component (defined below), computed as described below or (ii) the cash value of all or a portion of the Deposit Securities (''Deposit Cash'') and the ''Cash Component,'' computed as described below. Because non-exchange traded derivatives and certain listed derivatives are not currently eligible for in-kind transfer, they will be substituted with an amount of cash of equal value (*i.e.,* Deposit Cash) when the Fund processes purchases of Creation Units in-kind. Specifically, the Fund will not accept exchange-traded options, OTC options, exchange-traded futures, forward contracts, dividend swap transactions, total return swap transactions and interest rate swap transactions as Deposit Securities.

When accepting purchases of Creation Units for cash, the Fund may incur additional costs associated with the acquisition of Deposit Securities that would otherwise be provided by an in-kind purchaser. Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component will constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'' will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. The Cash Component will serve the function of compensating for any difference between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

A portfolio composition file, to be sent via the National Securities Clearing Corporation (''NSCC''), will be made available on each business day, prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern time)[27] containing a list of the names and the required amount of each security in the Deposit Securities to be included in the current Fund Deposit for the Fund (based on information about the Fund's portfolio at the end of the previous business day). In addition, on each business day, the estimated Cash Component, effective through and including the previous business day, will be made available through NSCC.

The Fund Deposit will be applicable for purchases of Creation Units of the Fund until such time as the next-announced Fund Deposit is made available. In accordance with the Exemptive Order, the Fund will reserve the right to accept a non-conforming Fund Deposit. In addition, the composition of the Deposit Securities may change as, among other things, corporate actions and investment decisions by the Adviser are implemented for the Fund's portfolio.

All purchase orders must be placed by or through an Authorized Participant. An Authorized Participant must be either a broker-dealer or other participant in the Continuous Net Settlement System (''Clearing Process'') of the NSCC or a participant in The Depository Trust Company (''DTC'') with access to the DTC system, and must execute an agreement with the Distributor that governs transactions in the Fund's Creation Units. In-kind portions of purchase orders will be processed through the Clearing Process when it is available.

Fund Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through the Distributor and only on a business day. The Fund, through the NSCC, will make available immediately prior to the opening of business on the Exchange on each business day, the list of the names and quantities of the Fund's portfolio securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''). In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of the in-kind securities representing one or more Fund Securities.[28] Because non-exchange traded derivatives and certain listed derivatives are not eligible for in-kind transfer, they will be substituted with an amount of cash of equal value when the Fund processes redemptions of Creation Units in-kind. Specifically, the Fund will transfer the corresponding cash value of exchange-traded options,

[24] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act.

[25] 26 U.S.C. 851 *et seq.*

[26] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of the Regular Market Session on the Exchange, generally 4:00 or 4:15 p.m. Eastern time (the ''NAV Calculation Time''). NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* Registration Statement.

[27] *See* NASDAQ Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

[28] The Adviser represents that, to the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

OTC options, exchange-traded futures, forward contracts, dividend swap transactions, total return swap transactions and interest rate swap transactions in lieu of in-kind securities. In accordance with the Exemptive Order, the Fund also reserves the right to distribute to the Authorized Participant non-conforming Fund Securities.

The right of redemption may be suspended or the date of payment postponed: (i) For any period during which the Exchange is closed (other than customary weekend and holiday closings); (ii) for any period during which trading on the Exchange is suspended or restricted; (iii) for any period during which an emergency exists as a result of which disposal of the Shares or determination of the Fund's NAV is not reasonably practicable; or (iv) in such other circumstances as permitted by the Commission.

For an order involving a Creation Unit to be effectuated at the Fund's NAV on a particular day, it must be received by the Distributor by or before the deadline for such order (''Order Cut-Off Time''). The Order Cut-Off Time for creation and redemption orders for the Fund will be 4:00 p.m. Eastern time. Orders for creation or redemption of Creation Units for cash generally must be submitted by 4:00 p.m. Eastern time. A standard creation or redemption transaction fee (as applicable) will be imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Net Asset Value

The Fund will calculate its NAV by: (i) Taking the current market value of its total assets; (ii) subtracting any liabilities; and (iii) dividing that amount by the total number of Shares outstanding. The Fund will calculate NAV once each business day as of the regularly scheduled close of trading on the Exchange (normally, 4:00 p.m., Eastern Time) as described in its Registration Statement.

In calculating the Fund's NAV per Share, the Fund's investments will be valued in accordance with procedures approved by the Trust's Board of Trustees. These procedures, which may be changed by the Trust's Board of Trustees from time to time, generally require investments to be valued using market valuations. A market valuation generally means a valuation (i) obtained from an exchange, a third-party pricing service, or a major market maker (or dealer), (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a third-party pricing service, or a major market maker (or dealer) or (iii) based on amortized cost. The Trust may use various third-party pricing services, or discontinue the use of any third-party pricing service, as determined by the Trust's Board of Trustees from time to time.

The Trust will generally value exchange-listed securities (which include common stocks and ETFs), exchange-listed options, and options on the NASDAQ–100 Index or NASDAQ–100 ETFs at market closing prices; or, if market closing prices are not available, then the midpoint between the last reported bid and ask. Market closing price is generally determined on the basis of last reported sales prices on the applicable exchange, or if no sales are reported, based on the last reported quotes. The Trust will generally value exchange-listed futures at the settlement price determined by the applicable exchange. Non-exchange-traded derivatives, including OTC options, swap transactions and forward transactions, will normally be valued on the basis of quotations or equivalent indication of value supplied by a third-party pricing service or major market makers or dealers. Debt securities and money market instruments generally will be valued based on prices provided by third-party pricing services, which may use valuation models or matrix pricing to determine current value. Investment company securities (other than ETFs) will be valued at NAV. The Trust generally will use amortized cost to value fixed income or money market securities that have a remaining maturity of 60 days or less. In the event that current market valuations are not readily available or such valuations do not reflect current market value, the Trust's procedures require the Adviser's Pricing Committee to determine a security's fair value in accordance with the 1940 Act.[29] In determining such value the Adviser's Pricing Committee may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators. In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be realized upon the sale of the security.

Availability of Information

The Fund's Web site (*www.realityshares.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded, as well as a description of the rules and methodology applicable to the Fund. The Fund's Web site will include additional quantitative information updated on a daily basis, including, for the Fund: (1) The prior business day's reported NAV, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[30] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[31]

On a daily basis, the Adviser, on behalf of the Fund, will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; for

[29] The Valuation Committee of the Trust Board will be responsible for the oversight of the pricing procedures of the Fund and the valuation of the Fund's portfolio. The Valuation Committee has delegated day-to-day pricing responsibilities to the Adviser's Pricing Committee, which will be composed of officers of the Adviser. The Pricing Committee will be responsible for the valuation and revaluation of any portfolio investments for which market quotations or prices are not readily available. The Fund has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding valuation and revaluation of any portfolio investments.

[30] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of such Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[31] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holdings in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5705(b)(3)(C) as the ''Intraday Indicative Value,'' will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[32] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session (currently 9:30 a.m. Eastern time). The Intraday Indicative Value will be based on quotes and closing prices from the assets' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Intra-day, executable price quotations on the securities and other assets held by the Fund will be available from major broker-dealer firms or on the exchange on which they are traded, as applicable. Intra-day price information will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors. Specifically, the intra-day, closing and settlement prices of the portfolio securities and other Fund investments, including exchange-listed equity securities (which include common stocks and ETFs), exchange-listed futures, and exchange-listed options, will be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to OTC options, swaps and forwards, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. Price information regarding investment company securities and ETFs will be available from on-line information services and from the Web site for the applicable investment company security. The intra-day, closing and settlement prices of debt securities and money market instruments will be readily available from published and other public sources or on-line information services.

In addition, a basket composition file, which includes the security names and quantities, as applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of NASDAQ via NSCC. The basket will represent one Creation Unit of the Fund.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov*. Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via NASDAQ proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares and any underlying exchange-traded products. The value of the Index will be published by one or more major market data vendors every 15 seconds during the Regular Market Session. Information about the Index constituents, the weighting of the constituents, the Index's methodology and the Index's rules will be available at no charge on the Index Provider's Web site at *www.realityshares.com.*

In addition, for the Fund, an estimated value, defined in Rule 5705(b)(3)(C) as the ''Intraday Indicative Value,'', [sic] will be disseminated. Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5705, which sets forth the initial and continued listing criteria applicable to Index Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [33] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts and Trading Pauses

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. NASDAQ will halt or pause trading in the Shares under the conditions specified in NASDAQ Rules 4120 and 4121, including the trading pauses under NASDAQ Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rules 5705(b)(1)(B) and 5705(b)(9)(B), which sets forth circumstances under which Shares of the Fund may be halted.

If the IIV, the Index Value or the value of the Index Components is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will

[32] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[33] *See* 17 CFR 240.10A–3.

halt trading no later than the beginning of the trading day following the interruption. The Exchange will obtain a representation from the Fund that the NAV for the Fund will be calculated daily and will be made available to all market participants at the same time.

Trading Rules

NASDAQ deems the Shares to be equity securities, thus rendering trading in the Shares subject to NASDAQ's existing rules governing the trading of equity securities. NASDAQ will allow trading in the Shares from 4:00 a.m. until 8:00 p.m. Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Rule 4613(a)(2)(I), the minimum quotation increment for quotations of $1.00 and above in Shares on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both NASDAQ and also the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[34] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and in the U.S. exchange-traded options, exchange-traded futures, exchange-traded equities, and exchange-traded investment company securities which the Fund will buy or write with other markets. FINRA may obtain trading information regarding trading in the Shares and in such U.S. exchange-traded options from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, and in exchange-traded securities from markets and other entities that are members of the Intermarket Surveillance Group (''ISG'') or with which the Exchange has in place a comprehensive surveillance sharing agreement.[35] The Exchange may also obtain information from the Trade Reporting and Compliance Engine (''TRACE''), which is the FINRA developed vehicle that facilitates mandatory reporting of OTC secondary market transactions in eligible fixed income securities.[36]

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) NASDAQ Rule 2111A, which imposes suitability obligations on NASDAQ members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Index Value and Intraday Indicative Value will be disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Index Value and Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Distributor's Web site.

2. Statutory Basis

NASDAQ believes that the proposal is consistent with Section 6(b) of the Act[37] in general and Section 6(b)(5) of the Act[38] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NASDAQ Rule 5705, except that the Index will consist of options based on U.S. Component Stocks (*i.e.,* ETFs based on the NASDAQ–100 Index) and options on an index of U.S. Component Stocks (*i.e.,* the NASDAQ–100 Index), rather than U.S. Component Stocks themselves. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on NASDAQ during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Intraday Indicative Value, available on the NASDAQ OMX Information LLC

[34] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[35] A list of ISG members, which includes all U.S. national securities exchanges and certain foreign exchanges, and which enables ISG members to share surveillance data regarding trades on the respective member exchanges, is available at *www.isgportal.org.*

[36] All broker/dealers who are FINRA member firms have an obligation to report transactions in corporate bonds to TRACE.

[37] 15 U.S.C. 78f.

[38] 15 U.S.C. 78f(b)(5).

proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on the Distributor's Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will also be available via NASDAQ proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares and any underlying exchange-traded products. Intra-day, executable price quotations of the securities and other assets held by the Fund will be available from major broker-dealer firms or on the exchange on which they are traded, if applicable. Intra-day price information will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

The Distributor's Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted or paused under the conditions specified in NASDAQ Rules 4120 and 4121, including the trading pauses under NASDAQ Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NASDAQ Rule 5705(b)(1)(B), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, NASDAQ believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 proposed rule change will facilitate the listing and trading of an additional type of exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

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 the 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 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–2014–038 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–2014–038. 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–NASDAQ–2014–038 and should be submitted on or before May 21, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09807 Filed 4–29–14; 8:45 am]

BILLING CODE 8011–01–P

[39] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72013; File No. SR–MIAX–2014–15]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404

April 24, 2014.

Pursuant to the provisions of 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 16, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 404.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Interpretation and Policy .08 to Rule 404 to replace the reference to ''GOOG'' with ''GOOGL''. This filing is based on the recent filings of several other options exchanges.[5]

Google recently issued a new class of shares (class C) to its shareholders in lieu of a cash dividend payment. In addition, the new class C shares were given the current Google symbol ''GOOG''. As a result, a new symbol, ''GOOGL'', was issued to class A shares. The Exchange now proposes to change the symbol for Google referenced in Rule 404 from ''GOOG'' to ''GOOGL'' to correspond with this recent change. The change is designed to ensure that there is no confusion amongst market participants that class A shares of Google will continue as the underlying security for mini options listed and traded on the exchange.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)[6] of the Act in general, and furthers the objectives of Section 6(b)(5)[7] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to 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.

In particular, the proposal to change the Google class A ticker to its new designation is consistent with the Act because the proposed change is merely updating the corresponding ticker to allow for continued mini option trading on Google's class A shares. The proposed change will allow for continued benefit to investors by providing them an updated reference to an investment alternative to the standard option contract.

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. The proposed rule change is a not a competitive filing but rather is designed to update the new underlying symbol for Google class A for mini options in order to avoid potential confusion on the part of market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to [sic] 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder.

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 allow the Exchange to continue to list mini options on the Google Class A shares following the issuance of a new class of Google shares (class C). This proposal is substantially similar to proposals at competing exchanges[10] and raises no novel issues. For these reasons, the Commission designates the proposed rule change to be operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See e.g.,* Securities Exchange Act Release Nos. 71848 (April 2, 2014) (SR–CBOE–2014–030); 71873 (April 4, 2014) (SR–BOX–2014–13).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] *See supra* note 5.

[11] 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).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–15 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–MIAX–2014–15. 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 MIAX. 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–MIAX–2014–15 and should be submitted on or before May 21, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09806 Filed 4–29–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72015; File No. SR–NYSEArca–2014–41]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to Listing and Trading of Shares of Reality Shares Isolated Dividend Growth Index ETF Under NYSE Arca Equities Rule 5.2(j)(3)

April 24, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 11, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 list and trade shares of the following under NYSE Arca Equities Rule 5.2(j)(3) (''Investment Company Units''): Reality Shares Isolated Dividend Growth Index ETF. 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 Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 5.2(j)(3), which governs the listing and trading of Investment Company Units on the Exchange: Reality Shares Isolated Dividend Growth Index ETF (the ''Fund'').[4] The Shares of the Fund will be offered by the Reality Shares ETF Trust (formerly, the ERNY Financial ETF Trust) (the ''Trust''). The Trust will be registered with the Commission as an open-end management investment company.[5] Reality Shares Advisors, LLC (formerly, ERNY Financial Advisors, LLC) will serve as the investment adviser to the Fund (the ''Adviser''). ALPS Distributors, Inc. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon (the ''Administrator,'' ''Transfer Agent'' or ''Custodian'') will serve as administrator, custodian and transfer agent for the Fund.

As described in more detail below, the Fund will seek long-term capital appreciation by tracking the performance of the Reality Shares Isolated Dividend Growth Index (the ''Index''). The Index was developed and is maintained by Reality Shares, Inc.

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] NYSE Arca Equities Rule 5.2(j)(3)(A) provides that an Investment Company Unit is a security that represents an interest in a registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities (or holds securities in another registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities).

[5] The Trust will be registered under the Investment Company Act of 1940 (the ''1940 Act'') (15 U.S.C. 80a–1). On February 6, 2014, the Trust filed a registration statement on Form N–1A under the Securities Act of 1933 (the ''1933 Act'') (15 U.S.C. 77a), and under the 1940 Act relating to the Fund, as amended by Pre-Effective Amendment Number 1, filed with the Commission on February 6, 2014 (File Nos. 333–192288 and 811–22911) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. Investment Company Act Release No. 30678 (August 27, 2013) (''Exemptive Order''). Investments made by the Fund will comply with the conditions set forth in the Exemptive Order.

(the ''Index Provider'').[6] The Adviser is a wholly-owned subsidiary of the Index Provider.

Commentary .01(b)(1) to Rule 5.2(j)(3) provides that, if the applicable index is maintained by a fund advisor or a broker-dealer, such fund advisor or broker-dealer shall erect a ''fire wall'' around the personnel who have access to information concerning changes and adjustments to the index, and the index shall be calculated by a third party who is not a broker-dealer or fund advisor.[7] The Index Provider is not registered as an investment adviser or broker dealer and is not affiliated with any broker-dealers. The Adviser is not registered as a broker-dealer and is not affiliated with any broker-dealers.[8] In the event (a) the Adviser, any sub-adviser or the Index Provider becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser, sub-adviser or Index Provider is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a fire wall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The Exchange is submitting this proposed rule change because the Index for the Fund does not meet all of the ''generic'' listing requirements of Commentary .01(a)(A) to NYSE Arca Equities Rule 5.2(j)(3) applicable to the listing of Investment Company Units based upon an index of ''US Component Stocks''.[9] Specifically, Commentary .01(a)(A) to NYSE Arca Equities Rule 5.2(j)(3) sets forth the requirements to be met by components of an index or portfolio of US Component Stocks. As discussed in more detail herein, the Index is calculated using a proprietary, rules-based methodology designed to track market expectations for dividend growth conveyed in real-time using bid-ask prices on exchange-listed S&P 500 Index options and exchange-listed options on exchange traded funds (''ETFs'') designed to track the S&P 500 Index.[10] The Fund may also invest up to 20% of its total assets in other securities such as over-the-counter (''OTC'') options, futures, and forward contracts on the S&P 500 Index and OTC options, futures and forward contracts on ETFs that track the S&P 500 Index. Because the Index will consist primarily of S&P 500 Index options and options on ETFs designed to track the S&P 500 Index, and not US Component Stocks, the Index does not satisfy the requirements of Commentary .01(a)(A).[11]

[6] The Index will be calculated by International Data Corporation (''IDC''), which is not affiliated with the Adviser or Index Provider, and which is not a broker-dealer or fund advisor.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The Adviser and the Index Provider have represented that a fire wall exists around the respective personnel who have access to information concerning changes and adjustments to the Index.

[9] NYSE Arca Equities Rule 5.2(j)(3) defines the term ''US Component Stock'' to mean an equity security that is registered under Sections 12(b) or 12(g) of the Act or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

[10] For purposes of this proposed rule change, such ETFs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)) and Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100). The ETFs all will be listed and traded in the U.S. on registered exchanges. The Fund may not invest in leveraged or inverse leveraged (*e.g.,* 2X, –2X, 3X or –3X) ETFs or options on such ETFs.

[11] The Exchange notes that the S&P 500 Index has been previously approved by the Commission under Section 19(b)(2) of the Act in connection with the listing and trading of index options and Portfolio Depositary Receipts, as well as other securities. *See e.g.,* Securities Exchange Act Release Nos. 19907 (June 24, 1983), 48 FR 30814 (July 5, 1983) (approving the listing and trading of options on the S&P 500 Index); 31591 (December 18, 1992), 57 FR 60253 (December 18, 1992) (approving the listing and trading of Portfolio Depositary Receipts based on the S&P 500 Index). NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(A)(5) provides that all securities in the applicable index or portfolio shall be US Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 under Regulation NMS of the Act. Each component stock of the S&P 500 Index is a US Component Stock that is listed on a national securities exchange and is an NMS Stock. Options are excluded from the definition of NMS Stock. The Fund and the Index meet all of the requirements of the listing standards for Investment Company Units in Rule 5.2(j)(3) and the requirements of Commentary .01, except the requirements in Commentary .01(a)(A)(1)–(5), as the Index consists of options on US Component Stocks. The S&P 500 Index consists of Component Stocks and satisfies the requirements of Commentary .01(a)(A)(1)–(5).

Principal Investments

According to the Registration Statement, the Fund will seek long-term capital appreciation and will seek investment results that, before fees and expenses, generally correspond to the performance of the Index. At least 80% of the Fund's total assets (exclusive of collateral held from securities lending, if any) will be invested in the component securities of the Index. The Fund will seek a correlation of 0.95 or better between its performance and the performance of its Index. A figure of 1.00 would represent perfect correlation. The Fund generally will use a representative sampling investment strategy.

The Fund will buy (*i.e.,* hold a ''long'' position in) and sell (*i.e.,* hold a ''short'' position in) put and call options. The strategy of taking both a long position in a security through its ex-dividend date (the last date an investor can own the security and receive dividends paid on the security) and a corresponding short position in the same security immediately thereafter is designed to allow the Fund to isolate its exposure to the growth of the level of dividends expected to be paid on such security while minimizing its exposure to changes in the trading price of such security.

The Fund will buy and sell U.S. exchange-listed options on the S&P 500 Index and U.S. exchange-listed options on ETFs designed to track the S&P 500 Index. A put option gives the purchaser of the option the right to sell, and the issuer of the option the obligation to buy, the underlying security or instrument on a specified date or during a specified period of time. A call option on a security gives the purchaser of the option the right to buy, and the writer of the option the obligation to sell, the underlying security or instrument on a specified date or during a specified period of time. The Fund will invest in a combination of put and call options designed to allow the Fund to isolate its exposure to the growth of the level of expected dividends reflected in options on the S&P 500 Index and options on ETFs tracking the S&P 500 Index, while minimizing the Fund's exposure to changes in the trading price of such securities.

Index Methodology

The Index will be calculated using a proprietary, rules-based methodology designed to track market expectations for dividend growth conveyed in real-

time using the mid-point of the bid-ask spread on S&P 500 Index options and options on ETFs designed to track the S&P 500 Index.[12] All options included in the Index will be listed and traded on a U.S. national securities exchange. The Index will consist of a minimum of 20 components.

The prices of index and ETF options reflect the market trading prices of the securities included in the applicable underlying index or ETF, as well as market expectations regarding the level of dividends to be paid on such indexes or ETFs during the term of the option. The Index constituents, and, therefore, most of the Fund's portfolio holdings, will consist of multiple corresponding near-term and long-term put and call option combinations on the same reference assets (*i.e.,* options on the S&P 500 Index or options on S&P 500 ETFs) with the same strike price. Because option prices reflect both stock price and dividend expectations, they can be used in combination to isolate either price exposure or dividend expectations. The use of near-term and long-term put and call option combinations on the same reference asset with the same strike price, but with different maturities, is designed to gain exposure to the expected dividends reflected in options on the S&P 500 Index and options on ETFs tracking the S&P 500 Index while neutralizing the impact of stock price.

Once established, this portfolio construction of option combinations will accomplish two goals. First, the use of corresponding buy or sell positions on near and long-term options at the same strike price is designed to neutralize underlying stock price movements. In other words, the corresponding ''buy'' and ''sell'' positions on the same reference asset are designed to net against each other and eliminate the impact that changes to the stock price of the reference asset would otherwise have on the value of the Index (and Fund Shares). Second, by minimizing the impact of price fluctuations through the construct of the near- and long-term contract combinations, the strategy is designed to isolate market expectations for dividends implied between expiration dates of the near-term and long-term option contracts. Over time, the Index will increase or decrease in value as the dividend spread between the near-term and long-term option combinations increases or decreases as a result of changing market expectations for dividend growth.

Other Fund Investments

While, as described above, at least 80% of the Fund's total assets (exclusive of collateral held from securities lending, if any) will be invested in the component securities of the Index, the Fund may invest up to 20% of the Fund's total assets in other securities and financial instruments, as described below.

The Fund may invest in U.S. exchange-listed futures contracts based on the S&P 500 Index and ETFs designed to track the S&P 500 Index and forward contracts based on the S&P 500 Index and ETFs designed to track the S&P 500 Index. The Fund's use of exchange-listed futures contracts and forward contracts is designed to allow the Fund to isolate its exposure to the growth of the level of expected dividends reflected in options on the S&P 500 Index and options on ETFs tracking the S&P 500 Index, while minimizing the Fund's exposure to changes in the trading price of such securities. The Fund may also buy and sell OTC options on the S&P 500 Index and on ETFs designed to track the S&P 500 Index.

The Fund may enter into dividend and total return swap transactions (including equity swap transactions) based on the S&P 500 Index and ETFs designed to track the S&P 500 Index.[13] In a typical swap transaction, one party agrees to make periodic payments to another party (''counterparty'') based on the change in market value or level of a specified rate, index, or asset. In return, the counterparty agrees to make periodic payments to the first party based on the return of a different specified rate, index, or asset. Swap transactions are usually done on a net basis, the Fund receiving or paying only the net amount of the two payments. In a typical dividend swap transaction, the Fund would pay the swap counterparty a premium and would be entitled to receive the value of the actual dividends paid on the subject index during the term of the swap contract. In a typical total return swap, the Fund might exchange long or short exposures to the return of the underlying securities or index to isolate the value of the dividends paid on the underlying securities or index constituents. The Fund also may engage in interest rate swap transactions. In a typical interest rate swap transaction one stream of future interest payments is exchanged for another. Such transactions often take the form of an exchange of a fixed payment for a variable payment based on a future interest rate. The Fund intends to use interest rate swap transactions to manage or hedge exposure to interest rate fluctuations.

The Fund may invest up to 20% of its assets (exclusive of collateral held from securities lending, if any) in exchange-listed equity securities and derivative instruments (specifically, futures contracts, forward contracts and swap transactions)[14] relating to the Index and its component securities that the Adviser believes will help the Fund track the Index. For example, the Fund may buy and sell ETFs and, to a limited extent, individual large-capitalization equity securities listed and traded on a U.S. national securities exchange.

The Fund may invest in the securities of other investment companies (including money market funds) to the extent permitted under the 1940 Act.

The Fund's short positions and its investments in swaps, futures contracts, forward contracts and options based on the S&P 500 Index and ETFs designed to track the S&P 500 Index will be backed by investments in cash, high-quality short-term debt securities and money-market instruments in an amount equal to the Fund's maximum liability under the applicable position or contract, or will otherwise be offset in accordance with Section 18 of the 1940 Act. Short-term debt securities and money market instruments include shares of fixed income or money market mutual funds, commercial paper, certificates of deposit, bankers' acceptances, U.S. Government Securities (including securities issued or guaranteed by the U.S. government or its authorities, agencies, or instrumentalities), repurchase agreements[15] and bonds that are rated BBB or higher.

[12] There is no guarantee that either the level of overall dividends paid by such companies will grow over time, or that the Index or Fund's investment strategies will capture such growth. The Fund will include appropriate risk disclosure in its offering documents disclosing these risks, which will be available for free on the Commission's Web site and on the Fund's Web site, *www.realityshares.com.*

[13] The Fund will transact only with swap dealers that have in place an ISDA agreement with the Fund.

[14] Where practicable, the Fund intends to invest in swaps cleared through a central clearing house (''Cleared Swaps''). Currently, only certain of the interest rate swaps in which the Fund intends to invest are Cleared Swaps, while the dividend and total return swaps (including equity swaps) in which the Fund may invest are currently not Cleared Swaps.

[15] The Fund may enter into repurchase agreements with banks and broker-dealers. A repurchase agreement is an agreement under which securities are acquired by a fund from a securities dealer or bank subject to resale at an agreed upon price on a later date. The acquiring fund bears a risk of loss in the event that the other party to a repurchase agreement defaults on its obligations

Continued

In addition to the investments described above, and in a manner consistent with its investment objective, the Fund may invest a limited portion of its net assets in high-quality, short-term debt securities and money market instruments for cash management purposes.[16] Short-term debt securities and money market instruments include shares of fixed income or money market mutual funds, commercial paper, certificates of deposit, bankers' acceptances, U.S. Government Securities (including securities issued or guaranteed by the U.S. government or its authorities, agencies, or instrumentalities), repurchase agreements and bonds that are rated BBB or higher.

The Fund will attempt to limit counterparty risk in non-cleared swap, forward and OTC option contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.[17]

The Fund's investments in swaps, futures contracts, forward contracts and options will be consistent with the Fund's investment objective and with the requirements of the 1940 Act.[18]

Investment Restrictions

To the extent the Index concentrates (*i.e.,* holds 25% or more of its total assets) in the securities of a particular industry or group of industries, the Fund will concentrate its investments to approximately the same extent as the Index.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser, consistent with Commission guidance.[19] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[20]

The Fund may make secured loans of its portfolio securities; however, securities loans will not be made if, as a result, the aggregate amount of all outstanding securities loans by the Fund exceeds 33 1/3% of its total assets (including the market value of collateral received). To the extent the Fund engages in securities lending, securities loans will be made to broker-dealers that the Adviser believes to be of relatively high credit standing pursuant to agreements requiring that the loans continuously be collateralized by cash, liquid securities, or shares of other investment companies with a value at least equal to the market value of the loaned securities.

The Fund will be classified as a ''non-diversified'' investment company under the 1940 Act.[21]

The Fund intends to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[22]

The Fund's investments will be consistent with its investment objective and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

Creation and Redemption of Shares

According to the Registration Statement, the Fund will issue and redeem Shares only in Creation Units at the net asset value (''NAV'') next determined after receipt of an order on a continuous basis every business day. Creation Unit size is 25,000 Shares per Creation Unit. The Creation Unit size for the Fund may change.

The consideration for purchase of a Creation Unit of the Fund generally will consist of either (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and the ''Cash Component'' (defined below), computed as described below or (ii) the cash value of the Deposit Securities (''Deposit Cash'') and the ''Cash Component,'' computed as described below. Because non-exchange traded derivatives and certain listed derivatives are not currently eligible for in-kind transfer, they will be substituted with an amount of cash of equal value (*i.e.,* Deposit Cash) when the Fund processes purchases of Creation Units in-kind. Specifically, the Fund will not accept exchange-traded options, OTC options, exchange-traded futures, forward contracts, dividend swap transactions, total return swap transactions and interest rate swap transactions as Deposit Securities.

When accepting purchases of Creation Units for cash, the Fund may incur additional costs associated with the acquisition of Deposit Securities that would otherwise be provided by an in-kind purchaser. Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and

and the fund is delayed or prevented from exercising its rights to dispose of the collateral securities.

[16] The Fund may invest in shares of money market mutual funds to the extent permitted by the 1940 Act.

[17] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser will evaluate each approved counterparty using various methods of analysis, such as, for example, the counterparty's liquidity in the event of default, the counterparty's reputation, the Adviser's past experience with the counterparty, and the counterparty's share of market participation.

[18] To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations arising from such transactions. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[19] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[20] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[21] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act.

[22] 26 U.S.C. 851 *et seq.*

subsequent investment amount for a Creation Unit of the Fund. The Cash Component is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

A portfolio composition file, to be sent via the National Securities Clearing Corporation (''NSCC''), will be made available on each business day, prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern time) containing a list of the names and the required amount of each security in the Deposit Securities to be included in the current Fund Deposit for the Fund (based on information about the Fund's portfolio at the end of the previous business day). In addition, on each business day, the estimated Cash Component, effective through and including the previous business day, will be made available through NSCC.

The Fund Deposit will be applicable for purchases of Creation Units of the Fund until such time as the next-announced Fund Deposit is made available. In accordance with the Exemptive Order, the Fund will reserve the right to accept a non-conforming Fund Deposit. In addition, the composition of the Deposit Securities may change as, among other things, corporate actions and investment decisions by the Adviser are implemented for the Fund's portfolio.

All purchase orders must be placed by or through an ''Authorized Participant''. An Authorized Participant must be either a broker-dealer or other participant in the Continuous Net Settlement System (''Clearing Process'') of the NSCC or a participant in The Depository Trust Company (''DTC'') with access to the DTC system, and must execute an agreement with the Distributor that governs transactions in the Fund's Creation Units. In-kind portions of purchase orders will be processed through the Clearing Process when it is available.

Fund Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through the Distributor and only on a business day. The Fund, through the NSCC, will make available immediately prior to the opening of business on the Exchange on each business day, the list of the names and quantities of the Fund's portfolio securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''). In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of the in-kind securities representing one or more Fund Securities.[23] Because non-exchange traded derivatives and certain listed derivatives are not eligible for in-kind transfer, they will be substituted with an amount of cash of equal value when the Fund processes redemptions of Creation Units in-kind. Specifically, the Fund will transfer the corresponding cash value of exchange-traded options, OTC options, exchange-traded futures, forward contracts, dividend swap transactions, total return swap transactions and interest rate swap transactions in lieu of in-kind securities. In accordance with the Exemptive Order, the Fund also reserves the right to distribute to the Authorized Participant non-conforming Fund Securities.

The right of redemption may be suspended or the date of payment postponed: (i) For any period during which the New York Stock Exchange (''NYSE'') is closed (other than customary weekend and holiday closings); (ii) for any period during which trading on the NYSE is suspended or restricted; (iii) for any period during which an emergency exists as a result of which disposal of the Shares or determination of the Fund's NAV is not reasonably practicable; or (iv) in such other circumstances as permitted by the Commission.

[23] The Adviser represents that, to the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

For an order involving a Creation Unit to be effectuated at the Fund's NAV on a particular day, it must be received by the Distributor by or before the deadline for such order (''Order Cut-Off Time''). The Order Cut-Off Time for creation and redemption orders for the Fund will be 4:00 p.m. Eastern time. Orders for creation or redemption of Creation Units for cash generally must be submitted by 4:00 p.m. Eastern time. A standard creation or redemption transaction fee (as applicable) will be imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Determination of Net Asset Value

The Fund will calculate its NAV by: (i) Taking the current market value of its total assets; (ii) subtracting any liabilities; and (iii) dividing that amount by the total number of Shares outstanding. The Fund will calculate NAV once each business day as of the regularly scheduled close of trading on the NYSE (normally, 4:00 p.m., Eastern Time) as described in its Registration Statement.

In calculating the Fund's NAV per Share, the Fund's investments will be valued in accordance with procedures approved by the Trust's Board of Trustees. These procedures, which may be changed by the Trust's Board of Trustees from time to time, generally require investments to be valued using market valuations. A market valuation generally means a valuation (i) obtained from an exchange, an independent pricing service, or a major market maker (or dealer), (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, an independent pricing service, or a major market maker (or dealer) or (iii) based on amortized cost. The Trust may use various independent pricing services, or discontinue the use of any independent pricing service, as determined by the Trust's Board of Trustees from time to time.

The Trust will generally value exchange-listed equity securities (which include common stocks and ETFs) and exchange-listed options, including options on the S&P 500 Index and options on ETFs, at market closing prices. Market closing price is generally determined on the basis of last reported sales prices on the applicable exchange, or if no sales are reported, based on the last reported quotes. The Trust will generally value exchange-listed futures at the settlement price determined by the applicable exchange. Non-exchange-traded derivatives, including OTC options, swap transactions and forward transactions, will normally be valued on the basis of quotations or equivalent

indication of value supplied by an independent pricing service or major market makers or dealers. Debt securities and money market instruments generally will be valued based on prices provided by independent pricing services, which may use valuation models or matrix pricing to determine current value. Investment company securities (other than ETFs) will be valued at NAV. The Trust generally will use amortized cost to value fixed income or money market securities that have a remaining maturity of 60 days or less.

In the event that current market valuations are not readily available or the Trust or Adviser believes such valuations do not reflect current market value, the Trust's procedures require that a security's fair value be determined in accordance with the 1940 Act.[24] In determining such value the Trust or the Adviser may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators (*e.g.,* interest rates or market indices). In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be realized upon the sale of the security.

Availability of Information

The Fund's Web site, *www.realityshares.com,* which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Fund's Web site will include additional quantitative information updated on a daily basis, including, for the Fund, (1) the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[25] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

On a daily basis, the Adviser, on behalf of the Fund, will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, a portfolio composition file, which includes the security names and quantities, as applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The portfolio composition file will represent one Creation Unit of Shares of the Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. Information relating to U.S. exchange-listed options is available via the Options Price Reporting Authority. The value of the Index will be published by one or more major market data vendors every 15 seconds during the NYSE Arca Core Trading Session of 9:30 a.m. E.T. to 4:00 p.m. E.T. Information about the Index constituents, the weighting of the constituents, the Index's methodology and the Index's rules will be available at no charge on the Index Provider's Web site at *www.realityshares.com.*

In addition, the Intraday Indicative Value (''IIV'') as defined in NYSE Arca Equities Rule 5.2(j)(3), Commentary 01(c), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[26]

The dissemination of the IIV will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices of the portfolio securities and other Fund investments, including futures and exchange-traded equities, ETFs and exchange-traded options, will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to OTC options, swap transactions and forward transactions, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. The intra-day, closing and settlement prices of debt securities and money market instruments will be readily available from published and other public sources or on-line information services. Price information regarding investment company securities, including ETFs, will be available from on-line information services and from the Web site for the applicable investment company security.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[27] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule

[24] The Trust's Board of Trustees has established Fair Value Procedures, in accordance with the 1940 Act, governing the valuation of any portfolio investments for which market quotations or prices are not readily available. The Fund has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding valuation of any portfolio investments.

[25] The Bid/Ask Price of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[26] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IIVs taken from the CTA or other data feeds.

[27] *See* NYSE Arca Equities Rule 7.12.

7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

If the IIV, the Index Value or the value of the Index Components is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. The Exchange will obtain a representation from the Fund that the NAV for the Fund will be calculated daily and will be made available to all market participants at the same time. Under NYSE Arca Equities Rule 7.34(a)(5), if the Exchange becomes aware that the NAV for the Fund is not being disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2), except that the Index will not meet the requirements of NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(A)(1)–(5) in that the Index will consist of options based on US Component Stocks (*i.e.,* ETFs based on the S&P 500 Index) and options on an index of US Component Stocks (*i.e.,* S&P 500 Index options), rather than US Component Stocks themselves. The Index will include a minimum of 20 components and, therefore, would meet the numerical requirement of NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(a)(A)(4) (a minimum of 13 index or portfolio components). The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [28] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[29] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[30] All exchange-listed equity securities, ETFs, futures contracts and options held by the Fund will be traded on U.S. exchanges, all of which are members of ISG or are exchanges with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV or Index value will not be calculated or publicly disseminated; (4) how information regarding the IIV and Index value will be disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the

[28] 17 CFR 240.10A–3.

[29] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[30] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [31] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 5.2(j)(3), except that the Index will consist of options based on US Component Stocks (*i.e.,* ETFs based on the S&P 500 Index) and options on an index of US Component Stocks (*i.e.,* the S&P 500 Index), rather than US Component Stocks themselves. The Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Index Provider is not registered as an investment adviser or broker dealer and is not affiliated with any broker-dealers. The Adviser is not registered as a broker-dealer and is not affiliated with any broker-dealers. In the event (a) the Adviser, any sub-adviser, or the Index Provider becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser, sub-adviser, or Index Provider is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a fire wall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Index or portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such Index or portfolio. The Adviser and Index Provider have implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Index. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment) deemed illiquid by the Adviser, consistent with Commission guidance [sic] All exchange-listed equity securities, ETFs, options and futures contracts held by the Fund will be traded on U.S. exchanges, all of which are members of ISG or are exchanges with which the Exchange has in place a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the IIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. Information relating to U.S. exchange-listed options is available via the Options Price Reporting Authority. The intra-day, closing and settlement prices of the portfolio securities and other Fund investments, including futures and exchange-traded equities and options, will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to swap transactions and forward transactions, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. The intra-day, closing and settlement prices of debt securities and money market instruments will be readily available from published and other public sources or on-line information services. The Web site for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IIV, the Fund's portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of issue of Investment Company Units that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-traded equity securities, ETFs, futures contracts and exchange-traded options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-traded equity securities, ETFs, futures contracts and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-traded equity securities, ETFs, futures contracts and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IIV, and quotation and last sale information for the Shares.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an

[31] 15 U.S.C. 78f(b)(5).

additional type of issue of Investment Company Units that will enhance competition among market participants, to the benefit of investors and the marketplace.

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

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 the 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 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-2014–41 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-2014–41. 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–2014–41 and should be submitted on or before May 21, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–09808 Filed 4–29–14; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

Contemporary Healthcare Senior Lien Fund I, LP; License No. 02/02–0649; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Contemporary Healthcare Senior Lien Fund I, LP, 1040 Broad Street, Suite 103, Shrewsbury, NJ 07702, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107). Contemporary Healthcare Senior Lien Fund I, LP proposes to provide debt financing to CWP Hermann Park, LLC and HP SNF OPCO, LLC, 5600 Chenevert Street, Houston, TX 77004.

The financing is brought within the purview of § 107.730(a)(4) of the Regulations because the proceeds will be used to discharge an obligation to Contemporary Healthcare Fund I, LP, an Associate of Contemporary Healthcare Senior Lien Fund I, LP. Therefore this transaction requires prior SBA exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Javier E. Saade,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2014–09816 Filed 4–29–14; 8:45 am]

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[32] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 8709]

60-Day Notice of Proposed Information Collection: Affidavit Regarding a Change of Name

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 30, 2014.

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

• *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Public Notice 8709'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.

• *Email: PPTFormsOfficer@state.gov*

• *Mail:* PPT Forms Officer, U.S. Department of State, 2201 C Street NW., Washington, DC 20520.

• *Fax:* (202) 485–6496 (include a cover sheet addressed to ''PPT Forms Officer'' referencing the DS form number, information collection title, and OMB control number).

• *Hand Delivery or Courier:* PPT Forms Officer, U.S. Department of State, 2201 C Street NW., Washington, DC 20520.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Passport Forms Management Officer, U.S. Department of State, Office of Program Management and Operational Support, 2201 C Street NW., Washington, DC 20520, who may be reached on (202) 485–6373 or at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Affidavit Regarding a Change of Name.
- *OMB Control Number:* 1405–0133.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, CA/PPT.
- *Form Number:* DS–60.
- *Respondents:* Individuals or Households.
- *Estimated Number of Respondents:* 159,671 per year.
- *Estimated Number of Responses:* 159,671 per year.
- *Average Hours Per Response:* 40 minutes.
- *Total Estimated Burden:* 106,447 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology. Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: The Affidavit Regarding a Change of Name is submitted in conjunction with an application for a U.S. passport. It is used by Passport Services to collect information for the purpose of establishing that a passport applicant has adopted a new name without formal court proceedings or by marriage and has publicly and exclusively used the adopted name over a period of time (at least five years).

Methodology: When needed, the Affidavit Regarding a Change of Name is completed at the time a U.S. citizen applies for a U.S. passport.

Dated: April 17, 2014.

Brenda Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2014–09847 Filed 4–29–14; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 8712]

Culturally Significant Object Imported for Exhibition Determinations: The Poetry of Parmigianino's ''Schiava Turca''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''The Poetry of Parmigianino's ''Schiava Turca,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Frick Collection, New York, NY, from on or about May 13, 2014, until on or about July 20, 2014; the Legion of Honor, Fine Arts Museums of San Francisco, San Francisco, CA, from on or about July 26, 2014, until on or about October 5, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: April 23, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–09849 Filed 4–29–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8713]

Culturally Significant Objects Imported for Exhibition Determinations: ''A Dialogue With Nature: Romantic Landscape Drawing in Britain and Germany'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''A Dialogue with Nature: Romantic Landscape Drawing in Britain and Germany,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The Morgan Library & Museum, New York, NY, from on or about May 30, 2014, until on or about September 7, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: April 23, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–09848 Filed 4–29–14; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Energy Resource Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of Meeting.

SUMMARY: The TVA Regional Energy Resource Council (RERC) will hold a meeting on Tuesday, May 13, 2014, regarding regional energy related issues in the Tennessee Valley.

The RERC was established to advise TVA on its energy resource activities and the priorities among competing objectives and values. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

The meeting agenda includes the following:

1. Welcome and Introductions.
2. Recap of January 2014 meeting.
3. Presentations and discussion regarding TVA's Integrated Resource Planning process and accomplishments to date.
4. Public Comments.
5. Council discussion regarding progress and development of the Integrated Resource Plan.

The RERC will hear views of citizens by providing a public comment session. The public comment session will be held at 10:45 a.m. CDT, on May 13. Persons wishing to speak are requested to register at the door by 9:45 a.m. on Tuesday, May 13, and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–11 B, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Tuesday, May 13, from 9:00 a.m. to 3:00 p.m. CDT.

ADDRESSES: The meeting will be held at the Nashville Airport Marriott, 600 Marriott Drive, Nashville, TN 37214 and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Beth Keel, 400 West Summit Hill Drive, WT–11 B, Knoxville, Tennessee 37902, (865) 632–6113.

Dated: April 21, 2014.

Joseph J. Hoagland,

Vice President, Stakeholder Relations,Tennessee Valley Authority.

[FR Doc. 2014–09654 Filed 4–29–14; 8:45 am]

BILLING CODE 8120–08–P

TENNESSEE VALLEY AUTHORITY

Review of Floating Houses

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: The Tennessee Valley Authority (TVA) is conducting a review of) the recent growth in the Tennessee River Watershed of floating houses and nonnavigable houseboats designed and used primarily for human habitation and potential management actions TVA may take in response to the proliferation of these structures. As part of the study, TVA intends to prepare an environmental assessment (EA) or environmental impact statement (EIS) to assess the impacts associated with TVA's management and oversight of these structures on its reservoirs. TVA will use the environmental review process to learn the values and concerns of stakeholders; identify issues, trends, events and tradeoffs affecting TVA's policies; formulate, evaluate and compare alternative management options; provide opportunities for public review and comment; and ensure that TVA's evaluation of alternative management and policy strategies reflects a full range of stakeholder input. Public comment is invited concerning the scope of the review and environmental issues that should be addressed. This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508) and TVA's procedures for implementing the National Environmental Policy Act (NEPA).

DATES: Comments must be received on or before July 29, 2014. To facilitate the scoping process, TVA will hold public scoping meetings in May and June 2014; see *http://www.tva.gov/river/floatinghouses.htm* for the dates and locations of scoping meetings. TVA will provide additional opportunities for public involvement upon publication of the draft EA or EIS.

ADDRESSES: Written comments should be sent to Matthew Higdon, NEPA Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive (WT 11D), Knoxville, Tennessee 37902. Comments may also be entered online at the project Web site at *http://www.tva.gov/river/floatinghouses.htm* or emailed to *fh@tva.gov.*

FOR FURTHER INFORMATION CONTACT: For general information on the NEPA process, contact Matthew Higdon at the address above, by email at *mshigdon@tva.gov,* or by phone at (865) 632–8051. For general information on the floating houses review, contact Robert Farrell by email at *rgfarrell@tva.gov* or by phone at (865) 632–3024.

SUPPLEMENTARY INFORMATION: TVA is a corporate agency and instrumentality of the United States, established by an act of Congress in 1933, to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. One component of this mission is the operation of the TVA reservoir system to achieve a balance of benefits including energy production, navigation, flood control, recreation, and water supply. TVA operates nine mainstream Tennessee River dams and reservoirs and forty tributary dams and reservoirs in seven states.

TVA has jurisdiction under Section 26a of the TVA Act, 16 U.S.C. 831y–1, to regulate obstructions that affect navigation, flood control, or public lands across, along, or in the Tennessee River or any of its tributaries. In particular, Section 26a of the TVA Act requires that TVA's approval be obtained prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations. Such obstructions may include boat docks, piers, boathouses, buoys, floats, boat launching ramps, fills, water intakes, devices for discharging effluents, bridges, aerial cables, culverts, pipelines, fish attractors, shoreline stabilization projects, channel excavations, and nonnavigable houseboats (18 CFR 1304.1). In addition to TVA's Section 26a jurisdiction, and the permit conditions issued pursuant to such jurisdiction, TVA has conditions and covenants in approved land use agreements with commercial marina operators and land and shoreline policies that stipulate or restrict how TVA property and shoreline areas can be used.

In recent years, several TVA reservoirs have experienced an accelerated growth of unpermitted, new floating houses designed and used primarily for human habitation at a fixed location rather than for recreational navigation and

transportation. This growth has generated additional sources of revenue for commercial marina operators. However, the proliferation of these structures also has resulted in unanticipated uses of the reservoir system and has raised concerns about impacts to public health and safety, the environment, and public recreation.

Status of Floating Houses

In 1977, TVA amended its Section 26a regulations at 18 CFR part 1304 to prohibit all new nonnavigable houseboats except for those in existence before February 15, 1978. TVA developed the following criteria in its regulations to distinguish between navigable vessels and prohibited, nonnavigable houseboats:

1. Built on a boat hull or on two or more pontoons;
2. Equipped with a motor and rudder controls located at a point on the houseboat from which there is forward visibility over a 180-degree range;
3. Compliant with all applicable State and Federal requirements relating to vessels;
4. Registered as a vessel in the State of principal use; and
5. State registration numbers clearly displayed on the vessel.

In more recent years, however, several TVA reservoirs have experienced an accelerated growth in unpermitted new floating houses, which—like the nonnavigable houseboats addressed in 1977—are designed and used primarily for human habitation at a fixed location instead of recreational navigation and transportation. TVA estimates that approximately 1,900 fixed-location structures are floating on 13 TVA reservoirs. These structures are most prevalent on Norris and Fontana Reservoirs, with approximately 900 on Norris Reservoir and approximately 500 on Fontana Reservoir. While many owners may consider their structures to comply with the five criteria previously listed, the structures neither resemble nor have the performance characteristics of navigable boats. Rather, they appear to be designed and used primarily for human habitation and in bulk would function as and resemble floating subdivisions.

Proposed Issues To Be Addressed

TVA anticipates that the major issues it will examine in the EA or EIS will include water quality; sewage and waste water discharge; solid waste; electrical systems safety; structural integrity and safety; size of structures and visual impacts; use of public waters for private, habitable use; anchorage and mooring practices; mooring structures outside approved marina harbor limits; violation of conditions in permits approved by TVA under Section 26a of the TVA Act and conditions and covenants in land use agreements and deeds; abandonment of derelict structures; socioeconomic impacts; and the suitability and effectiveness of current TVA standards, regulations, and policies. This list of issues is preliminary and is intended to facilitate public comment on the scope of the EA or EIS. TVA invites suggestions concerning the list of issues it should address.

Scoping Process

Scoping is integral to the NEPA process because it provides a forum to ensure that (1) issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft EA or EIS is thorough and balanced; and (4) delays caused by an inadequate NEPA review are avoided. With the help of the public, TVA will identify a future management strategy that can best encourage safe practices and minimize negative environmental and socioeconomic impacts. Management alternatives will be considered that may result in proposed rules or revisions to the current regulations to clarify definitions, set minimum standards for safety and environmental protection, and if appropriate, incorporate enforcement mechanisms for noncompliance.

TVA invites members of the public as well as Federal, state, and local agencies and Native American tribes to comment on the scope of the EA or EIS. Comments on the scope should be submitted no later than the date given under the **DATES** section of this notice. Any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection.

Public meetings are scheduled to provide information about the review of floating houses, listen to stakeholders, discuss options, and determine the scope of potential issues. TVA will analyze issues raised during the scoping period and determine whether an EIS or EA is appropriate. A draft of the EA or EIS will be provided for public review and comment. TVA will notify the public of the availability of the draft EA or EIS, will solicit comments, and hold public meetings to address the review. TVA expects to release the draft EA or EIS in early 2015. The final EA or EIS along with the documentation of TVA's decision will also be issued in 2015.

Authority: 40 CFR 1501.7.

Brenda E. Brickhouse,

Vice President, Environment.

[FR Doc. 2014–09707 Filed 4–29–14; 8:45 am]

BILLING CODE 8120–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice With Respect to List of Countries Denying Fair Market Opportunities for Government-Funded Airport Construction Projects

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to section 533 of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. 50104), the United States Trade Representative (USTR) has determined not to list any countries as denying fair market opportunities for U.S. products, suppliers, or bidders in foreign government-funded airport construction projects.

DATES: *Effective Date:* April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Scott Pietan, International Procurement Negotiator, Office of the United States Trade Representative, (202) 395–9646, or Arthur Tsao, Assistant General Counsel, Office of the United States Trade Representative, (202) 395–6987.

SUPPLEMENTARY INFORMATION: Section 533 of the Airport and Airway Improvement Act of 1982, as amended by section 115 of the Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law 100–223 (codified at 49 U.S.C. 50104) (''the Act''), requires the USTR to decide whether any foreign country has denied fair market opportunities to U.S. products, suppliers, or bidders in connection with airport construction projects of $500,000 or more that are funded in whole or in part by the government of such country. The list of such countries must be published in the **Federal Register**. The Office of the U.S. Trade Representative has not received any complaints or other information that indicates that U.S. products, suppliers, or bidders are being denied fair market opportunities in such airport construction projects. As a consequence, for purposes of the Act, the USTR has decided not to list any countries as denying fair market opportunities for U.S. products, suppliers, or bidders in

foreign government-funded airport construction projects.

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2014–09775 Filed 4–29–14; 8:45 am]

BILLING CODE 3290–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Availability of Draft Written Reevaluation for the Proposed West Aircraft Maintenance Area at Los Angeles International Airport, Los Angeles, Los Angeles County, CA

AGENCY: Federal Aviation Administration, Department of Transportation (DOT).

ACTION: Notice of availability of draft written reevaluation.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that the Draft Written Reevaluation for a minor adjustment to a project evaluated in FAA's 2005 Final Environmental Impact Statement (FEIS) for the LAX Master Plan will be made available for public comment. The Draft Written Reevaluation has been prepared for the construction and operation of the proposed West Aircraft Maintenance Area (WAMA) west of Taxiway AA in the southwest quadrant of Los Angeles International Airport, Los Angeles, California. FAA is seeking comments on the Draft Written Reevaluation.

FOR FURTHER INFORMATION CONTACT: David B. Kessler, AICP, Regional Environmental Protection Specialist, AWP–610.1, Airports Division, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009–2007, Telephone: 310/725–3615. Comments on the draft Written Reevaluation should be submitted to the address above and must be received no later than 5:00 p.m. Pacific Standard Time, Friday, May 30, 2014.

SUPPLEMENTARY INFORMATION: In December 2004, the Los Angeles City Council approved the Master Plan for Los Angeles International Airport (LAX). From this Master Plan, the City of Los Angeles, through its Airport Department—Los Angeles World Airports (LAWA), prepared an Airport Layout Plan (ALP). The ALP depicts the existing and planned future locations of runways, taxiways, aircraft parking aprons, terminal buildings and other associated facilities on the airport. At the time the ALP was prepared, the LAWA's and Federal Aviation Administration's (FAA) focus was on airfield safety to reduce runway incursions. A minor component of the Master Plan included aircraft maintenance. The ALP depicts various existing hangar buildings to be demolished and aircraft maintenance to be consolidated into the southwest quadrant of the airport on the east side of a north/south taxiway called ''Taxiway AA.''

The FAA has prepared a Draft Written Reevaluation for a minor adjustment to a project evaluated in its 2005 Final Environmental Impact Statement (EIS) for the LAX Master Plan pursuant to the National Environmental Policy Act of 1969. LAWA proposes to adjust its LAX ALP to depict the proposed West Aircraft Maintenance Area (WAMA) on the west side of Taxiway AA rather than the east side as originally proposed in the 2005 Final EIS.

FAA is making the Draft Written Reevaluation available to the public and governmental agencies for review and comment. The Draft Written Reevaluation discusses the change in the location of the proposed WAMA project and briefly summarizes the potential environmental consequences of the LAWA's proposed change. The change in the proposed location of the West Employee Parking Facility is also discussed in the Draft Written Reevaluation. The anticipated impacts of the proposed WAMA project are compared to what was evaluated in the FAA's 2005 Final Environmental Impact Statement (EIS) and approved in the FAA's Record of Decision dated May 20, 2005. Further, LAWA is not proposing to implement the West Employee Parking Facility at this time.

FAA has prepared the Draft Written Reevaluation pursuant to FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures,* and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.* LAWA is seeking federal approval of the ALP for the proposed WAMA. FAA does not anticipate LAWA seeking federal funding assistance for the proposal.

Copies of the Draft Written Reevaluation are available for public review at the following locations during normal business hours: U.S. Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Office of the Airports Division, 15000 Aviation Boulevard, Hawthorne, California 90261.

The document is also available for public review at the following libraries and at the following Web site: *http://www.faa.gov/airports/western_pacific/environmental/.*

Westchester-Loyola Village Branch Library—7114 W. Manchester Ave., Los Angeles, CA 90045.

El Segundo Library—111 W. Mariposa Ave., El Segundo, CA 90245.

Inglewood Library—101 W. Manchester Blvd., Inglewood, CA 90301.

Culver City Library—4975 Overland Ave., Culver City, CA 90230.

The Draft Written Reevaluation will be available for public comment for 30 days. Written comments on the Draft Written Reevaluation should be submitted to the address above under the heading **FOR FURTHER INFORMATION CONTACT** and must be received no later than 5:00 p.m. Pacific Standard Time, Friday, May 30, 2014. FAA will consider all comments received when making a decision whether the requested ALP changes may be approved based on the Written Reevaluation or whether further environmental review for the proposed WAMA is required.

Before including your name, address and telephone number, email or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Issued in Hawthorne, California on April 16, 2014.

Mark A. McClardy,

Manager, Airports Division, Western—Pacific Region, AWP–600.

[FR Doc. 2014–09901 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixteenth Meeting: RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Size

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting notice of RTCA Special Committee 225, Rechargeable Lithium Battery and Battery Systems—Small and Medium Size.

SUMMARY: The FAA is issuing this notice to advise the public of the sixteenth meeting of the RTCA Special Committee 225, Rechargeable Lithium Battery and

Battery Systems—Small and Medium Size.

DATES: The meeting will be held May 13–15, 2014 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662/(202) 833–9339, fax (202) 833–9434, or Web site at *http://www.rtca.org*. In addition, Jennifer Iversen may be contacted directly at email: *jiversen@rtca.org*.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 225. The agenda will include the following:

May 13

- Introductions and administrative items (including DFO Statement).
- Review agenda.
- Review and approval of summary from the last Plenary.
- Review PMC presentation and decisions regarding NTSB and two FRACs.
- Review results of meeting with FAA/RTCA/SC–225 Leadership.
- Update DO–311A plan based on PMC decisions, including working group meetings.
- Adjourn to working group to review/revise DO–311A.
- Review action items.

May 14

- Review agenda, other actions.
- Adjourn to working group to review/revise DO–311A.
- Review action items.

May 15

- Review agenda, other actions.
- Review schedule for upcoming Plenaries and working group meetings.
- Establish agenda for the next Plenary.
- Adjourn to working group to review/revise DO–311A.
- Working Group Report.
- Review action items.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 23, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–09871 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifth Meeting: RTCA Tactical Operations Committee (TOC)

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Fifth meeting notice of RTCA Tactical Operations Committee.

SUMMARY: The FAA is issuing this notice to advise the public of the fifth meeting of the RTCA Tactical Operations Committee.

DATES: The meeting will be held May 16, 2014 from 9 a.m.–1 p.m.

ADDRESS: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Trin Mitra, TOC Secretary, *tmitra@rtca.org*, 202–330–0655.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the RTCA Tactical Operations Committee. The agenda will include the following:

May 16

- Opening of Meeting/Introduction of TOC Members.
  - Co-Chairs Mr. Jim Bowman, FedEx Express, and Mr. Dale Wright, National Air Traffic Controllers Association (NATCA).
- Official Statement of Designated Federal Official.
  - Ms. Elizabeth Ray, FAA Air Traffic Organization, Vice President Mission Support.
- Approval of February 6, 2014 Meeting Summary.
- FAA Report.
- FAA Response to Previous TOC Recommendations.
  - FAA present response to NOTAM Task 1 and Task 2 Recommendations, VOR MON Task 1 and Task 2 Recommendations and 20:1 Visual Area Surface Recommendations.
- Notice to Airmen (NOTAM) Follow Up to Recommendation 1.
  - NOTAM Task Group present feedback to questions from the FAA response to Task 1.
- Update from VHF Omni-directional Range (VOR) Minimum Operating Network Task Group.
  - VOR MON Task Group provide status of taskings and interim report.
- Report from the NextGen Advisory Committee (NAC): the NextGen Integration Working Group.
- Update on Regional Task Groups (RTGs).
  - Request approval of new Eastern RTG Co Chair by TOC.
  - Review status of tasking RTGs on Special Activity Airspace.
  - Eastern, Western, Central RTG updates.
- Anticipated Issues for TOC consideration and action at the next meeting.
- Other business.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 23, 2014.

Paige Williams,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–09894 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice for Hawthorne Municipal Airport, Hawthorne, CA

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA announces its determination that the noise exposure maps submitted by the City of Hawthorne, for Hawthorne Municipal Airport under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

DATES: This notice is effective April 30, 2014 and applicable April 11, 2014.

FOR FURTHER INFORMATION CONTACT: Victor Globa, Environmental Protection Specialist, Federal Aviation Administration, Los Angeles Airports District Office, Mailing Address: P.O. Box 92007, Los Angeles, California 90009–2007. Street Address: 15000 Aviation Boulevard, Room 3000, Hawthorne, California 90261. Telephone: 310/725–3637. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Hawthorne Municipal Airport are in compliance with applicable requirements of 14 Code of Federal Regulations (CFR) part 150 (hereinafter referred to as ''Part 150''), effective April 11, 2014. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the City of Hawthorne. The documentation that constitutes the ''Noise Exposure Maps'' as defined in section 150.7 of Part 150 includes: ''Exhibit 1, 2012 Noise Contour (Existing Condition);'' ''Exhibit 2, 2017 Noise Contours (Forecast Condition).'' The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on April 11, 2014.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261.

Federal Aviation Administration, Los Angeles Airports District Office, Room 3000, 15000 Aviation Boulevard, Hawthorne, California 90261.

Hawthorne Municipal Airport, 12101 South Crenshaw Boulevard, Suite #3, Hawthorne, California 90250.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California, April 11, 2014.

Mark A. McClardy,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 2014–09895 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–25]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 20, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0161 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or

signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dale Williams (202) 493–5174, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 24, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0161.

Petitioner: Southwest Airlines Company.

Section of 14 CFR Affected: 14 CFR 119.49(a)(4)(ii).

Description of Relief Sought: Southwest seeks relief as it relates to the domestic and flag operations operating to airports not listed in the Operation Specification (OpSpec) C070. In addition, Southwest would like to conduct non-scheduled operations at airports not listed in OpSpec C070 in accordance with the regulations applicable to domestic or flag operations, as appropriate, provided certain provisions and limitations are met.

[FR Doc. 2014–09780 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0029]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 15, 2014, Canadian National Railway (CN) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213, Track Safety Standards. FRA assigned the petition Docket Number FRA–2014–0015.

Pursuant to 49 CFR Section 213.113(a), *Defective rails,* CN requests a waiver from the accepted practice of stop/start rail testing to start a pilot test process of nonstop continuous testing. The projected starting date for implementing the test process will be July 1, 2014, for a period of 1 year. The test process will occur on the main tracks between Chicago, IL, and Jackson, MS. The test process will start on the Chicago Subdivision and test in a southward direction and include the Yazoo Subdivision. At that point, the nonstop test unit will be turned and return to the Chicago area to start the test southward again.

For this pilot test, the process will be similar to the waiver granted to CSX Transportation in Docket Number FRA–2011–0107. CN will not have parallel or redundant stop/start testing on the segments being tested in a nonstop process. CN will produce a report on a bimonthly basis for FRA's Rail Integrity Division. This report will include the inservice rail failure ratios per 49 CFR part 213, a report on the miles tested, and the frequency of testing.

CN currently tests this route on an approximate frequency of every 30 days and plans to increase the frequency to 20 days with this process. The nonstop continuous rail testing unit will be capable of testing of speeds between 20 and 45 mph. The process will start using a hi-rail truck working in nonstop mode and later in 2014 switch to a self-propelled unit capable of testing at speeds up to 45 mph. The data will be analyzed from a remote location facility by experts with experience in reviewing rail flaw detection test data. The field verification of suspect defects will be conducted using portable hand-testing units that are equipped with a global positioning system and a recordable data system. The portable units will test 60 feet on either side of the suspect indication and if a suspect location is confirmed to be a defect, proper remedial actions shall be applied in accordance with 49 CFR 213.113. As part of this waiver, CN requests 48 hours from the time of the test to verify potential suspect locations in the field.

CN believes that nonstop continuous rail testing will provide the capability to test track more quickly and frequently and minimize the risk of rail service failures.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2014–0029) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–09794 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0131]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated November 19, 2013, Conway Scenic Railroad (CSRX) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 230, Steam Locomotive Inspection and Maintenance Standards. FRA assigned the petition Docket Number FRA–2013–0131. CSRX owns and operates No. 7470, a 0–6–0–type steam locomotive built in 1921 by and for the Grand Trunk Railway. No. 7470 is operated for tourist trains on CSRX.

CSRX requests relief from 49 CFR 230.17, *One thousand four hundred seventy-two (1472) service day inspection.* CSRX is petitioning for a delay of the 1,472 service-day inspection (SDI), due on July 7, 2014, until January 7, 2015. The delay of the SDI would allow No. 7470 to complete the 2014 CSRX operating season, which ends on January 3, 2015. To date, No. 7470 has used 499 service days with 973 remaining for the 2014 season. The typical annual use for No. 7470 is 31 service days per year.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–09792 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0022]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 7, 2014, Middletown & Hummelstown Railroad (MIDH) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 215.303, *Stenciling of restricted cars,* and 49 CFR part 224, Reflectorization of Rail Freight Rolling Stock. FRA assigned the petition Docket Number FRA–2014–0022.

The petition relates to operations involving Caboose CNJ 91531 on tracks solely owned by MIDH and on private industrial tracks connected to the main line and/or sidings of MIDH. Although owned by MIDH, the caboose bears its original marks, number, road name (defunct Central Railroad Company of New Jersey), and paint scheme. The caboose, built in May 1942, is used as an operating piece of historic or antiquated equipment. The caboose is in good condition and is undergoing restoration to its original condition. The maximum operating speed for the caboose is 10 mph.

This caboose will be used in two types of services:

MDIH states that, regardless of the type of service performed, the caboose will not be offered for interchange or operated over tracks owned by any other railroad.

In addition, MIDH requested a Special Approval for this caboose to continue in service in accordance with 49 CFR 215.203(c), *Restricted cars.*

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments

received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–09793 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0019]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated March 6, 2014, the Old Augusta Railroad (OAR) petitioned the Federal Railroad Administration (FRA) for an amended waiver of compliance from certain provisions of the Federal hours-of-service laws contained at 49 U.S.C. Section 21103(a)(4). FRA assigned the petition Docket Number FRA–2013–0019.

In its petition, OAR seeks to amend its previously filed petition for relief from 49 U.S.C. Section 21103(a)(4), by changing one of the conditions of the waiver. FRA granted OAR's petition for a waiver in a July 30, 2013, letter. The waiver allows a train employee to initiate an on-duty period each day for 7 consecutive days followed by 72 hours off duty. Additionally, an employee may initiate an on-duty period for an eighth consecutive day followed by 72 hours off duty once per 30-day period, if all eight assignments do not infringe upon the time period of midnight to 6 a.m.

OAR seeks to amend its waiver by changing the conditions of the waiver to allow an eighth consecutive day followed by 72 hours off duty once per 30-day period, if all eight assignments do not infringe upon the time period of 10 p.m. to 5 a.m. OAR explains that its employees go on duty at 5 a.m. and changing the exclusionary time period for an eighth consecutive day, from midnight to 6 a.m. to 10 p.m. to 5 a.m., will allow better use of the waiver.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–09791 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2003–14408]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 15, 2014, Union Pacific Railroad (UP) has petitioned the Federal Railroad Administration (FRA) for an extension of its waiver of compliance from certain provisions of the Federal railroad safety regulations contained in 49 CFR part 218, Subpart B, Blue Signal Protection of Workers. FRA assigned the petition Docket Number FRA–2003–14408.

UP seeks a 10-year extension of its relief from 49 CFR 218.22(c)(5), *Utility employee.* This section lists the functions allowed to be performed by a utility employee without establishing Blue Signal Protection. Although the employee under this section is allowed to remove or replace an end-of-train (EOT) telemetry device, FRA has maintained that removing or replacing a battery in an EOT, while the device is in place on the rear of the train, requires blue signal protection because this task is a service and repair to the device. The present relief allows operating craft utility employees to change out EOT batteries as long as the changeout does not require the use of a tool.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 16, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–09789 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2009–0023]

Petition for Amending Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that a document dated March 8, 2014, the Hoosier Valley Railroad Museum (HVRM) petitioned the Federal Railroad Administration (FRA) with a request to extend the waiver of compliance granted by FRA on September 11, 2009, that provided relief from certain provisions of 49 CFR 240.201(d), *Implementation.* The petition was assigned to Docket Number FRA–2009–0023.

HVRM seeks to extend the period of current relief regarding compliance with 49 CFR 240.201(d), which requires that ''[a]fter December 31, 1991, no railroad shall permit or require any person to operate a locomotive in any class of locomotive or train service unless that person has been certified as a qualified locomotive engineer and issued a certificate that complies with 240.223.'' HVRM desires to continue its ''engineer-for-an-hour'' operation, which allows noncertified individuals (generally, members of the public visiting the museum) to operate a locomotive between Milepost (MP) 213.5 and MP 216. HVRM believes that extending this waiver will enable it to continue to generate funds to support its goal of acquiring and refurbishing railroad antiquities so that they may be enjoyed by future generations.

HVRM, which is controlled and operated by the Chesapeake and Indiana Railroad, operates between MP 212.5 and MP 223.0 on track owned by the Town of North Judson, IN. The museum's depot is located approximately at MP 213.4. HVRM will continue to verify that each participant is in possession of a valid State-issued motor vehicle license, evaluate each participant visually for fitness to operate the locomotive with respect to obvious signs of alcohol and/or drug use, and will have a certified locomotive engineer in the cab at all times. The operations will be conducted under Absolute Block Authority (a section of track that can only be occupied by one train at a time) on only a designated portion of track only during daylight hours. An HVRM-qualified locomotive engineer will conduct a job briefing with each participant to ensure all parties know and understand the movement to be made and the individual responsibilities in the proposed movements. HVRM would limit engineer-for-an-hour train size to one locomotive and not more than three cars with no revenue passengers or members of the public on board during operations. Any accident or incident that occurs during an engineer-for-an-hour movement will be immediately reported to FRA. HVRM also believes these operations will not pose any safety concerns to the public at large.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within June 16, 2014 of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2014–09790 Filed 4–29–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Request for Comment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces that the Information Collection Request (ICR) abstracted

below will be submitted to the Office of Management and Budget (OMB) for review. The ICR described the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on December 26, 2013 (**Federal Register**/Vol. 78, No. 248/pp. 78504–78505).

DATES: Submit comments to the Office of Management and Budget (OMB) on or before May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Sifrit, Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–132), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–472, Washington, DC 20590. Dr. Sifrit's phone number is (202) 366–0868 and her email address is *kathy.sifrit@dot.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2127—New.

Title: Mild Cognitive Impairment and Driving Performance.

Form No.: NHTSA Form 1240.

Type of Review: Regular.

Respondents: Drivers age 60 and older who have responded to a solicitation for participation in a study of aging, cognition, and driving safety and have provided a phone number and/or email for contact.

Estimated Number of Respondents: It is estimated that 90 telephone conversations will be conducted with respondents to descriptive solicitations, to yield 60 participants.

Estimated Time per Response: The estimated time to respond to questions in the telephone conversations is 10 minutes for each telephone conversation with a respondent. If an Optional Task is funded, up to 30 of the initial 60 participants would be contacted monthly by phone for one year, at an estimated 10 minutes per call.

Total Estimated Annual Burden Hours: 15 hours (without the Optional Task). The Optional Task total estimated annual burden is 60 hours.

Frequency of Collection: Without the Optional Task, the questions will be presented a single time. The Optional Task will add 12 contacts per participant in which questions are presented.

Abstract

Older adults comprise an increasing proportion of the (driving) population and there is concern about the effects of mild cognitive impairment (MCI) on driver performance and safety. MCI becomes more prevalent with advancing age. The objective of this project is to document differences in driving performance and exposure between participants with MCI and a comparison group of cognitively normal drivers of similar age. The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from licensed older drivers about their driving habits in order to determine whether they are eligible to participate in a study of the effects of mild cognitive impairment on driving performance. Drivers will volunteer for the study by responding to a mailed or individually delivered solicitation. Researchers will ask drivers a brief (<10 minutes) series of questions to determine eligibility to participate in the study, then describe the proposed study to respondents who qualify. Each driver who meets study inclusion criteria will then be asked if he or she wishes to participate. If yes, a project assistant will ask for a description of the car in order to identify it and install a data collection system that will collect all remaining data necessary for the study. The questions will allow research staff to ensure that prospective participants meet study inclusion criteria and facilitate installing data collection instruments in each participant's vehicle. The findings from this study will help clinicians to identify and intervene when a client with dementia begins to exhibit potentially risky driving behaviors. NHTSA will use the information to develop recommendations to health care providers and to the public regarding when the progression of a condition causing cognitive impairment results in the need to transition from driving, with the ultimate goal of reducing injuries and loss of life on the highway.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for Department of Transportation, National Highway Traffic Safety Administration, or by email at *oira_submission@omb.eop.gov*, or fax: 202–395–5806.

Comments Are Invited On: whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this notice.

Authority: 44 U.S.C. 3506(c)(2)(A).

Issued in Washington, DC on April 25, 2014.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2014–09839 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2014–0044]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes the collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before June 30, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2014–0044 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1-(202) 493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Sifrit, Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–132), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–472, Washington, DC 20590. Dr. Sifrit's phone number is (202) 366–0868 and her email address is *kathy.sifrit@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) how to enhance the quality, utility, and clarity of the information to be collected; and (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Older Drivers and Navigation Systems

Type of Request—New information collection requirement.

OMB Clearance Number—None.

Form Number—NHTSA 1260.

Requested Expiration Date of Approval—3 years from date of approval.

Summary of the Collection of Information—The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from licensed drivers about their age, driver license status, driving habits, vehicle type and age, and experience using Electronic Navigation Systems (ENSs). Participation in the study will be voluntary. Drivers will volunteer for the study by responding to an emailed or individually-delivered descriptive solicitation or as a result of reading a call for volunteers in a publication or on a poster. The drivers will be asked a brief series of questions to determine eligibility to participate in a study of older adults' driving performance while they drive to familiar destinations, unfamiliar destinations using paper directions, and unfamiliar destinations using an ENS. A project assistant will then describe the proposed study to those respondents who qualify for the study and answer all questions that the drivers may have. Each driver who meets the criteria for subject selection will then be asked if he or she wishes to participate. If yes, a project assistant will then determine the availability of the respondent to participate in the data collection activities and, if available, schedule the volunteer for the first data collection session.

The first data collection session will assess the participant for cognitive impairment. If no significant cognitive impairment is detected using standard testing instruments, the volunteer will be accepted as a participant, and an on-the-road data collection session will be scheduled. During the on-the-road session, the participant will drive his/her own car on predetermined routes with an ENS and with paper directions. A Driver Rehabilitation Specialist (DRS) will score driving quality and adherence to the prescribed route, and a portable instrument package will record driving parameters such as speed and acceleration.

Description of the Need for the Information and Proposed Use of the Information—NHTSA was established to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Some older drivers have difficulty navigating to unfamiliar places. As a result, they either restrict their driving thereby decreasing their quality of life or attempt to drive and potentially encounter difficulties including becoming lost or using cognitive resources for wayfinding rather than for maneuvering safely through traffic. A number of electronic devices have been advanced as means to prolong older adults' driving careers. These include ENSs, which could aid older drivers through freeing cognitive resources otherwise needed for wayfinding. It is possible, however, that these systems may increase driver workload because they select a route that is different than the driver expects or by causing a distraction. The purpose of the study is to document differences in older adults' driving performance while they drive to familiar destinations, unfamiliar destinations using paper directions, and unfamiliar destinations using an ENS. The project will also explore the effects of familiarity using an ENS on driving performance. It will then assess the benefits of providing training in using an ENS to older adults. The proposed questions will allow research staff to ensure that prospective participants meet study inclusion criteria and facilitate their study participation.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—Respondents will include up to 320 drivers 60 years old or older licensed in the State of North Carolina. Since not all volunteers will qualify, the agency proposes to conduct 320 conversations (telephone or face-to-face depending on how the volunteer was recruited) with potential participants to yield 160 participants.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—The 320 conversations will average 10 minutes in length including introduction, qualifying questions, potential participant questions, logistical questions, scheduling if the volunteer qualifies, and conclusion. The total estimated annual burden will be 53.33 hours. Participants will incur no costs from the data collection, and participants will incur no record keeping burden and no record keeping cost from the information collection.

Authority: 44 U.S.C. 3506(c)(2)(A).

Issued in Washington, DC, on April 25, 2014.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2014–09840 Filed 4–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 25, 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 30, 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.*

United States Mint

OMB Number: 1525–0014.

Type of Review: Extension without change of a currently approved collection.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Average Expected Annual Number of Activities: 10.

Number of Respondents: 10,000.

Frequency of Response: Once per request.

Average Minutes per Response: 60.

Estimated Annual Burden Hours: 10,000.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–09834 Filed 4–29–14; 8:45 am]

BILLING CODE 4810–37–P

UNITED STATES DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of two individuals and 12 entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers''. In addition, OFAC is publishing an amendment to the identifying information of two individuals previously designated pursuant to Executive Order 12978.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of two individuals and 12 entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on April 24, 2014. Also effective on April 24, 2014 is the amendment to the identifying information of two individuals previously designated pursuant to Executive Order 12978.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. §§ 1701–1706) (''IEEPA''), issued Executive Order 12978 (60 Fed. Reg. 54579, October 24, 1995) (the ''Order''). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) to play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order;

and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On April 24, 2014, the Director of OFAC removed from the SDN List the two individuals and 12 entities listed below, whose property and interests in property were blocked pursuant to the Order:

Individuals

1. DOUGHERTY MONROY, Jose Rodrigo, 5ta Calle 3–56, Zona 14, Colonia El Campo, Guatemala City, Guatemala; DOB 08 May 1971; POB Guatemala; Passport 008130004 (Guatemala) (individual) [SDNT].
2. MOR SAAB, Jaime Dib (a.k.a. MOR, Jaime Div; a.k.a. ''JAIME MOORE''), c/o DURATEX S.A., Bogota, Colombia; c/o MOR ALFOMBRAS ALFOFIQUE S.A., Bogota, Colombia; c/o MOR GAVIRIA Y CIA. S.C.S., Bogota, Colombia; c/o INVERSIONES MPS S.A., Bogota, Colombia; c/o MAYOR COMERCIALIZADORA LTDA., Bogota, Colombia; c/o PROYECTOS Y SOLUCIONES S.A., Bogota, Colombia; c/o GERENCIA DE PROYECTOS Y SOLUCIONES LTDA., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o ACUICOLA SANTA CATALINA S.A., Bogota, Colombia; c/o SUPER BOYS GAMES LTDA., Bogota, Colombia; c/o KARIAN LTDA., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; c/o CONSTRUCTORA IRAKA S.A., Bogota, Colombia; c/o CONSTRUCTORA AMERICA S.A., Bogota, Colombia; c/o COMERCIALIZADORA MOR GAVIRIA S.A., Quito, Ecuador; c/o COMERCIALIZADORA MORDUR S.A., Quito, Ecuador; c/o INTERNACIONAL DE PROYECTOS INMOBILIARIOS IPI S.A., Quito, Ecuador; c/o MIRASOL INTERNATIONAL LIMITED, Road Town, Tortola, Virgin Islands, British; c/o SHARDAE VENTURES INC., Road Town, Tortola, Virgin Islands, British; c/o KELVEDON LIMITED, Georgetown, Grand Cayman, Cayman Islands; c/o PARQUE ECOLOGICO RECREACIONAL DE LAS AGUAS DE GIRARDOT LIMITADA, Girardot, Colombia; DOB 29 Apr 1955; POB Girardot, Cundinamarca, Colombia; Cedula No. 19222380 (Colombia); SSN 591–98–9689 (United States) (individual) [SDNT].

Entities

1. ACUICOLA SANTA CATALINA S.A., Avenida 13 No. 100–12 Ofc. 302, Bogota, Colombia; NIT # 830010809–5 (Colombia) [SDNT].
2. DURATEX S.A. (f.k.a. INVERSIONES JEDA S.A.), Carrera 63 No. 17–07, Bogota, Colombia; Calle 116 No. 19–22, Bogota, Colombia; Avenida 19 No. 95–13 Local 1, Bogota, Colombia; NIT # 800054668–3 (Colombia) [SDNT].
3. KARIAN LTDA., Calle 23 No. 68A–95, Bogota, Colombia; NIT # 800166692–1 (Colombia) [SDNT].
4. KELVEDON LIMITED, 1446 West Bay Road, Georgetown, Grand Cayman, Cayman Islands [SDNT].
5. MAYOR COMERCIALIZADORA LTDA., Carrera 40 No. 169–30 Barrio Toberin, Bogota, Colombia; NIT # 800088288–4 (Colombia) [SDNT].
6. MIRASOL INTERNATIONAL LIMITED, Road Town, Tortola, Virgin Islands, British [SDNT].
7. MOR GAVIRIA Y CIA. S.C.S. SOCIEDAD DE COMERCIALIZACION INT C.I. (f.k.a. MOR GAVIRIA Y CIA. S.C.S.), Carrera 63 No. 17–07, Bogota, Colombia; NIT # 860535567–0 (Colombia) [SDNT].
8. PARQUE ECOLOGICO RECREACIONAL DE LAS AGUAS DE GIRARDOT LIMITADA, Carrera 19 No. 28–200 Barrio Gaitan, Girardot, Colombia; NIT # 900034947–0 (Colombia) [SDNT].
9. PROMOCIONES E INVERSIONES LAS PALMAS S.A. (a.k.a. PROPALMAS S.A.), Carrera 9 No. 100–97 Ofc. 412, Bogota, Colombia; NIT # 800236023–5 (Colombia) [SDNT].
10. PROYECTOS Y SOLUCIONES S.A., Carrera 63 No. 17–07, Bogota, Colombia; NIT # 800231601–1 (Colombia) [SDNT].
11. SHARDAE VENTURES INC., Road Town, Tortola, Virgin Islands, British; Carrera 63 No. 17–07, Bogota, Colombia [SDNT].
12. SUPER BOYS GAMES LTDA., Carrera 40 No. 168–67, Bogota, Colombia; NIT # 830004047–5 (Colombia) [SDNT].

In addition, OFAC has amended the identifying information for the following two individuals previously designated pursuant to Executive Order 12978:

1. CAICEDO ROJAS, Jorge Ernesto, Calle 82 No 11–37 Ofc. 504, Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o HOTEL LA CASCADA S.A., Girardot, Colombia; DOB 21 Oct 1955; POB Bogota, Colombia; Cedula No. 3227987 (Colombia) (individual) [SDNT].
2. MALDONADO ESCOBAR, Fernando, c/o AUDITORES ESPECIALIZADOS LTDA., Bogota, Colombia; c/o MOR GAVIRIA Y CIA. S.C.S., Bogota, Colombia; c/o PROMOCIONES E INVERSIONES LAS PALMAS S.A., Bogota, Colombia; c/o GAVIRIA MOR Y CIA. LTDA., Girardot, Colombia; c/o AQUAMARINA ISLAND INTERNATIONAL CORPORATION, Panama City, Panama; DOB 16 May 1961; POB Bogota, Colombia; Cedula No. 19445721 (Colombia); Passport AH330349 (Colombia) (individual) [SDNT].

The listing for each of these individuals now appears as follows:

1. CAICEDO ROJAS, Jorge Ernesto, Calle 82 No 11–37 Ofc. 504, Bogota, Colombia; DOB 21 Oct 1955; POB Bogota, Colombia; Cedula No. 3227987 (Colombia) (individual) [SDNT] (Linked To: HOTEL LA CASCADA S.A.).
2. MALDONADO ESCOBAR, Fernando; DOB 16 May 1961; POB Bogota, Colombia; Cedula No. 19445721 (Colombia); Passport AH330349 (Colombia) (individual) [SDNT] (Linked To: AUDITORES ESPECIALIZADOS LTDA.; Linked To: GAVIRIA MOR Y CIA. LTDA.; Linked To: AQUAMARINA ISLAND INTERNATIONAL CORPORATION).

Dated: April 24, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–09841 Filed 4–29–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of two individuals whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the two individuals identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on April 24, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose 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 to the benefits of trade and transactions involving U.S. persons and entities.

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 consults 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 when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities 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; and/or (3) playing a significant role in international narcotics trafficking.

On April 24, 2014, the Acting Director of OFAC removed from the SDN List the two individuals listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individuals

1. HERNANDEZ DE BORRAYO, Mirza Silvana, c/o BINGOTON MILLONARIO; c/o REVOLUCIONES POR MINUTO ACELERACION S.A.; DOB 30 Mar 1974; POB Guatemala; nationality Guatemala; Passport 008818499 (individual) [SDNTK].

2. SAENZ LEHNHOFF, Maria Corina (a.k.a. DE DEL PINAL, Maria Corina; a.k.a. SAENZ PINAL, Maria Corina); DOB 19 May 1965; POB Guatemala; nationality Guatemala; Passport 31486K (Guatemala) (individual) [SDNTK] (Linked To: INMOBILIARIA DATEUS; Linked To: WALNUTHILL; Linked To: CABOMARZO; Linked To: GRUPO MPV; Linked To: DELPSA; Linked To: BRODWAY COMMERCE INC.; Linked To: CASA VOGUE).

Dated: April 24, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–09842 Filed 4–29–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040 and Schedules A, B, C, C–EZ, D, E, EIC, F, H, J, R, and SE, Form 1040A, Form 1040EZ, Form 1040NR, Form 1040NR–EZ, Form 1040X, and All Attachments to These Forms

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). This notice requests comments on all forms used by individual taxpayers: Form 1040, U.S. Individual Income Tax Return, and Schedules A, B, C, C–EZ, D, E, EIC, F, H, J, R, and SE; Form 1040A; Form 1040EZ; Form 1040NR; Form 1040NR–EZ; Form 1040X; and all attachments to these forms (see the Appendix to this notice).

DATES: Written comments should be received on or before May 30, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov*.

SUPPLEMENTARY INFORMATION:

PRA Approval of Forms Used by Individual Taxpayers

Under the PRA, OMB assigns a control number to each ''collection of information'' that it reviews and approves for use by an agency. The PRA also requires agencies to estimate the burden for each collection of information. Burden estimates for each control number are displayed in (1) PRA notices that accompany collections of information, (2) **Federal Register** notices such as this one, and (3) OMB's database of approved information collections.

Taxpayer Burden Model

The Individual Taxpayer Burden Model (ITBM) estimates burden experienced by individual taxpayers when complying with Federal tax laws and incorporates results from a survey of tax year 2011 individual taxpayers, conducted in 2012 and 2013. The approach to measuring burden focuses on the characteristics and activities undertaken by individual taxpayers in meeting their tax return filing obligations.

Burden is defined as the time and out-of-pocket costs incurred by taxpayers in complying with the Federal tax system and are estimated separately. Out-of-pocket costs include any expenses incurred by taxpayers to prepare and submit their tax returns. Examples include tax return preparation fees, the purchase price of tax preparation software, submission fees, photocopying costs, postage, and phone calls (if not toll-free).

The methodology distinguishes among preparation method, taxpayer activities, taxpayer type, filing method, and income level. Indicators of tax law and administrative complexity, as reflected in the tax forms and instructions, are incorporated into the model.

Preparation methods reflected in the model are as follows:

- Self-prepared without software,
- Self-prepared with software, and
- Use of a paid preparer or tax professional.

Types of taxpayer activities reflected in the model are as follows:

- Recordkeeping,
- Tax planning,
- Gathering tax materials,
- Use of services (IRS and other),
- Form completion, and
- Form submission.

Taxpayer Burden Estimates

Summary level results using this methodology are presented in Table 1 below. The data shown are the best forward-looking estimates available for income tax returns filed for tax year 2013.

Table 1 shows burden estimates based on current statutory requirements as of November 21, 2013 for taxpayers filing a 2013 Form 1040, 1040A, or 1040EZ tax return. Time spent and out-of-pocket costs are presented separately. Time burden is broken out by taxpayer activity, with record keeping representing the largest component. Out-of-pocket costs include any expenses incurred by taxpayers to prepare and submit their tax returns. Examples include tax return preparation

and submission fees, postage and photocopying costs, and tax preparation software costs. While these estimates do not include burden associated with post-filing activities, IRS operational data indicate that electronically prepared and filed returns have fewer arithmetic errors, implying lower post-filing burden.

Reported time and cost burdens are national averages and do not necessarily reflect a ''typical'' case. Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. For instance, the estimated average time burden for all taxpayers filing a Form 1040, 1040A, or 1040EZ is 12 hours, with an average cost of $210 per return. This average includes all associated forms and schedules, across all preparation methods and taxpayer activities. The average burden for taxpayers filing Form 1040 is about 15 hours and $280; the average burden for taxpayers filing Form 1040A is about 7 hours and $90; and the average for Form 1040EZ filers is about 4 hours and $30.

Within each of these estimates there is significant variation in taxpayer activity. For example, non-business taxpayers are expected to have an average burden of about 7 hours and $120, while business taxpayers are expected to have an average burden of about 24 hours and $430. Similarly, tax preparation fees and other out-of-pocket costs vary extensively depending on the tax situation of the taxpayer, the type of software or professional preparer used, and the geographic location.

Proposed PRA Submission to OMB

Title: U.S. Individual Income Tax Return

OMB Number: 1545–0074.

Form Numbers: Form 1040 and Schedules A, B, C, C–EZ, D, D–1, E, EIC, F, H, J, R, and SE; Form 1040A; Form 1040EZ; Form 1040NR; Form 1040NR–EZ, Form 1040X; and all attachments to these forms (see the Appendix to this notice).

Abstract: These forms are used by individuals to report their income tax liability. The data is used to verify that the items reported on the forms are correct, and also for general statistical use.

Current Actions: The change in estimated aggregate compliance burden can be explained by three major sources—technical adjustments, statutory changes, and discretionary agency (IRS) actions.

Technical Adjustments—The largest adjustments are from incorporation of updated tax return data, macroeconomic data, and survey data as well as refinements in the estimation methodology. Updating the FY13 macroeconomic data and incorporating new tax return data lead to the largest technical adjustments. The impact of each technical adjustment can be seen below.

	Change in filers	Change in time	Change in dollars
Updated FY13 Macroeconomic Data	−3,100,000	−32,000,000	−762,000,000
Updated Tax Return Data	0	−53,000,000	−1,486,000,000
Updated Survey Data	0	6,000,000	1,063,000,000
FY14 Population Estimates	1,700,000	4,000,000	908,000,000

Statutory Changes—The primary drivers of the statutory changes are the phaseout of itemized deductions (American Taxpayer Relief Act of 2012), the Net Investment Income Tax (Health Care and Education Reconciliation Act of 2010), and the Additional Medicare Tax (Patient Protection and Affordable Care Act of 2010). The estimated impact of these items is as follows:

	Expected filers	Change in hours	Change in dollars
Phaseout of Itemized Deductions	2,300,000	<500,000	21,000,000
Net Investment Income Tax	2,800,000	4,000,000	202,000,000
Additional Medicare Tax	3,100,000	3,000,000	129,000,000

IRS Discretionary Changes—Introduction of the Office in the Home Safe Harbor impacts approximately 600,000 filers and decreases time by 1,600,000 hours (rounded to 2,000,000 hours) and money by $7,000,000. All other IRS discretionary changes had a negligible impact on taxpayer burden.

Total—Taken together, the changes discussed above have decreased total hours by 69,000,000 hours and increased total dollars by 68,000,000.

Type of Review: Revision of currently approved collections.

Affected Public: Individuals or households.

Estimated Number of Respondents: 152,900,000.

Total Estimated Time: 1.855 billion hours (1,855,000,000 hours).

Estimated Time per Respondent: 12.13 hours.

Total Estimated Out-of-Pocket Costs: $31.717 billion ($37,717,000,000).

Estimated Out-of-Pocket Cost per Respondent: $207.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB Control Number.

Books or records relating to a collection of information must be retained as long as their content may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved on April 25, 2014.

Robert Dahl,

Treasury Departmental Clearance Officer.

BILLING CODE 4830–01–P

Table 1: Estimated Average Taxpayer Burden for Individuals by Activity

Primary Form Filed or Type of Taxpayer		Time Burden						Money Burden	
		Average Time Burden (Hours)							
	Percentage of Returns	Total Time	Record Keeping	Tax Planning	Form Completion and Submission	All Other	Average Cost		
All Taxpayers	100%	12	6	2	4	1	$210		
Primary Forms Filed									
1040	68%	15	8	2	4	1	$280		
1040A	19%	7	2	1	3	1	$90		
1040EZ	13%	4	1	*	2	1	$30		
Type of Taxpayer									
Non-business **	70%	7	3	1	3	1	$120		
Business**	30%	24	13	4	5	2	$430		

* Rounds to less than one hour.

Detail may not add to total due to rounding. Dollars rounded to the nearest $10.

** A "business" filer files one or more of the following with Form 1040: Schedule C, C-EZ, E, F, Form 2106, or 2106-EZ. A "non-business" filer does not file any of these schedules or forms with Form 1040 or if you file Form 1040A or 1040EZ.

Table 2: ICB Estimates for the 1040/A/EZ/NR/NR-EZ/X series of returns and supporting forms and schedules

	FY2014				
	Previously Approved FY13	Program Change due to Adjustment	Program Change due to New Legislation	Program Change due to Agency	FY14
Number of Taxpayers	154,300,000	(1,400,000)	-	-	152,900,000
Burden in Hours	1,924,000,000	(75,000,000)	8,000,000	(2,000,000)	1,855,000,000
Burden in Dollars	31,649,000,000	(277,000,000)	352,000,000	(7,000,000)	31,717,000,000

Forms	Filed by individuals and others	Title
673		Statement for Claiming Exemption from Withholding on Foreign Earned Income Eligible for the Exclusions Provided by Section 911
926	X	Return by a U.S. Transferor of Property to a Foreign Corporation.
970	X	Application To Use LIFO Inventory Method.
972	X	Consent of Shareholder To Include Specific Amount in Gross Income.
982	X	Reduction of Tax Attributes Due To Discharge of Indebtedness (and Section 1082 Basis Adjustment).
1040	.....	U.S. Individual Income Tax Return.
1040 SCH A	.....	Itemized Deductions.
1040 SCH B	.....	Interest and Ordinary Dividends.
1040 SCH C	X	Profit or Loss From Business.
1040 SCH C–EZ	X	Net Profit From Business.
1040 SCH D	.....	Capital Gains and Losses.
1040 SCH E	X	Supplemental Income and Loss.
1040 SCH EIC	.....	Earned Income Credit.
1040 SCH F	X	Profit or Loss From Farming.
1040 SCH H	X	Household Employment Taxes.
1040 SCH J	.....	Income Averaging for Farmers and Fishermen.
1040 SCH R	.....	Credit for the Elderly or the Disabled.
1040 SCH SE	.....	Self-Employment Tax.
1040 SCH 8812		
1040 A	.....	U.S. Individual Income Tax Return.
1040-C		
1040ES (NR)	.....	U.S. Estimated Tax for Nonresident Alien Individuals.
1040ES (PR)	.....	Estimated Federal Tax on Self Employment Income and on Household Employees (Residents of Puerto Rico)
1040 ES–OCR–V	.....	Payment Voucher.
1040 ES–OTC	.....	Estimated Tax for Individuals.

Forms	Filed by individuals and others	Title
1040 EZ	.....	Income Tax Return for Single and Joint Filers With No Dependents.
1040 NR	.....	U.S. Nonresident Alien Income Tax Return.
1040 NR–EZ	.....	U.S. Income Tax Return for Certain Nonresident Aliens With No Dependents.
1040 V	.....	Payment Voucher.
1040 V-OCR-ES	.....	Payment Voucher
1040 X	.....	Amended U.S. Individual Income Tax Return.
1045	X	Application for Tentative Refund.
1116	X	Foreign Tax Credit.
1127	X	Application For Extension of Time For Payment of Tax
1128	X	Application To Adopt, Change, or Retain a Tax Year.
1310	.....	Statement of Person Claiming Refund Due a Deceased Taxpayer.
2106	.....	Employee Business Expenses.
2106 EZ	.....	Unreimbursed Employee Business Expenses.
2120	.....	Multiple Support Declaration.
2210	X	Underpayment of Estimated Tax by Individuals, Estates, and Trusts.
2210 F	X	Underpayment of Estimated Tax by Farmers and Fishermen.
2350	.....	Application for Extension of Time To File U.S. Income Tax Return.
2350 SP	.....	Solicitud de Prórroga para Presentar la Declaración del Impuesto Personal sobre el Ingreso de los Estados Unidos
2439	X	Notice to Shareholder of Undistributed Long-Term Capital Gains.
2441	.....	Child and Dependent Care Expenses.
2555	.....	Foreign Earned Income.
2555 EZ	.....	Foreign Earned Income Exclusion.
2848	X	Power of Attorney and Declaration of Representative.
2848(SP)		
3115	X	Application for Change in Accounting Method.
3468	X	Investment Credit.
3520	X	Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts
3800	X	General Business Credit.
3903	.....	Moving Expenses.

Forms	Filed by individuals and others	Title
4029	.....	Application for Exemption From Social Security and Medicare Taxes and Waiver of Benefits.
4070	.....	Employee's Report of Tips to Employer
4070 A	.....	Employee's Daily Record of Tips
4136	X	Credit for Federal Tax Paid On Fuels.
4137	.....	Social Security and Medicare Tax on Unreported Tip Income.
4255	X	Recapture of Investment Credit.
4361	.....	Application for Exemption From Self-Employment Tax for Use by Ministers, Members of Religious Orders, and Christian Science Practitioners.
4562	X	Depreciation and Amortization.
4563	.....	Exclusion of Income for Bona Fide Residents of American Samoa.
4684	X	Casualties and Thefts.
4797	X	Sales of Business Property.
4835	.....	Farm Rental Income and Expenses.
4852	.....X.....	Substitute for Form W–2, Wage and Tax Statement or Form 1099–R, Distributions From Pension Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.
4868	.....	Application for Automatic Extension of Time To File Individual U.S. Income Tax Return.
4868 SP	.....	Solicitud de Prórroga Automática para Presentar la Declaración del Impuesto sobre el Ingreso Personal de los Estados Unidos
4952	X	Investment Interest Expense Deduction.
4970	X	Tax on Accumulation Distribution of Trusts.
4972	X	Tax on Lump-Sum Distributions.
5074	.....	Allocation of Individual Income Tax To Guam or the Commonwealth of the Northern Mariana Islands (CNMI).
5213	X	Election To Postpone Determination as To Whether the Presumption Applies That an Activity Is Engaged in for Profit.
5329	.....	Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts.
5405	.....	First-Time Homebuyer Credit
5471	X	Information Return of U.S. Persons With Respect To Certain Foreign Corporations.

Forms	Filed by individuals and others	Title
5471 SCH J	X	Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation.
5471 SCH M	X	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.
5471 SCH O	X	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of Its Stock.
5695	.....	Residential Energy Credits.
5713	X	International Boycott Report.
5713 SCH A	X	International Boycott Factor (Section 999(c)(1)).
5713 SCH B	X	Specifically Attributable Taxes and Income (Section 999(c)(2)).
5713 SCH C	X	Tax Effect of the International Boycott Provisions.
5754	X	Statement by Person(s) Receiving Gambling Winnings.
5884	X	Work Opportunity Credit.
6198	X	At-Risk Limitations.
6251	.....	Alternative Minimum Tax—Individuals.
6252	X	Installment Sale Income.
6478	X	Credit for Alcohol Used as Fuel.
6765	X	Credit for Increasing Research Activities.
6781	X	Gains and Losses From Section 1256 Contracts and Straddles.
8082	X	Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR).
8275	X	Disclosure Statement.
8275 R	X	Regulation Disclosure Statement.
8283	X	Noncash Charitable Contributions.
8332	.....	Release of Claim to Exemption for Child of Divorced or Separated Parents.
8379	.....	Injured Spouse Claim and Allocation.
8396	.....	Mortgage Interest Credit.
8453	.....	U.S. Individual Income Tax Declaration for an IRS e-file Return.
8453(SP)		
8582	X	Passive Activity Loss Limitations.
8582 CR	X	Passive Activity Credit Limitations.
8586	X	Low-Income Housing Credit.
8594	X	Asset Acquisition Statement.

Forms	Filed by individuals and others	Title
8606	.....	Nondeductible IRAs.
8609-A	X	Annual Statement for Low-Income Housing Credit
8611	X	Recapture of Low-Income Housing Credit.
8615	.....	Tax for Certain Children Who Have Investment Income of More Than $1,800.
8621	X	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.
8621-A	X	Late Deemed Dividend or Deemed Sale Election by a Passive Foreign Investment Company
8689	.....	Allocation of Individual Income Tax To the Virgin Islands.
8693	X	Low-Income Housing Credit Disposition Bond.
8697	X	Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.
8801	X	Credit for Prior Year Minimum Tax—Individuals, Estates, and Trusts.
8812	.....	Additional Child Tax Credit.
8814	.....	Parents' Election To Report Child's Interest and Dividends.
8815	.....	Exclusion of Interest From Series EE and I U.S. Savings Bonds Issued After 1989.
8818	.....	Optional Form To Record Redemption of Series EE and I U.S. Savings Bonds Issued After 1989.
8820	X	Orphan Drug Credit.
8821	X	Tax Information Authorization.
8822	X	Change of Address.
8824	X	Like-Kind Exchanges.
8826	X	Disabled Access Credit.
8828	.....	Recapture of Federal Mortgage Subsidy.
8829	.....	Expenses for Business Use of Your Home.
8832	X	Entity Classification Election.
8833	X	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b)
8834	X	Qualified Electric Vehicle Credit.
8835	X	Renewable Electricity and Refined Coal Production Credit.

Forms	Filed by individuals and others	Title
8838	X	Consent To Extend the Time To Assess Tax Under Section 367—Gain Recognition Statement.
8839	.....	Qualified Adoption Expenses.
8840	.....	Closer Connection Exception Statement for Aliens.
8843	.....	Statement for Exempt Individuals and Individuals With a Medical Condition.
8844	X	Empowerment Zone and Renewal Community Employment Credit.
8845	X	Indian Employment Credit.
8846	X	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.
8847	X	Credit for Contributions to Selected Community Development Corporations.
8853	.....	Archer MSAs and Long-Term Care Insurance Contracts.
8854	.....	Initial and Annual Expatriation Information Statement.
8858	X	Information Return of U.S. Persons With Respect to Foreign Disregarded Entities.
8858 SCH M	X	Transactions Between Controlled Foreign Disregarded Entity and Filer or Other Related Entities.
8859	.....	District of Columbia First-Time Homebuyer Credit.
8862	.....	Information to Claim Earned Income Credit After Disallowance.
8862(SP)		
8863	.....	Education Credits.
8864	X	Biodiesel Fuels Credit.
8865	X	Return of U.S. Persons With Respect To Certain Foreign Partnerships.
8865 SCH K–1	X	Partner's Share of Income, Credits, Deductions, etc.
8865 SCH O	X	Transfer of Property to a Foreign Partnership.
8865 SCH P	X	Acquisitions, Dispositions, and Changes of Interests in a Foreign Partnership.
8866	X	Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.
8873	X	Extraterritorial Income Exclusion.

Forms	Filed by individuals and others	Title
8874	X	New Markets Credit.
8878	.....	IRS e-file Signature Authorization for Form 4868 or Form 2350.
8878 SP	.....	Autorizacion de firma para presentar por medio del IRS e-file para el Formulario 4868(SP) o el Formulario 2350(SP).
8879	.....	IRS e-file Signature Authorization.
8879 SP	.....	Autorizacion de firma para presentar la Declaracion por medio del IRS e-file.
8880	.....	Credit for Qualified Retirement Savings Contributions.
8881	X	Credit for Small Employer Pension Plan Startup Costs.
8882	X	Credit for Employer-Provided Childcare Facilities and Services.
8885	.....	Health Coverage Tax Credit.
8886	X	Reportable Transaction Disclosure Statement.
8888	.....	Allocation of Refund (Including Savings Bond Purchases
8889	.....	Health Savings Accounts (HSAs).
8891	.....	U.S. Information Return for Beneficiaries of Certain Canadian Registered Retirement Plans
8896	X	Low Sulfur Diesel Fuel Production Credit.
8898	.....	Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession.
8900	X	Qualified Railroad Track Maintenance Credit.
8903	X	Domestic Production Activities Deduction.
8906	.....	Distills Spirits Credit.
8907	.....	Nonconventional Source Fuel Credit.
8908	.....	Energy Efficient Home Credit.
8909		
8910	.....	Alternative Motor Vehicle Credit.
8911	.....	Alternative Fuel Vehicle Refueling Property Credit.
8912		
8917		Tuition and Fees Deduction
8919	.....	Uncollected Social Security and Medicare Tax on Wages.
8923	.....	Mine Rescue Team Training Credit
8925	X	Report of Employer-Owned Life Insurance Contracts
8931	X	Agricultural Chemicals Security Credit
8932	X	Credit for Employer Differential Wage Payments
8933	.....	Carbon Dioxide Sequestration Credit

Forms	Filed by individuals and others	Title
8936	.....	Qualified Plug-in Electric Drive Motor Vehicle Credit
9465	.....	Installment Agreement Request.
9465 SP	.....	Solicitud para un Plan de Pagos a Plazos.
Notice 2006-52		
Notice 160920–05	.....	Deduction for Energy Efficient Commercial Buildings.
Pub 972 Tables		Child Tax Credit
REG-149856-03		Notice of Proposed Rulemaking Dependent Child of Divorced or Separated Parents or Parents Who Live Apart
SS–4	X	Application for Employer Identification Number.
SS–8	X	Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding
T (Timber)	X	Forest Activities Schedules.
W–4	.....	Employee's Withholding Allowance Certificate.
W–4 P	.....	Withholding Certificate for Pension or Annuity Payments.
W–4 S	.....	Request for Federal Income Tax Withholding From Sick Pay.
W –4 SP	.....	Certificado de Exencion de la Retencion del Empleado.
W–4 V	.....	Voluntary Withholding Request.
W–7	.....	Application for IRS Individual Taxpayer Identification Number.
W–7 A	.....	Application for Taxpayer Identification Number for Pending U.S. Adoptions.
W–7 SP	.....	Solicitud de Numero de Identicacion Personal del Contribuyente del Servicio de Impuestos Internos.

[FR Doc. 2014–09819 Filed 4–29–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[(REG–140280–09) (T.D. 9570)]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–140280–09 (TD 9570), Tax Return Preparer Penalties Under Section 6695.

DATES: Written comments should be received on or before June 30, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests copies of the regulation should be directed to Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *sara.l.covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax Return Preparer Penalties Under Section 6695.

OMB Number: 1545–1570.

Regulation Project Number: REG–140280–09 (T.D. 9570).

Abstract: Income tax return prepares who satisfy the due diligence requirements in this regulation will avoid the imposition of the penalty section 6695(g) of the Internal Revenue Code for returns or claims for refund due after December 31, 1997. The due diligence requirements include soliciting the information necessary to determine a taxpayer's eligibility for, and amount of, the Earned Income Tax Credit and the retention of this information.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 550,000.

Estimated Time per Respondent: 5 hours, 30 minutes.

Estimated Total Annual Burden Hours: 3,025,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 15, 2014.

Allan Hopkins,

IRS Tax Analyst.

[FR Doc. 2014–09800 Filed 4–29–14; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed 2014–15 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals and Requests for 2016 Spring and Summer Migratory Bird Subsistence Harvest Proposals in Alaska; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–R9–HQ–2014–00017; FF09M21200–134–FXMB1231099BPP0]

RIN 1018–AZ80

Migratory Bird Hunting; Proposed 2014–15 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals and Requests for 2016 Spring and Summer Migratory Bird Subsistence Harvest Proposals in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of supplemental information.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service or we) proposes to establish annual hunting regulations for certain migratory game birds for the 2014–15 hunting season. We annually prescribe outside limits (frameworks) within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2014–15 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2016 spring and summer migratory bird subsistence season in Alaska. Migratory game bird hunting seasons provide opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and permit harvests at levels compatible with migratory game bird population status and habitat conditions.

DATES: You must submit comments on the proposed regulatory alternatives for the 2014–15 duck hunting seasons on or before June 27, 2014. Following subsequent **Federal Register** notices, you will be given an opportunity to submit comments for proposed early-season frameworks by July 29, 2014, and for proposed late-season frameworks and subsistence migratory bird seasons in Alaska by August 29, 2014. Tribes must submit proposals and related comments on or before June 5, 2014. Proposals from the Co-management Council for the 2016 spring and summer migratory bird subsistence harvest season must be submitted to the Flyway Councils and the Service on or before June 13, 2014.

ADDRESSES: You may submit comments on the proposals by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2014–0017.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS–HQ–MB–2014–0017; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We will not accept emailed or faxed comments. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Send your proposals for the 2016 spring and summer migratory bird subsistence season in Alaska to the Executive Director of the Co-management Council, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503; or fax to (907) 786–3306; or email to *ambcc@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, at: Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240; (703) 358–1714. For information on the migratory bird subsistence season in Alaska, contact Donna Dewhurst, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 786–3499.

SUPPLEMENTARY INFORMATION:

Background and Overview

Migratory game birds are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior is authorized to determine when ''hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any * * * bird, or any part, nest, or egg'' of migratory game birds can take place, and to adopt regulations for this purpose. These regulations are written after giving due regard to ''the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds'' and are updated annually (16 U.S.C. 704(a)). This responsibility has been delegated to the Service as the lead Federal agency for managing and conserving migratory birds in the United States. However, migratory game bird management is a cooperative effort of State, Tribal, and Federal governments.

The Service develops migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. Acknowledging regional differences in hunting conditions, the Service has administratively divided the Nation into four Flyways for the primary purpose of managing migratory game birds. Each Flyway (Atlantic, Mississippi, Central, and Pacific) has a Flyway Council, a formal organization generally composed of one member from each State and Province in that Flyway. The Flyway Councils, established through the International Association of Fish and Wildlife Agencies (IAFWA), also assist in researching and providing migratory game bird management information for Federal, State, and Provincial governments, as well as private conservation agencies and the general public.

The process for adopting migratory game bird hunting regulations, located at 50 CFR part 20, is constrained by three primary factors. Legal and administrative considerations dictate how long the rulemaking process will last. Most importantly, however, the biological cycle of migratory game birds controls the timing of data-gathering activities and thus the dates on which these results are available for consideration and deliberation.

The process includes two separate regulations-development schedules, based on early and late hunting season regulations. Early hunting seasons pertain to all migratory game bird species in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; migratory game birds other than waterfowl (i.e., dove, woodcock, etc.); and special early waterfowl seasons, such as teal or resident Canada geese. Early hunting seasons generally begin before October 1. Late hunting seasons generally start on or after October 1 and include most waterfowl seasons not already established.

There are basically no differences in the processes for establishing either early or late hunting seasons. For each cycle, Service biologists gather, analyze, and interpret biological survey data and provide this information to all those involved in the process through a series of published status reports and presentations to Flyway Councils and other interested parties. Because the Service is required to take abundance of migratory game birds and other factors into consideration, the Service

undertakes a number of surveys throughout the year in conjunction with Service Regional Offices, the Canadian Wildlife Service, and State and Provincial wildlife management agencies. To determine the appropriate frameworks for each species, we consider factors such as population size and trend, geographical distribution, annual breeding effort, the condition of breeding and wintering habitat, the number of hunters, and the anticipated harvest.

After frameworks are established for season lengths, bag limits, and areas for migratory game bird hunting, States may select season dates, bag limits, and other regulatory options for the hunting seasons. States may always be more conservative in their selections than the Federal frameworks but never more liberal.

Notice of Intent To Establish Open Seasons

This document announces our intent to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 2014–15 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20.

For the 2014–15 migratory game bird hunting season, we will propose regulations for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). We describe these proposals under Proposed 2014–15 Migratory Game Bird Hunting Regulations (Preliminary) in this document. We published definitions of waterfowl flyways and mourning dove management units, and a description of the data used in and the factors affecting the regulatory process, in the March 14, 1990, **Federal Register** (55 FR 9618).

Regulatory Schedule for 2014–15

This document is the first in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations. We will publish additional supplemental proposals for public comment in the **Federal Register** as population, habitat, harvest, and other information become available. Because of the late dates when certain portions of these data become available, we anticipate abbreviated comment periods on some proposals. Special circumstances limit the amount of time we can allow for public comment on these regulations.

Specifically, two considerations compress the time for the rulemaking process: the need, on one hand, to establish final rules early enough in the summer to allow resource agencies to select and publish season dates and bag limits before the beginning of hunting seasons and, on the other hand, the lack of current status data on most migratory game birds until later in the summer. Because the regulatory process is strongly influenced by the times when information is available for consideration, we divide the regulatory process into two segments: early seasons and late seasons (further described and discussed above in the Background and Overview section).

Major steps in the 2014–15 regulatory cycle relating to open public meetings and **Federal Register** notifications are illustrated in the diagram at the end of this proposed rule. All publication dates of **Federal Register** documents are target dates.

All sections of this and subsequent documents outlining hunting frameworks and guidelines are organized under numbered headings. These headings are:

1. Ducks
   A. General Harvest Strategy
   B. Regulatory Alternatives
   C. Zones and Split Seasons
   D. Special Seasons/Species Management
   i. September Teal Seasons
   ii. September Teal/Wood Duck Seasons
   iii. Black Ducks
   iv. Canvasbacks
   v. Pintails
   vi. Scaup
   vii. Mottled Ducks
   viii. Wood Ducks
   ix. Youth Hunt
   x. Mallard Management Units
   xi. Other
2. Sea Ducks
3. Mergansers
4. Canada Geese
   A. Special Seasons
   B. Regular Seasons
   C. Special Late Seasons
5. White-Fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-Tailed Pigeons
16. Mourning Doves
17. White-Winged and White-Tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Later sections of this and subsequent documents will refer only to numbered items requiring your attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

We will publish final regulatory alternatives for the 2014–15 duck hunting seasons in mid-July. We will publish proposed early season frameworks in mid-July and late season frameworks in mid-August. We will publish final regulatory frameworks for early seasons on or about August 15, 2014, and those for late seasons on or about September 19, 2014.

Request for 2016 Spring and Summer Migratory Bird Subsistence Harvest Proposals in Alaska

Background

The 1916 Convention for the Protection of Migratory Birds between the United States and Great Britain (for Canada) established a closed season for the taking of migratory birds between March 10 and September 1. Residents of northern Alaska and Canada traditionally harvested migratory birds for nutritional purposes during the spring and summer months. The 1916 Convention and the subsequent 1936 Mexico Convention for the Protection of Migratory Birds and Game Mammals provide for the legal subsistence harvest of migratory birds and their eggs in Alaska and Canada during the closed season by indigenous inhabitants.

On August 16, 2002, we published in the **Federal Register** (67 FR 53511) a final rule that established procedures for incorporating subsistence management into the continental migratory bird management program. These regulations, developed under a new co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives, established an annual procedure to develop harvest guidelines for implementation of a spring and summer migratory bird subsistence harvest. Eligibility and inclusion requirements necessary to participate in the spring and summer migratory bird subsistence season in Alaska are outlined in 50 CFR part 92.

This proposed rule calls for proposals for regulations that will expire on August 31, 2016, for the spring and summer subsistence harvest of migratory birds in Alaska. Each year, seasons will open on or after March 11 and close before September 1.

Alaska Spring and Summer Subsistence Harvest Proposal Procedures

We will publish details of the Alaska spring and summer subsistence harvest proposals in later **Federal Register** documents under 50 CFR part 92. The general relationship to the process for developing national hunting regulations for migratory game birds is as follows:

(a) *Alaska Migratory Bird Co-Management Council.* The public may submit proposals to the Co-management Council during the period of November 1–December 15, 2014, to be acted upon for the 2016 migratory bird subsistence harvest season. Proposals should be submitted to the Executive Director of the Co-management Council, listed above under the caption **ADDRESSES.**

(b) *Flyway Councils.*

(1) The Co-management Council will submit proposed 2016 regulations to all Flyway Councils for review and comment. The Council's recommendations must be submitted before the Service Regulations Committee's last regular meeting of the calendar year in order to be approved for spring and summer harvest beginning April 2 of the following calendar year.

(2) Alaska Native representatives may be appointed by the Co-management Council to attend meetings of one or more of the four Flyway Councils to discuss recommended regulations or other proposed management actions.

(c) *Service Regulations Committee.* The Co-management Council will submit proposed annual regulations to the Service Regulations Committee (SRC) for their review and recommendation to the Service Director. Following the Service Director's review and recommendation, the proposals will be forwarded to the Department of the Interior for approval. Proposed annual regulations will then be published in the **Federal Register** for public review and comment, similar to the annual migratory game bird hunting regulations. Final spring and summer regulations for Alaska will be published in the **Federal Register** in the preceding winter after review and consideration of any public comments received.

Because of the time required for review by us and the public, proposals from the Co-management Council for the 2016 spring and summer migratory bird subsistence harvest season must be submitted to the Flyway Councils and the Service by June 15, 2015, for Council comments and Service action at the late-season SRC meeting.

Review of Public Comments

This proposed rulemaking contains the proposed regulatory alternatives for the 2014–15 duck hunting seasons. This proposed rulemaking also describes other recommended changes or specific preliminary proposals that vary from the 2013–14 final frameworks (see August 23, 2013, **Federal Register** (78 FR 52658) for early seasons and September 20, 2013, **Federal Register** (78 FR 58124) for late seasons) and issues requiring early discussion, action, or the attention of the States or tribes. We will publish responses to all proposals and written comments when we develop final frameworks for the 2014–15 season. We seek additional information and comments on this proposed rule.

Consolidation of Notices

For administrative purposes, this document consolidates the notice of intent to establish open migratory game bird hunting seasons, the request for tribal proposals, and the request for Alaska migratory bird subsistence seasons with the preliminary proposals for the annual hunting regulations-development process. We will publish the remaining proposed and final rulemaking documents separately. For inquiries on tribal guidelines and proposals, tribes should contact the following personnel:

Region 1 (Idaho, Oregon, Washington, Hawaii, and the Pacific Islands)—Nanette Seto, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, OR 97232–4181; (503) 231–6164.

Region 2 (Arizona, New Mexico, Oklahoma, and Texas)—Greg Hughes, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103; (505) 248–7885.

Region 3 (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin)—Dave Scott, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; (612) 713–5101.

Region 4 (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico and Virgin Islands, South Carolina, and Tennessee)—E. J. Williams, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, GA 30345; (404) 679–4000.

Region 5 (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia)—Chris Dwyer, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; (413) 253–8576.

Region 6 (Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming)—Casey Stemler, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Building, Denver, CO 80225; (303) 236–8145.

Region 7 (Alaska)—Pete Probasco, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503; (907) 786–3423.

Region 8 (California and Nevada)—Marie Strassburger, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, CA 95825–1846; (916) 414–6727.

Requests for Tribal Proposals

Background

Beginning with the 1985–86 hunting season, we have employed guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467) to establish special migratory game bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. We developed these guidelines in response to tribal requests for our recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, tribal regulations established under the guidelines must be consistent with the annual March 10 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Convention). The guidelines are applicable to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also may be applied to the establishment of migratory game bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting, or where the tribes and affected States otherwise have reached

agreement over hunting by nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory game bird hunting by nonmembers on Indian-owned reservation lands, subject to our approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing migratory bird hunting by non-Indians on these lands. In such cases, we encourage the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands. It is incumbent upon the tribe and/or the State to request consultation as a result of the proposal being published in the **Federal Register**. We will not presume to make a determination, without being advised by either a tribe or a State, that any issue is or is not worthy of formal consultation.

One of the guidelines provides for the continuation of tribal members' harvest of migratory game birds on reservations where such harvest is a customary practice. We do not oppose this harvest, provided it does not take place during the closed season required by the Convention, and it is not so large as to adversely affect the status of the migratory game bird resource. Since the inception of these guidelines, we have reached annual agreement with tribes for migratory game bird hunting by tribal members on their lands or on lands where they have reserved hunting rights. We will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members.

Tribes should not view the guidelines as inflexible. We believe that they provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while also ensuring that the migratory game bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Details Needed in Tribal Proposals

Tribes that wish to use the guidelines to establish special hunting regulations for the 2014–15 migratory game bird hunting season should submit a proposal that includes:

(1) The requested migratory game bird hunting season dates and other details regarding the proposed regulations;

(2) Harvest anticipated under the proposed regulations; and

(3) Tribal capabilities to enforce migratory game bird hunting regulations.

For those situations where it could be shown that failure to limit Tribal harvest could seriously impact the migratory game bird resource, we also request information on the methods employed to monitor harvest and any potential steps taken to limit level of harvest.

A tribe that desires the earliest possible opening of the migratory game bird season for nontribal members should specify this request in its proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit for nontribal members, the proposal should request the same daily bag and possession limits and season length for migratory game birds that Federal regulations are likely to permit the States in the Flyway in which the reservation is located.

Tribal Proposal Procedures

We will publish details of tribal proposals for public review in later **Federal Register** documents. Because of the time required for review by us and the public, Indian tribes that desire special migratory game bird hunting regulations for the 2014–15 hunting season should submit their proposals as soon as possible, but no later than June 5, 2014.

Tribes should direct inquiries regarding the guidelines and proposals to the appropriate Service Regional Office listed above under the caption Consolidation of Notices. Tribes that request special migratory game bird hunting regulations for tribal members on ceded lands should send a courtesy copy of the proposal to officials in the affected State(s).

Public Comments

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments we receive. Such comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by email or fax or to an address not listed in the **ADDRESSES** section. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, Room 4107, 4501 North Fairfax Drive, Arlington, VA 22203.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in any final rules.

NEPA Consideration

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We

published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2013–14,'' with its corresponding August 19, 2013, finding of no significant impact. In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Endangered Species Act Consideration

Before issuance of the 2014–15 migratory game bird hunting regulations, we will comply with provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter the Act), to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of the Act may cause us to change proposals in this and future supplemental proposed rulemaking documents.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of $100 million or more on the economy.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

An economic analysis was prepared for the 2013–14 season. This analysis was based on data from the 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). We will use this analysis again for the 2014–15 season. This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2012–13 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2012–13 season. For the 2013–14 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $317.8–$416.8 million. We also chose alternative 3 for the 2009–10, the 2010–11, the 2011–12, and the 2012–13 seasons. The 2013–14 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0017.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, and 2013. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2013 Analysis was based on the 2011 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.5 billion at small businesses in 2013. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0017.

Clarity of the Rule

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

(a) Be logically organized;

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

(c) Use clear language rather than jargon;

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

(e) Use lists and tables wherever possible.

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

Small Business Regulatory Enforcement Fairness Act

This proposed rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule would have an annual effect on the economy of $100 million or more. However, because this rule would establish hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

This proposed rule does not contain any new information collection that requires approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0010—Mourning Dove Call Count Survey (expires 4/30/2015).
- 1018–0019—North American Woodcock Singing Ground Survey (expires 4/30/2015).
- 1018–0023—Migratory Bird Surveys (expires 4/30/2014). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

• 1018–0124—Alaska Migratory Bird Subsistence Harvest Household Survey (expires 6/30/2016).

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this proposed rulemaking would not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that this proposed rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment

In accordance with E.O. 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule would not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules would allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed rule is a significant regulatory action under E.O. 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in this proposed rule, we solicit proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2014–15 migratory bird hunting season. The resulting proposals will be contained in a separate proposed rule. By virtue of these actions, we have consulted with Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with E.O. 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Authority: The rules that eventually will be promulgated for the 2014–15 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: April 16, 2014.

Michael J. Bean,

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

Proposed 2014–15 Migratory Game Bird Hunting Regulations (Preliminary)

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils, we may defer specific regulatory proposals. No changes from the final 2013–14 frameworks established on August 23 and September 20, 2013 (78 FR 52658 and 78 FR 58124) are being proposed at this time. Other issues requiring early discussion, action, or the attention of the States or tribes are contained below:

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy, (B) Regulatory Alternatives, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. Only those containing substantial recommendations are discussed below.

A. General Harvest Strategy

We propose to continue using adaptive harvest management (AHM) to help determine appropriate duck-hunting regulations for the 2014–15 season. AHM permits sound resource decisions in the face of uncertain regulatory impacts and provides a mechanism for reducing that uncertainty over time. We use AHM to evaluate four alternative regulatory levels for duck hunting based on the population status of mallards. (We enact special hunting restrictions for species of special concern, such as canvasbacks, scaup, and pintails).

Pacific, Central and Mississippi Flyways

The prescribed regulatory alternative for the Pacific, Central, and Mississippi Flyways is based on the status of mallards that contributes primarily to each Flyway. In the Pacific Flyway, we set hunting regulations based on the status and dynamics of western mallards. Western mallards are those breeding in Alaska and the northern Yukon Territory (as based on Federal surveys in strata 1–12), and in California and Oregon (as based on State-conducted surveys). In the Central and Mississippi Flyways, we set hunting regulations based on the status and dynamics of mid-continent mallards. Mid-continent mallards are those breeding in central North America (Federal survey strata 13–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan).

For the 2014–15 season, we recommend continuing to use independent optimization to determine the optimal regulatory choice for each mallard stock. This means that we would develop regulations for mid-continent mallards and western mallards independently, based upon the breeding stock that contributes primarily to each Flyway. We detailed implementation of this new AHM decision framework in the July 24, 2008, **Federal Register** (73 FR 43290).

Atlantic Flyway

The prescribed regulatory alternative for the Atlantic Flyway is determined annually based on the population status of mallards breeding in eastern North America (Federal survey strata 51–54 and 56, and State surveys in New England and the mid-Atlantic region). In 2012, we proposed and subsequently implemented several changes related to the population models used in the eastern mallard AHM protocol (77 FR 42920; July 20, 2012). We propose continuation of the AHM process for the 2014–15 season using the revised model set to inform eastern mallard harvest regulations until a fully revised AHM protocol is finalized. Further details on the revised models and results of simulations of this interim harvest policy are available on our Web site at *http://www.fws.gov/migratorybirds,* or at *http://www.regulations.gov*.

Final 2014–15 AHM Protocol

We will detail the final AHM protocol for the 2014–15 season in the early-season proposed rule, which we will publish in mid-July (see 2014 Schedule of Regulations Meetings and **Federal Register** Publications at the end of this proposed rule for further information). We will propose a specific regulatory alternative for each of the Flyways during the 2014–15 season after survey information becomes available in late summer. More information on AHM is located at *http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/AHM/AHM-intro.htm*.

B. Regulatory Alternatives

The basic structure of the current regulatory alternatives for AHM was adopted in 1997. In 2002, based upon recommendations from the Flyway Councils, we extended framework dates in the ''moderate'' and ''liberal'' regulatory alternatives by changing the opening date from the Saturday nearest October 1 to the Saturday nearest September 24, and by changing the closing date from the Sunday nearest January 20 to the last Sunday in January. These extended dates were made available with no associated penalty in season length or bag limits. At that time we stated our desire to keep these changes in place for 3 years to allow for a reasonable opportunity to monitor the impacts of framework-date extensions on harvest distribution and rates of harvest before considering any subsequent use (67 FR 12501; March 19, 2002).

For 2014–15, we are proposing to maintain the same regulatory alternatives that were in effect last year (see accompanying table for specifics of the proposed regulatory alternatives). Alternatives are specified for each Flyway and are designated as ''RES'' for the restrictive, ''MOD'' for the moderate, and ''LIB'' for the liberal alternative. We will announce final regulatory alternatives in mid-July. We will accept public comments until June 27, 2014, and you should send your comments to an address listed under the caption **ADDRESSES.**

D. Special Seasons/Species Management

i. September Teal Seasons

We realize and appreciate the long-standing interest by the Flyway Councils to pursue additional teal harvest opportunity. With this interest in mind, in 2009, the Flyways and Service began to assess the collective results of all teal harvest, including harvest during special September seasons. The Teal Harvest Potential Working Group conducted this assessment work, which included a thorough assessment of the harvest potential for both blue-winged and green-winged teal, as well as an assessment of the impacts of current special September seasons on these two species. Cinnamon teal were subsequently included in this assessment.

In the April 9, 2013, **Federal Register** (78 FR 21200), we stated that the final report of the Teal Harvest Potential Working Group indicated that additional opportunity could be provided for blue-winged teal and green-winged teal. Therefore, last year, we supported recommendations from the Atlantic, Mississippi, and Central Flyway Councils to increase the daily bag limit from 4 to 6 teal in the aggregate during the special September teal season (78 FR 52658; August 23, 2013). However, we also stated that we did not support additional changes to the structure of the September teal season until specific management objectives for teal have been articulated and a comprehensive, cross-flyway approach to developing and evaluating other potential avenues by which additional teal harvest opportunity can be provided has been completed. Further, we recognized that this comprehensive approach could potentially include the addition of new hunting seasons (e.g., September teal seasons in northern States), as well as expanded hunting opportunities (e.g., season lengths, bag limits) in States with existing teal seasons. In order to assess the overall effects of these potential changes, we reiterated the need for an evaluation plan that includes specific objectives and is tailored to appropriately address concerns about potential impacts resulting from the type of opportunity offered. Lastly, we noted that detailed guidance for conducting special season evaluations is provided in Supplemental Environmental Impact Statement (SEIS) 88 (Controlled Use of Special Regulations, pp. 82–83), and reaffirmed in SEIS 2013 (Special Regulations, pp. 239–241).

At that time, we recognized that additional technical and coordination work would need to be accomplished to complete this task, and as such, a small technical group comprised of members from the Flyway Councils and Service should be convened. Further, in the interest of guiding State and Federal workloads and facilitating a timely process for providing additional teal harvest opportunity, we provided the Flyway Councils with initial considerations. In summary, we stated that any proposal to increase teal harvest, in order to be consistent with the intent of special regulations, should direct harvest primarily at blue-winged teal, and further that if Flyway Councils wish to pursue past regulatory approaches such as bonus teal, special September duck seasons, and Special September teal/wood duck seasons to provide additional teal harvest opportunity, we requested that they provide compelling information as to why such policies and approaches should be reinstated (i.e., bonus teal) or expanded/modified (i.e., September duck seasons or September teal/wood duck seasons). A more detailed discussion of this guidance and considerations is contained in the August 23, 2013, **Federal Register** (78 FR 52658).

Progress on such work was discussed at the February 2014 SRC meeting. During that meeting, the SRC provided further general guidance on preferred approaches to providing additional teal harvest opportunity. The SRC indicated they were willing to consider proposals to conduct experimental September teal seasons in production States if fully evaluated for impacts to teal and non-target species. Further, the SRC indicated a willingness to provide technical assistance to Flyway Councils to develop an evaluation plan to assess the impact to teal as well as non-target species. However, the SRC indicated they likely would not consider proposals to reinstate bonus teal, expand September duck seasons, or modify September teal/wood duck seasons. The SRC reiterated that they prefer a consistent approach toward providing additional teal opportunities

in northern States, and instead support exploring September teal seasons in those States. While the SRC realizes that there are inherent problems with such an approach, they believe that a consistent approach across Flyways provides the best opportunity for an adequate evaluation of impacts to both teal and non-target species. Such an evaluation is necessary for any revision of the teal harvest strategy in the future and for meeting the Service's statutory responsibilities for the long-term conservation of the resource. The SRC also was concerned that reinstatement of bonus teal regulations could result in requests extending bonus bag limits to other species/stocks that are above objective levels and that potential changes to the regular season structure could become more difficult to implement if bonus bag limits were reinstated.

We look forward to receiving the Flyway Councils' recommendations and discussing the issues further at the June 2014 meeting.

15. Band-Tailed Pigeons

The Interior population of band-tailed pigeons north of Mexico occurs primarily in the States of Colorado, New Mexico, Utah, and Arizona. Last year, the Pacific Flyway Council recommended reducing the daily bag limit for Interior population of band-tailed pigeons from 5 birds to 2 (season length was unchanged at about 30 days), and the Central Flyway Council recommended no change. The Pacific Flyway Council also expressed concern about the status of the population and what an appropriate framework may be, and expressed concern about the inequity between frameworks between the Pacific Coast and Interior populations given similar population trajectories.

While we did not change the federal frameworks, we did reiterate our long-standing practice of giving considerable deference to harvest strategies developed in cooperative Flyway management plans. We further stated that a harvest strategy does not exist for the Interior Population of band-tailed pigeons even though the development of one was identified as a high priority when the management plan was adopted in 2001. Thus, we recommended that the two Flyway Councils discuss this issue and advise us of the results of these deliberations at our June 2014 regulatory meeting. It is our desire to see adoption of a mutually acceptable harvest strategy for this population as soon as possible.

We also note that both Arizona and Utah opted for more restrictive regulations last year than the Federal frameworks allow. While we recognize the pro-active nature of these voluntary State restrictions in part of the species' range, the actions do not fully address population-wide concerns expressed by the Pacific Flyway Council. We look forward to hearing from the Flyway Councils and discussing the issue further at the June 2014 meeting.

16. Mourning Doves

In 2003, all four Flyway Councils approved the Mourning Dove National Strategic Harvest Plan (Plan). The Plan represented a new, more informed means of decision-making for dove harvest management besides relying solely on traditional roadside counts of mourning doves as indicators of population trend. However, recognizing that a more comprehensive, national approach would take time to develop, we requested the development of interim harvest strategies, by management unit, until the elements of the Plan could be fully implemented. In 2004, each management unit submitted its respective strategy, but the strategies used different datasets and different approaches or methods. After initial submittal and review in 2006, we requested that the strategies be revised, using similar, existing datasets among the management units along with similar decision-making criteria. In 2008, we accepted and endorsed the interim mourning dove harvest strategies for the Central, Eastern, and Western Management Units (73 FR 50678; August 27, 2008). In 2009, the interim harvest strategies were successfully employed and implemented in all three Management Units (74 FR 36870; July 24, 2009). Last year, we approved implementation of the national mourning dove harvest strategy, as developed by the Mourning Dove Task Force, in the 2014–15 hunting season (78 FR 52658; August 23, 2013). This strategy replaces the interim harvest strategies that have been in place since 2009. A copy of the new strategy is available at available on our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/Dove/MODO%20Harvest%20Strategy%202014.pdf,* or at *http://www.regulations.gov*.

23. Other

In a July 26, 2013, **Federal Register** (78 FR 45376), the Service issued its Record of Decision (ROD) for the migratory bird hunting program, prepared pursuant to National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) regulations at 40 CFR 1505.2. An integral component of that ROD was the decision to promulgate annual migratory bird hunting regulations using a single process for early and late seasons based on predictions derived from long-term biological information and established harvest strategies. We believe this single process is the most effective alternative for addressing key issues identified during the planning process and will best achieve the purposes and goals of the Service and States. At that time, we stated that implementation of the new process was targeted for the 2015–16 regulations cycle.

Under this new process, the current early and late season regulatory actions (illustrated in the diagram at the end of this proposed rule) will be combined into a new single process. Regulatory proposals will be developed using biological data from the preceding year(s), model predictions, or most recently accumulated data that are available at the time the proposals are being formulated. Individual harvest strategies will be modified using either data from the previous year(s) or model predictions because the current year's data would not be available for many of the strategies. Considerable technical work will be necessary over a period of years to adjust the underlying biological models to the new regulatory time scale. During this transition period, harvest strategies and prescriptions will be modified to fit into the new regulatory schedule. These adjustments could be accomplished immediately upon adoption of the new process. Many existing regulatory prescriptions used for Canada geese, sandhill cranes, mourning doves, and American woodcock currently work on this basis. The process will be somewhat less precise in some instances because population projections would be used instead of current-year status information. The use of population projections rather than current-year population estimates would add variability to the population estimate from which the regulations are based. However, the uncertainty associated with these status predictions will be accounted for and incorporated into the process. This uncertainty will not result in a disproportionately higher harvest rate for any stock, nor substantially diminish harvest opportunities, either annually or on a cumulative basis. Reducing the number of meetings could lower administrative costs by 40 percent per year and substantially lower the Service's carbon footprint due to a decrease in travel and a reduction in the costs associated with the additional meetings.

Obviously, under this new process, the administrative, meeting, and **Federal Register** schedule will all change significantly. In the ROD, we described a meeting schedule consisting of SRC regulatory meetings in March or April. At the latest, proposed frameworks would be available for public review by early June and final frameworks published by mid-August. The new schedule also allows 30–60 days for public input and comments (currently, the comment period can be as short as 10 days). Further, the ROD stated that the four Flyway Councils may need to meet only once instead of twice per year, and the SRC would meet twice a year, once sometime during fall or early winter (September through January) and once thereafter, instead of the three times they currently convene.

At this time, we do not anticipate implementation of the new process until the 2016–17 season at the earliest. As we previously stated, there is considerable technical work necessary over a period of years to adjust the underlying biological models to the new regulatory time scale. We are currently working with the Flyway Councils on a number of administrative, meeting, and **Federal Register** schedule timing options to implement the new regulatory process. This ultimately may involve a regulatory schedule that begins earlier than was envisioned in the ROD. Over the course of the next year, we look forward to working with the Councils to find a mutually agreeable process.

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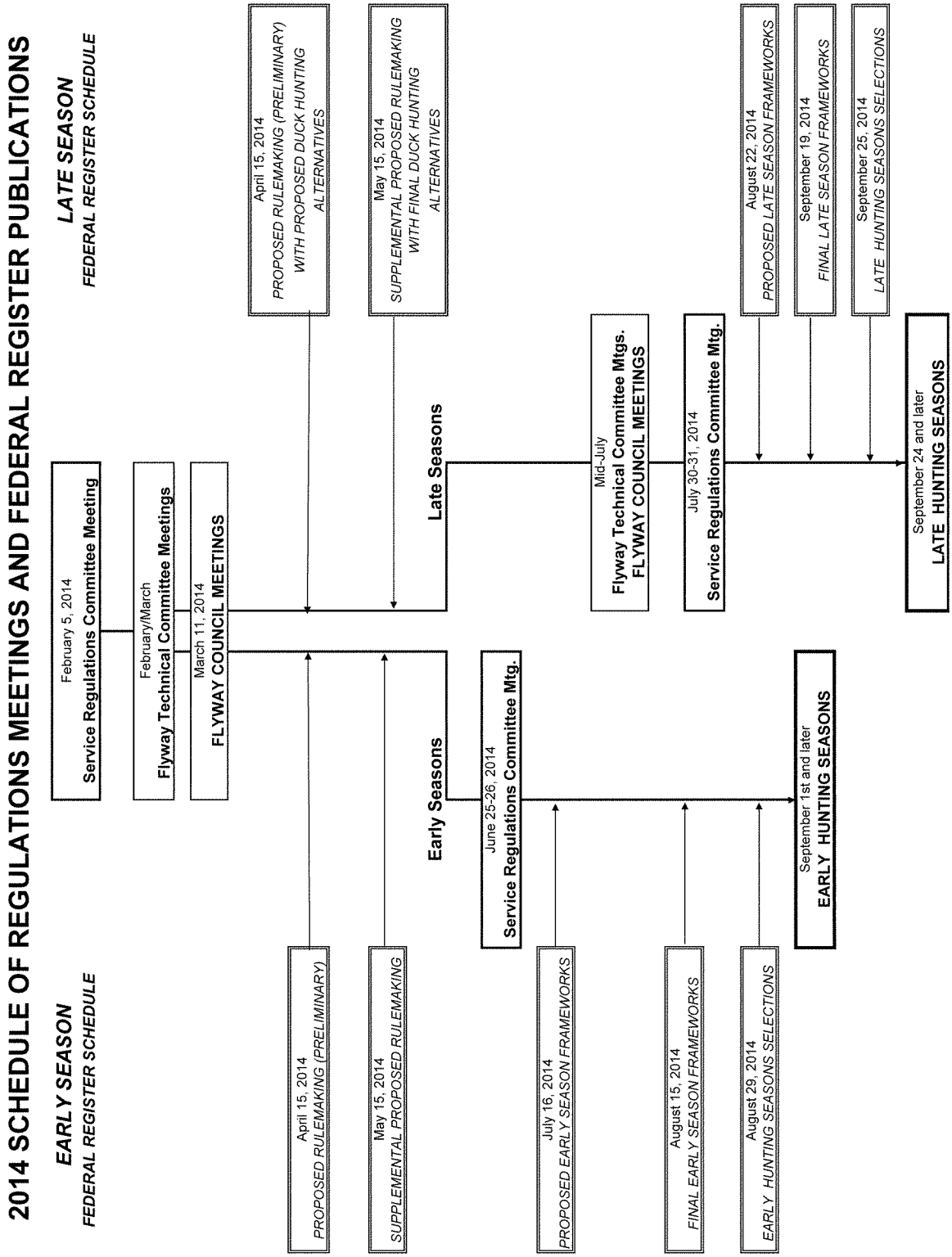
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February/March
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WITH PROPOSED DUCK HUNTING
ALTERNATIVES
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SUPPLEMENTAL PROPOSED RULEMAKING
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September 1st and later
EARLY HUNTING SEASONS
September 24 and later
LATE HUNTING SEASONS

PROPOSED REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 2014-15 SEASON

	ATLANTIC FLYWAY			MISSISSIPPI FLYWAY			CENTRAL FLYWAY (a)			PACIFIC FLYWAY (b)(c)		
	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB	RES	MOD	LIB
Beginning Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24	Sat. nearest Oct. 1	Sat. nearest Sept. 24	Sat. nearest Sept. 24
Closing Date	Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.	Sun. nearest Jan. 20	Last Sunday in Jan.	Last Sunday in Jan.
Season Length (in days)	30	45	60	30	45	60	39	60	74	60	86	107
Daily Bag	3	6	6	3	6	6	3	6	6	4	7	7
Species/Sex Limits within the Overall Daily Bag Limit												
Mallard (Total/Female)	3/1	4/2	4/2	2/1	4/1	4/2	3/1	5/1	5/2	3/1	5/2	7/2

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway, with the exception of season length. Additional days would be allowed under the various alternatives as follows: restrictive - 12, moderate and liberal - 23. Under all alternatives, additional days must be on or after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all alternatives except the liberal alternative, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different from the remainder of the Pacific Flyway. The bag limit (depending on the area) would be 5-8 under the restrictive alternative, and 7-10 under the moderate and liberal alternatives. Under all alternatives, season length would be 107 days and framework dates would be Sep. 1 - Jan. 26.

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FEDERAL REGISTER

Vol. 79 Wednesday,
No. 83 April 30, 2014

Part III

The President

Proclamation 9107—Workers Memorial Day, 2014

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 9107 of April 25, 2014

Workers Memorial Day, 2014

By the President of the United States of America

A Proclamation

America is built on the promise of opportunity. We believe that everyone should have a chance to succeed, that what matters is the strength of our work ethic, the scope of our dreams, and our willingness to take responsibility for ourselves and each other. Yet each year, workplace illness and injury threaten that promise for millions of Americans, and even more tragically, thousands die on the job. This is unacceptable. On Workers Memorial Day, we honor those we have lost, and in their memory, affirm everyone's right to a safe workplace.

With grit and determination, the American labor force has propelled our Nation through times of hardship and war, and it laid the foundation for tremendous economic growth. Workers risked life and limb to turn the gears of the Industrial Revolution, raise our first skyscrapers, and lay railroad track that connected our country from coast to coast. The injured, as well as families of the dead, received little or no compensation.

It was only after decades of organizing, unionizing, and public pressure that workers won many of the rights we take for granted today. Finally, with the Occupational Safety and Health Act of 1970, the Federal Government required employers to provide basic safety equipment. Just 1 year prior, the Federal Coal Mine Health and Safety Act of 1969 established comprehensive safety and health standards for coal mines, increased Federal enforcement powers, and provided compensation to miners with black lung.

My Administration remains dedicated to building on this progress. We are improving standards to protect workers from black lung and reduce their exposure to dangerous substances. We are helping employers provide safe workplaces and holding those who risk workers' lives and health accountable. And we are empowering workers with information so they can stay safe on the job.

We must never accept that injury, illness, or death is the cost of doing business. Workers are the backbone of our economy, and no one's prosperity should come at the expense of their safety. Today, let us celebrate our workers by upholding their basic right to clock out and return home at the end of each shift.

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 28, 2014, as Workers Memorial Day. I call upon all Americans to participate in ceremonies and activities in memory of those killed or injured due to unsafe working conditions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth 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.

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