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Rules and Regulations

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 151, 733, and 734

RIN 3206–AM87

Political Activity—State or Local Officers or Employees; Federal Employees Residing in Designated Localities; Federal Employees

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: OPM is issuing a final rule to incorporate in its political activity regulations the amendments to the Hatch Act added by the Hatch Act Modernization Act of 2012. The final rule also updates the contact information for the United States Office of Special Counsel, the Federal agency authorized by statute to investigate and prosecute allegations of Hatch Act violations, and to issue advisory opinions concerning permitted and prohibited political activities under the Hatch Act. Finally, the final rule updates our regulations to conform to current Federal employee political activity provisions.

DATES: This rule is effective June 4, 2014.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Chabot, Office of the General Counsel, United States Office of Personnel Management, (202) 606–1700.

SUPPLEMENTARY INFORMATION: The Hatch Act Modernization Act of 2012, Public Law 112–230, 126 Stat. 1616–1618 (Dec. 28, 2012), amended provisions of the Hatch Act governing the political activities of State and local employees, Federal employees, and employees of the Government of the District of Columbia. On July 24, 2013, OPM issued proposed regulations incorporating these amendments in its existing regulations at 5 CFR parts 151, 733, and 734. OPM received, and has addressed in this Summary of Information, one comment from a Federal employee labor organization concerning the proposed rule.

The Hatch Act, codified at 5 U.S.C. 1501–1508, concerns the political activities of State and local employees. Before Congress enacted Public Law 112–230, 5 U.S.C. 1502 prohibited from candidacy for elective office certain State and local employees whose principal employment was connected with an activity financed in whole or in part with loans or grants from the United States or a Federal agency. Section 2 of Public Law 112–230 amended 5 U.S.C. 1502 by applying the prohibition against candidacy for elective office only to certain State or local employees whose salaries are paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency. OPM is revising 5 CFR 151.101 to reflect this change.

Section 3 of Public Law 112–230 amended 5 U.S.C. 1501, 1502, and 1506 by treating employees of the Government of the District of Columbia as State and local employees, rather than as Federal employees. OPM is revising 5 CFR 151.101 and 151.122 to reflect these changes.

In addition, section 3 of Public Law 112–230 amended 5 U.S.C. 7322 by excluding employees of the Government of the District of Columbia from coverage under 5 U.S.C. 7323–7326, the Hatch Act provisions also governing the political activities of Federal employees. Consequently, OPM is removing references to the Government of the District of Columbia or its employees from 5 CFR 733.101, 734.101, 734.102, 734.203, 734.305, and 734.502.

Section 7325 of title 5, U.S.C., authorizes OPM to permit the Federally employed residents of certain localities to participate in some political activities that the Hatch Act otherwise would prohibit when OPM determines that, in view of special or unusual circumstances, it would be in the employees' domestic interest to permit such participation . Section 7325 specifies that these Federal employees must reside in: (1) A municipality or political subdivision in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or (2) a municipality in which the majority of voters are employed by the Government of the United States. Section 3 of Public Law 112–230 amended section 7325 by including the District of Columbia as a third category. Consequently, OPM is amending 5 CFR 733.107(a) to reflect this change in the statute.

Under 5 U.S.C. 7326, the previous penalty for violating the political activity prohibitions in 5 U.S.C. 7323 and 7324 was removal, unless the Merit Systems Protection Board by a unanimous vote imposed a penalty of not less than a 30-day suspension without pay. Section 3 of Public Law 112–230 amended section 7326 by adding a variety of lesser penalties to the existing penalty of removal, and abolishing the requirement that the Merit Systems Protection Board must vote unanimously to impose a lesser penalty than removal. OPM is revising 5 CFR 734.102(b) to add these lesser penalties and remove the requirement for a unanimous vote in cases involving penalties other than removal. OPM also is revising paragraph (a) of section 734.102 to update the contact information for the U.S. Office of Special Counsel, the Federal agency that investigates and prosecutes alleged Hatch Act violations, and provides advice concerning permissible and prohibited political activities.

Under 5 U.S.C. 7323(a), the majority of Federal employees may participate actively in most partisan political activities, except for using their official authority or influence to interfere with, or affect the result of an election; running for public office in a partisan campaign; soliciting, accepting, or receiving political contributions; and, participating in political activities while on duty, on Federal premises, in uniform, or using a Government owned or leased vehicle.

Employees in the positions or agencies identified in section 7323(b)(2) and (3), however, are more restricted and may not participate actively in partisan political activities. OPM regulations at 5 CFR 733.102, 733.105, and 734.401 no longer conform with section 7323(b)(2) and (3) because Congress has enacted various amendments to section 7323(b)(2) and (3). OPM is updating sections 733.102, 733.105, and 734.401 to conform to the current provisions in 5 U.S.C. 7323.

A Federal employee labor organization commented on the

proposed revision of OPM regulatory provisions concerning individuals employed in the positions and agencies listed in 5 U.S.C. 7323(b)(2) and (3). The labor organization noted that 5 CFR 733.102 specifically excludes from 5 CFR part 733 employees (except individuals appointed by the President by and with the advice and consent of the Senate) in the Criminal Division and the National Security Division of the U.S. Department of Justice. The labor organization further noted, however, that 5 CFR 734.401 (14) and (15) includes the Criminal Division and the National Security Division, respectively, within 5 CFR part 734, subpart D. The labor organization wanted to know whether or not this was an oversight and whether the employees excluded from part 733 may run for nonpartisan office.

Excluding employees of the Criminal and National Security Divisions from 5 CFR part 733, while including them in 5 CFR part 734, is not an oversight. After Congress enacted the Hatch Act Reform Amendments of 1993, OPM published interim regulations, 59 FR 5313 (February 4, 1994), excluding from 5 CFR part 733 employees in the sensitive agencies and positions listed in 5 U.S.C. 7323(b)(2), as well as employees in the Criminal Division of the Department of Justice covered under 5 U.S.C. 7323(b)(3).

On January 6, 1996, Congress amended 5 U.S.C. 7325, the statutory provision concerning the political activity of federal employees residing in designated localities. The amendment authorized OPM to permit employees covered under 5 U.S.C. 7323(b)(2) to participate in the local partisan elections of the designated localities specified in 5 CFR 733. Public Law 104–93, § 308, 109 Stat. 961, 966. The amendment, however, did not provide for employees covered under 5 U.S.C. 7323(b)(3), i.e. the Criminal Division of the Department of Justice. In addition, the legislative history of this amendment did not include anything establishing that Congress intended to extend the coverage of the amendment to Criminal Division employees. Consequently, OPM issued regulations permitting employees covered under 5 U.S.C. 7323(b)(2) and residing in a designated locality to participate as independent candidates in the local elections of that locality (63 FR 4555, January 30, 1998). Except for employees appointed by the President, by and with the advice and consent of the Senate, as specified in 5 U.S.C. 7323(b)(3), OPM regulations continued to exclude employees in the Criminal Division of the Department of Justice from 5 CFR part 733 (63 FR 4559).

On March 9, 2006, Congress established the National Security Division in the Department of Justice, Public Law 109–77, § 506(b)(1), 120 Stat. 192, 248–49, and included the National Security Division under 5 U.S.C. 7323(b)(3), rather than under section 7323(b)(2). Public Law 109–77, § 506(b)(2), 120 Stat. 192, 249. The legislative history of section 506(b)(2) is silent concerning the political participation of employees in the National Security Division. However, it is clear from the history of 5 U.S.C. 7323(b)(3) and the accompanying regulatory provisions that, Congress had several opportunities to permit the employees described in 5 U.S.C. 7323(b)(3) to engage in the same level of political participation as employees covered under section 7323(b)(2), but Congress did not do so. Therefore, except for employees appointed by the President by and with the advice and consent of the Senate, OPM has excluded from 5 CFR part 733 employees in the National Security Division of the Department of Justice and continues to exclude employees in the Criminal Division.

The labor organization also wanted to know whether the employees excluded from part 733 may run for nonpartisan office. Employees of the Criminal Division and National Security Division of the Department of Justice may run for public office in a nonpartisan election as defined in 5 CFR 734.101, i.e., an election where none of the candidates represents a political party whose electors for the office of President of the United States received votes in the preceding presidential election.

E.O. 12866, Federal Regulation

This regulation has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the changes will affect only employees of the Federal Government.

List of Subjects

5 CFR Part 151

Political activity—State or local officers or employees.

5 CFR Part 733

Political activity—Federal employees residing in designated localities.

5 CFR Part 734

Political activity—Federal employees.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, the Office of Personnel Management amends 5 CFR parts 151, 733, and 734 to read as follows:

PART 151—POLITICAL ACTIVITY—STATE OR LOCAL OFFICERS OR EMPLOYEES

■ 1. The authority citation for part 151 is revised to read as follows:

Authority: 5 U.S.C. 1302, 1501–1508, as amended, Reorganization Plan No. 2 of 1978, section 102, 92 Stat. 3783, 3 CFR 1978 Comp. p. 323; and E.O. 12107, section 1–102, 3 CFR 1978 Comp. p. 264.

■ 2. In 151.101, paragraphs (b) and (d) are revised to read as follows:

§ 151.101 Definitions.

In this part:

* * * * *

(b) *State or local agency* means:

(1) The executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof; or

(2) The executive branch of the District of Columbia, or an agency or department thereof.

* * * * *

(d) *State or local officer or employee* means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity.

(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

(i) A State or political subdivision thereof;

(ii) The District of Columbia; or

(iii) A recognized religious, philanthropic, or cultural organization.

* * * * *

■ 3. In 151.121, paragraph (c) is revised to read as follows:

§ 151.121 Use of official authority; coercion; candidacy; prohibitions.

* * * * *

(c) Be a candidate for elective office if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency.

■ 4. In 151.122, paragraph (c) is revised to read as follows:

§ 151.122 Candidacy; exceptions.

* * * * *

(c) A duly elected head of an executive department of a State, municipality, or the District of Columbia, who is not classified under a merit or civil service system of a State, municipality, or the District of Columbia;

* * * * *

PART 733—POLITICAL ACTIVITY—FEDERAL EMPLOYEES RESIDING IN DESIGNATED LOCALITIES

■ 1. The authority citation for part 733 is revised to read as follows:

Authority: 5 U.S.C. 7325.d.

■ 2. In 733.101, the definitions of *Employee* and *On duty* are revised to read as follows:

§ 733.101 Definitions.

* * * * *

Employee means:

Any individual (other than the President, the Vice President, or a member of the uniformed services) employed or holding office in—

(1) An Executive agency other than the General Accounting Office;

(2) A position within the competitive service which is not in an Executive agency; or

(3) The United States Postal Service or the Postal Rate Commission.

On Duty means the period when an employee is:

(1) In a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay); or

(2) Representing any agency or instrumentality of the United States Government in an official capacity.

* * * * *

■ 3. Section 733.102 is revised to read as follows:

§ 733.102 Exclusion of employees in the Criminal Division and National Security Division of the United States Department of Justice.

Employees in the Criminal Division and National Security Division in the Department of Justice (except employees appointed by the President by and with the advice and consent of the Senate) specifically are excluded from coverage under the provisions of this part.

■ 4. In 733.105, paragraph (a) is revised to read as follows:

§ 733.105 Permitted Political Activities—employees who reside in designated localities and are employed in certain agencies and positions.

(a) This section applied to employees who reside in designated localities and are employed in the following agencies or positions:

(1) The Federal Election Commission;

(2) The Election Assistance Commission;

(3) The Federal Bureau of Investigation;

(4) The Secret Service;

(5) The Central Intelligence Agency;

(6) The National Security Council;

(7) The National Security Agency;

(8) The Defense Intelligence Agency;

(9) The Merit Systems Protection Board;

(10) The Office of Special Counsel;

(11) The Office of Criminal Investigation of the Internal Revenue Service.

(12) The Office of Investigative Programs of the United States Customs Service;

(13) The Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms;

(14) The National Geospatial-Intelligence Agency;

(15) The Office of the Director of National Intelligence;

(16) Career Senior Executive Service positions described in 5 U.S.C. 3132(a)(4);

(17) Administrative Law Judge positions described in 5 U.S.C. 5372;

(18) Contract Appeals Board Member positions described in 5 U.S.C. 5372a; or

(19) Administrative Appeals Judge positions described in 5 U.S.C. 5732b.

* * * * *

■ 5. In 733.107, paragraph (a) is revised to read as follows:

§ 733.107 Designated localities.

(a) When OPM determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections, OPM may specify as a designated locality:

(1) The District of Columbia,

(2) A municipality or political subdivision in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or

(3) A municipality in which the majority of voters are employed by the Government of the United States.

* * * * *

PART 734—POLITICAL ACTIVITIES OF FEDERAL EMPLOYEES

■ 1. The authority citation for part 733 continues to read as follows:

Authority: 5 U.S.C. 1103, 1104, 7325; Reorganization Plan No. 2 of 1978, 92 Stat. 3783, 3 CFR 1978 Comp. p. 323; and E.O. 12107, 3 CFR 1978 Comp. p. 264.

■ 2. In 734.101, the definitions of *Employee, Employing office,* and *On duty* are revised to read as follows:

§ 734.101 Definitions.

* * * * *

Employee means any individual (other than the President, Vice President, or a member of the uniformed services) employed or holding office in—

(1) An Executive agency other than the General Accounting Office;

(2) A position within the competitive service which is not in an Executive agency; or

(3) The United States Postal Service or the Postal Rate Commission.

Employing office shall have the meaning given by the head of each agency or instrumentality of the United States Government covered by this part. Each agency or instrumentality shall provide notice identifying the appropriate employing offices within it through internal agency notice procedures.

* * * * *

On Duty means the time period when an employee is:

(1) In a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay); or

(2) Representing any agency or instrumentality of the United States Government in an official capacity.

* * * * *

■ 3. In 734.102, paragraphs (a) and (b) are revised to read as follows:

§ 734.102 Jurisdiction.

(a) The United States Office of Special Counsel has exclusive authority to investigate allegations of political activity prohibited by the Hatch Act Reform Amendments of 1993, as implemented by 5 CFR part 734, prosecute alleged violations before the United States Merit Systems Protection Board, and render advisory opinions concerning the applicability of 5 CFR part 734 to the political activity of Federal employees. (5 U.S.C. 1212 and 1216). Advice concerning the Hatch Act Reform Amendments may be requested from the Office of Special Counsel:

(1) By letter addressed to the Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036–4505;

(2) By telephone on (202) 254–3650, or (1–800) 854–2824;

(3) By fax on (202) 254–3700; or

(4) By email at *Hatchact@osc.gov.*

(b) The Merit Systems Protection Board has exclusive authority to determine whether a violation of the Hatch Act Reform Amendments of 1993, as implemented by 5 CFR part 734, has occurred and to impose a penalty of removal, reduction-in-grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1,000, for violation of the political activity restrictions regulated by this part. (5 U.S.C. 1204 and 7326).

* * * * *

■ 4. In 734.203, paragraph (d) is revised to read as follows:

§ 734.203 Participation in nonpartisan activities.

* * * * *

(d) Participate fully in public affairs, except as prohibited by other Federal law, in a manner which does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the agency or instrumentality of the United States Government in which he or she is employed.

■ 5. In 734.305, paragraph (c) is revised to read as follows:

§ 734.305 Soliciting or discouraging the political participation of certain persons.

* * * * *

(c) Each agency or instrumentality of the United States shall determine when a matter is pending and ongoing within employing offices of the agency or instrumentality for the purposes of this part.

* * * * *

■ 6. In 734.401, paragraph (a) is revised to read as follows:

§ 734.401 Coverage.

(a) This subpart applies to employees in the following agencies and positions:

(1) The Federal Election Commission;

(2) The Election Assistance Commission;

(3) The Federal Bureau of Investigation;

(4) The Secret Service;

(5) The Central Intelligence Agency;

(6) The National Security Council;

(7) The National Security Agency;

(8) The Defense Intelligence Agency;

(9) The Merit Systems Protection Board;

(10) The Office of Special Counsel;

(11) The Office of Criminal Investigation of the Internal Revenue Service.

(12) The Office of Investigative Programs of the United States Customs Service;

(13) The Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms;

(14) The Criminal Division of the Department of Justice;

(15) The National Security Division of the Department of Justice;

(16) The National Geospatial-Intelligence Agency;

(17) The Office of the Director of National Intelligence;

(18) Career Senior Executive Service positions described in 5 U.S.C. 3132(a)(4);

(19) Administrative Law Judge positions described in 5 U.S.C. 5372;

(20) Contract Appeals Board Member positions described in 5 U.S.C. 5372a; or

(21) Administrative Appeals Judge positions described in 5 U.S.C. 5732b.

* * * * *

■ 7. In 734.502, paragraph (b) is revised to read as follows:

§ 734.502 Participation in political activity while on duty, in uniform, in any room or building occupied in the discharge of official duties, or using a Federal vehicle.

* * * * *

(b) For the purposes of this subpart, normal duty hours and normal duty post will be determined by the head of each agency or instrumentality of the United States.

* * * * *

[FR Doc. 2014–09628 Filed 5–2–14; 8:45 am]

BILLING CODE 6325–48–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2013–0271]

RIN 3150–AJ31

List of Approved Spent Fuel Storage Casks: Transnuclear, Inc. Standardized Advanced NUHOMS® Horizontal Modular Storage System; Amendment No. 3

Correction

In rule document 2014–08346 appearing on pages 21121 through 21125 in the issue of Tuesday, April 15, 2014, the document heading is corrected to appear as seen above.

[FR Doc. C1–2014–08346 Filed 4–30–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

10 CFR Part 429

[Docket No. EERE–2013–BT–NOC–0023]

RIN 1904–AD12

Energy Conservation Program: Certification of Commercial Heating, Ventilation, and Air-Conditioning (HVAC), Water Heating (WH), and Refrigeration (CRE) Equipment

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

ACTION: Final rule.

SUMMARY: The U.S. Department of Energy is revising and expanding its existing regulations governing certifying compliance with the applicable energy conservation standards and the reporting of related ratings for commercial heating, ventilating, air-conditioning (HVAC), water heating (WH), and refrigeration equipment covered by EPCA. As part of this final rule, DOE is revising the information certified to the Department for each basic model of commercial HVAC, WH, and refrigeration equipment to reflect the negotiated outcomes of the Commercial Certification Working Group.

DATES: *Effective Dates:* The effective date of this rule is June 4, 2014.

ADDRESSES: This rulemaking can be identified by docket number EERE–2013–BT–NOC–0023 and/or Regulatory Identification Number (RIN) 1904–AD12.

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

FOR FURTHER INFORMATION CONTACT: Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: 202–586–6590. Email: *Ashley.Armstrong@ee.doe.gov;* and Ms. Laura Barhydt, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC–32, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 287–5772. Email: *Laura.Barhydt@hq.doe.gov.*

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I. Authority and Background
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II. Discussion of Specific Revisions to DOE's Regulations Certification

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I. Authority and Background

A. Authority

Title III of the Energy Policy and Conservation Act of 1975, as amended (''EPCA'' or, in context, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. Part A of Title III (42 U.S.C. 6291–6309) provides for the Energy Conservation Program for Consumer Products Other Than Automobiles. The National Energy Conservation Policy Act (NECPA), Public Law 95–619, amended EPCA to add Part A–1 of Title III, which established an energy conservation program for certain industrial equipment. (42 U.S.C. 6311–6317) [1] The Department of Energy (''DOE'') is charged with implementing these provisions.

Under EPCA, this program consists essentially of four parts: (1) Testing; (2) labeling; (3) Federal energy conservation standards; and (4) certification and enforcement procedures. The Federal Trade Commission (FTC) is primarily responsible for labeling of consumer products, while DOE implements the remainder of the program. The testing requirements consist of test procedures that manufacturers of covered products and equipment must use (1) as the basis for certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) for making representations about the efficiency of those products and equipment. Similarly, DOE must use these test requirements to determine whether the products comply with any relevant standards promulgated under EPCA. For certain consumer products and commercial equipment, DOE's existing testing regulations allow the use of an alternative efficiency determination method (AEDM) or an alternative rating method (ARM), in lieu of actual testing, to simulate the energy consumption or efficiency of certain basic models of covered products and equipment under DOE's test procedure conditions.

In addition, sections 6299–6305, and 6316 of EPCA authorize DOE to enforce compliance with the energy and water conservation standards (all non-product specific references herein referring to energy use and consumption include water use and consumption; all references to energy efficiency include water efficiency) established for certain consumer products and commercial equipment. (42 U.S.C. 6299–6305 (consumer products), 6316 (industrial equipment)) DOE has promulgated enforcement regulations that include specific certification and compliance requirements. *See* 10 CFR part 429; 10 CFR part 431, subparts B, U, and V.

B. Background

On March 7, 2011, DOE published a final rule in the **Federal Register** that, among other things, modified the requirements regarding manufacturer submission of compliance statements and certification reports to DOE (March 2011 Final Rule). 76 FR 12421. The rule imposed new or revised reporting requirements for some types of covered products and equipment, including a requirement that manufacturers submit annual reports to the Department certifying compliance of their basic models with applicable standards. See 76 FR 12428–12429 for more information.

In response to the initial deadline for certifying compliance imposed on commercial heating, ventilation, and air conditioning (HVAC), water heater (WH), and commercial refrigeration equipment (CRE) manufacturers by the March 2011 Final Rule, certain manufacturers of particular types of commercial and industrial equipment stated that, for a variety of reasons, they would be unable to meet that deadline. DOE initially extended the deadline for certifications for commercial HVAC, WH, and CRE in a final rule published June 30, 2011 (June 30 Final Rule). 76 FR 38287 (June 30, 2011). DOE subsequently extended the compliance date for certification an additional 12 months to December 31, 2013, for these types of equipment to allow, among other things, the Department to explore the negotiated rulemaking process for this equipment. See 77 FR 76825 (Dec. 31, 2013).

In the summer of 2012, DOE had an independent convener evaluate the feasibility of developing certification requirements for commercial HVAC, WH, and refrigeration equipment (not including walk-in coolers and freezers) through consensus-based negotiations among affected parties. In October 2012, the convener issued his report after completing confidential interviews of forty (40) parties from a wide range of commercial HVAC, WH, and refrigeration equipment interests. The convener found the interviewed parties believed negotiated rulemaking was superior to notice and comment rulemaking for certification-related issues. Because of this, the convener found that a negotiated rulemaking would have a reasonable likelihood of achieving consensus based on the factors set forth in the Negotiated Rulemaking Act. The entire report is available at *https://www1.eere.energy.gov/buildings/appliance_standards/pdfs/convening_report_hvac_cre_1.pdf.*

On February 26, 2013, members of the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) unanimously decided to form a working group to engage in a negotiated rulemaking effort on the certification of commercial HVAC equipment (10 CFR part 431, subparts D, E and F), WH equipment (10 CFR part 431, subpart G), and refrigeration equipment (10 CFR part 431, subpart C). A notice of intent to form the Commercial Certification Working Group was published in the **Federal Register** on March 12, 2013, to which DOE received 35 nominations. 78 FR 15653. On April 16, 2013, the Department published a notice of open meeting that announced the first meeting and listed the 22 nominations that were selected to serve as members of the Working Group, in addition to two members from ASRAC, and one DOE representative. 78 FR 22431. The members of the Working Group were selected to ensure a broad and balanced array of stakeholder interests and expertise, and included efficiency advocates, manufacturers, a utility representative, and third party laboratory representatives.

As required, the Working Group submitted an interim report to ASRAC

[1] For editorial reasons, Parts B (consumer products) and C (commercial equipment) of Title III of EPCA were re-designated as parts A and A–1, respectively, in the United States Code.

on June 26, 2013, summarizing the group's recommendations regarding AEDMs for commercial HVAC, WH, and refrigeration equipment. The interim report to ASRAC can be found at *http://www.regulations.gov/#!documentDetail;D=EERE-2013-BT-NOC-0023-0046.* ASRAC voted unanimously to approve the recommendations in the interim report for AEDMs. Subsequently, the Working Group submitted a final report on August 30, 2013, summarizing the Working Group's recommendations for model grouping, certification requirements and deadlines, and features to be excluded from certification, verification, and enforcement testing as long as specific conditions were met. ASRAC voted unanimously to approve the recommendations in the final report. DOE proposed to adopt the Working Group's recommendations, without modification, for AEDMs, basic model definitions, and the initial compliance date for certification in a notice published on October 22, 2013 (78 FR 62472) and adopted these recommendations in a final rule published on December 31, 2013 (78 FR 79579). DOE proposed to adopt without modification the Working Group's remaining recommendations for certification requirements in a notice of proposed rulemaking (NOPR) published on February 14, 2014. 79 FR 8886. DOE intends to issue separate rulemaking or guidance documents regarding the treatment of specific features when testing.

II. Discussion of Specific Revisions to DOE's Regulations Certification

The Commercial Certification Working Group held nine full meetings in Washington, DC between April 30, 2013 and August 28, 2013. Sixty-nine interested parties, including members of the Working Group, attended the various meetings. A more detailed discussion of the recommendations can be found in the Commercial Certification Working Group meeting transcripts, which are located here: *http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-NOC-0023.*

As noted above, DOE proposed to adopt without modification the remaining recommendations for certification requirements from the Working Group. See 79 FR 8886. DOE received comments from 10 stakeholders including manufacturers, a trade association, an advocacy group, utility associations, and a component manufacturer. These comments are discussed in more detail below, and a full set of comments can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2013-BT-NOC-0023.*

TABLE II.1—STAKEHOLDERS THAT SUBMITTED COMMENTS ON THE NOPR

Name	Acronym	Organization type
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	Trade Association.
American Council for an Energy-Efficient Economy	ACEEE	Energy Efficiency Advocacy Group.
American Public Gas Association	APGA	Utility Association.
California Investor Owned Utilities	CA IOUs	Utility Association.
Continental Refrigerator	Continental	Manufacturer.
Heat Transfer Products	HTP	Manufacturer.
Multi-Wing Group Management Holding	Multi-Wing	Component Manufacturer.
Summit	Summit	Manufacturer.
Traulsen	Traulsen	Manufacturer.
Zero Zone Inc.	Zero Zone	Manufacturer.

DOE received several general comments in response to the NOPR. ACEEE and the CA IOUs supported the promulgation of the NOPR's certification requirements for commercial HVAC, WH, and refrigeration equipment. (ACEEE, No. 0075.1 at p. 1; CA IOUs, No. 0076.1 at p. 1) The CA IOUs also recommended that DOE increase its funding to support the expanded testing of commercial equipment, particularly since the Department is taking steps to reduce manufacturer testing burdens. (CA IOUs, No. 0076.1 at p. 1)

DOE received two comments regarding the compliance dates for commercial HVAC, WH, and refrigeration equipment. DOE's December 2013 final rule established a series of compliance requirements regarding the certification of commercial HVAC, WH, and refrigeration equipment in the context of AEDM usage. See 78 FR at 79593. AHRI recommended that the compliance dates should be linked to DOE's release of the Compliance Certification Management System (CCMS) templates instead of the AEDM final rule because DOE had not yet released the templates. (AHRI, No. 0072.1 at p.4) (The templates are used by manufacturers to populate certain key information required by DOE for the purposes of certifying products and equipment as compliant with the applicable energy conservation standards.) Continental recommended DOE extend the certification deadline because the certification templates were not available immediately after the AEDM final rule was published. Continental recommended a certification deadline of 12 months after the templates are posted on the DOE Web site. (Continental, No. 0073.1 at p. 1) DOE emphasizes that the certification deadlines were agreed upon by the commercial certification working group and adopted in the AEDM final rule. 78 FR 79579, 79590. DOE notes that the information required to be reported in the templates consists of information that manufacturers should already have, and DOE does not anticipate that will take manufacturers a significant amount of time—certainly not 12 months—to enter the data into the templates. In addition, while DOE understands that the certification templates are useful aids for manufacturers in preparing for certification, the specific contents of the templates are necessarily tied to the outcome of this rulemaking and DOE was unable to publish the templates as part of the AEDM final rule. The Department will work to publish the certification templates promptly after the issuance of this final rule, which finalizes the information DOE is collecting. Further, the Working Group agreed to the commercial certification deadlines in the AEDM final rule under the following conditions: (1) The AEDM final rule was to be issued by December 31, 2013 extending the compliance for certifications for those products; (2) DOE in the course of implementing the Working Group's recommendations did not materially change the substance of any recommendation; and (3) no less than 2 months would be provided between issuance of this final rule and the initial certification date for any

commercial HVAC, WH, or refrigeration equipment. With the issuance of this final rule, DOE has met all three of these obligations and does not see a need for deviating from the Working Group recommendations.

Regarding AEDM requirements, HTP encouraged the Department to extend AEDMs to cover light commercial water heaters, a new category proposed in the Test Procedure for Residential and Commercial Water Heaters NOPR published on November 4, 2013 (78 FR 66202) because this equipment meets the requirements of commercial water heaters. (HTP, No. 0071.1 at p. 1) The Department appreciates HTP's comment, but extending the use of AEDMs to new equipment classes is outside the scope of this final rule, which is specific to certification. DOE notes that changes to the certification requirements proposed in this rule may be needed, depending on the outcome of that rulemaking. Any changes would be considered in a separate rulemaking.

APGA commented that equipment should be labeled with full-fuel cycle energy efficiency data because it would help consumers in making purchasing decisions. In its view, current labels are confusing and misleading. APGA asserted that a full fuel cycle energy methodology would represent the true efficiency of covered products and equipment because it examines all impacts associated with energy use like extraction, conversion, distribution, and ultimate energy consumption. (APGA, No. 0068.1 at p. 1–2) While DOE understands the concerns raised by APGA, DOE notes that the issue of labeling is outside of this scope of this rulemaking. Accordingly, DOE is not reaching any labeling decisions as part of today's rule.

Lastly, DOE received one general comment regarding test procedures. Continental suggested that DOE adopt ambient conditions in line with those adopted by the National Sanitation Foundation to better reflect real world conditions when testing commercial refrigeration equipment. (Continental, No. 0073.1 at p. 2) DOE notes that the specifics related to test procedure conditions fall outside of this rulemaking. DOE may, however, consider this issue in the context of a separate rulemaking as appropriate.

C. Engineered-To-Order Equipment

The Working Group recommended that a new concept, ''engineered-to-order equipment,'' be added to DOE's certification regulations. The Working Group recommended that this concept be applied to a basic model that is not listed in any catalogs or marketing literature and is designed and built to customer requirements. As envisioned by the Working Group, an engineered-to-order basic model would not include any models offered as a ''configure-to-order'' or ''menu-system'' set of options.[2] Additionally, the Working Group determined that a basic model may not be classified as engineered-to-order for more than one annual certification cycle, effectively meaning that the basic model cannot be classified as engineer-to-order for more than 24 months. If the manufacturer does not recertify the engineered-to-order product as a typical basic model by the second annual certification deadline then the manufacturer is effectively certifying that the model has been discontinued. In that case, DOE would automatically treat the basic model as discontinued.[3]

DOE received several comments in support of the definition of ''engineered-to-order.'' Traulsen agreed that a product should be considered part of the company's offerings if it is purchased repeatedly by separate agreements and in multiple certification cycles. Additionally, Traulsen agrees that the definition of ''engineered-to-order'' must be different than ''configure-to-order.'' However, Traulsen noted that these definitions will require manufacturers to review and amend their marketing materials, and DOE should keep this in mind regarding a proposed deadline. (Traulsen, No. 0074.1 at p. 1) The CA IOUs also supported DOE's proposed definition of engineered-to-order as a basic model classification and to limit the use of the classification to ensure it cannot be used for more than one annual certification cycle. (CA IOUs, No. 0076.1 at p. 1) AHRI generally agreed with DOE's definition of basic model, but added that manufacturers should be allowed to advertise in literature and other venues its capability to manufacture engineered-to-order equipment. (AHRI, No. 0072.1 at p. 2) DOE does not dispute that manufacturers can advertise their ability to make engineered-to-order models.

The Department also received several suggested changes to clarify the proposed ''engineered-to-order'' definition. First, AHRI suggested that DOE clarify that engineered-to-order equipment is provided by a manufacturer and is different from equipment assembled in the field by an installing contractor. (AHRI, No. 0072.1 at p. 2) At this time, DOE does not believe that its proposed definition of ''engineered-to-order'' requires this suggested clarification since the term ''manufacture'' already generally encompasses the concept of assembling a given item. Accordingly, in this context, any assembler of the types of equipment covered by today's rule would be treated as a manufacturer and would be responsible for certifying their engineered-to-order equipment.

Second, Traulsen requested that DOE modify the definition to prevent a manufacturer from claiming that a particular piece of equipment it produces is ''engineered-to-order'' when only cosmetic or minor changes are made to a model. (Traulsen, No. 0074.1 at p. 1) DOE notes that a minor or cosmetic change to an already existing model would not enable a manufacturer to claim that modified model as an ''engineered-to-order model. Such a model would fail to be a separate basic model, which is a necessary predicate before a manufacturer can avail itself of the ''engineered-to-order'' designation. Consequently, at this time, DOE does not believe it is necessary to amend its proposed (and now adopted) definition in the manner suggested by Traulsen, but may revisit this issue if the application of this definition proves to be problematic in practice.

Finally, Multi-Wing recommended that the term ''configure-to-order'' mean ''models that are built to customer specifications from a catalogue of standard and inflexible options offered by the manufacturer that likely require application modifications by the customer. It added that an exception should be made for models that are ''built to customer specification from a catalogue above 100,000 inflexible options offered by the manufacturer that likely do not require any application modification by the customer, and which can be considered as engineered-to-order due to the quantity of models available for selection for the same customer specification.'' (Multi-Wing, No. 0069.1 at p.1) Additionally, Multi-Wing suggested that the term ''engineered-to-order'' be defined as referring to those ''models that are built to customer specification contingent

[2] The Working Group recommended the new concept to distinguish between models that are built to customer specifications from a list of options offered by the manufacturer (e.g., ''configure-to-order'') and models that are built to customer specifications that are completely unique, require original engineering design work, and are not built from options the manufacturer offers for sale (i.e., ''engineered-to-order'').

[3] In all other circumstances, the manufacturer must affirmatively certify that a basic model has been discontinued as required by 10 CFR 429.12(f). Because engineered-to-order basic models are, by design, unlikely to be distributed more than once, the manufacturer would not be required to submit a certification report discontinuing an engineered-to-order basic model.

upon both the requested duty point, working conditions, space conditions and which are different from any standard offering on the market.'' (Multi-Wing, No.0069.1 at p. 1) At this time, DOE is defining ''engineered-to-order'' as it proposed in the NOPR and is refraining from defining ''configure-to-order'' as suggested by Multi-Wing. In DOE's view, the definition for ''engineered-to-order'' recommended by the Working Group is narrower than the definition proposed by Multi-Wing. As proposed by the Working Group, engineered to order models are those models that are not part of the manufacturer's standard offerings—without limit to the number of options the manufacturer may offer. Accordingly, DOE is not adopting Multi-Wing's suggestions.

After considering the comments noted above, DOE is adopting the definition of the term ''engineered-to-order'' as recommended by the Working Group, along with the associated certification requirements, without modification.

DOE notes it also received two related comments regarding how manufacturers should rate engineered-to-order basic models. AHRI commented that DOE should provide the option to certify engineered-to-order equipment by testing just one basic model or by using an AEDM. (AHRI, No. 0072.1 at p.2) HTP suggested DOE clarify that ''engineered-to-order'' may be rated using a pre-existing AEDM. (HTP, No. 0071.1 at p. 1) DOE agrees with that an engineered-to-order basic model may be rated with a pre-existing AEDM and notes that there are no limitations on the use of AEDMs with respect to engineered-to-order basic models. Therefore, no regulatory changes are needed. Permitting ratings based on tests of a single unit, however, will require a regulatory change, which DOE will consider in a future rulemaking.

D. Certification Reports

1. General Requirements

The Working Group recommended and DOE proposed in the NOPR that manufacturers submit general information to DOE in all certification reports. The only items that manufacturers are not currently required to provide DOE in accordance with 10 CFR 429.12 are customer-specified model numbers and the name of the AEDM used. The Working Group recommended the all commercial HVAC, WH, and refrigeration equipment certification reports include:

- Product or equipment type;
- Product or equipment class;
- Manufacturer name and address;
- Private labeler name and address, if applicable;
- Brand name;
- Basic model number;
- Individual model numbers covered by the basic model;
- Customer-specified model numbers, if applicable;
- Status (new certification, discontinued, existing, etc.);
- Test sample size (report ''0'' if an AEDM was used);
- U.S. Customs and Border Protection (CBP) importer ID number, if applicable;
- Whether the certification was based on test procedure waiver and the date of such waiver;
- Whether the certification was based on exception relief from the Office of Hearings and Appeals and the date of such relief; and
- AEDM name or identifier, if the sample size is ''0.''

The Working Group also recommended that only the information specified below be publicly posted on DOE's Web site. Accordingly, DOE is proposing to revise 10 CFR 429.7(a) to include these items as ''not exempt from public disclosure.''

- Product or equipment type;
- Product or equipment class;
- Private labeler name;
- Brand name;
- Individual model numbers covered by the basic model;
- Whether the certification was based on test procedure waiver and the date of such waiver; and
- Whether the certification was based on exception relief from the Office of Hearings and Appeals and the date of such relief.

Traulsen agreed in principle with the general certification requirements, but noted that adding more items and identifiers to the reporting process would create additional reporting burdens. (Traulsen, No. 0074.1 at p. 2) AHRI agreed that ''private labeler name'' should not be exempt from public disclosure, but for clarity suggested that DOE amend the term ''private labeler name'' to ''manufacturer or private labeler name as applicable.'' (AHRI, No. 0072.1 at p. 2) DOE disagrees with AHRI. Where a private labeler is used, both the manufacturer and private labeler must be listed on the certification report to ensure that DOE has sufficiently complete information to readily identify a given equipment model's manufacturer. By including this information, DOE can more easily link a particular private label or name (which may change over time) with the appropriate manufacturer.

Traulsen expressed concern about disclosing the name of the private labeler because there are confidential agreements that exist with private branding. Traulsen said it would not support any requirements that would cause it to violate those agreements and place such information in a public database. (Traulsen, No. 0074.1 at p. 2) The manufacturer name will not be made public, as was recommended by the Working Group. Traulsen may have misunderstood that the ''private labeler'' is the party who is branding the product; it is the entity publicly tied to the brand. The manufacturer, on the other hand, is the ''private'' party, which may be confidential business information. DOE also notes that the Working Group, in which Traulsen was a voting member, supported this recommendation.

Zero Zone questioned if manufacturers can advertise alternate lower energy consumption values for models included in the basic model group. (Zero Zone, No. 0070.1 at p.1) DOE notes that the approach in its proposal would require a manufacturer to treat each group of its models that have essentially identical energy consumption or water consumption characteristics as a ''basic model.'' The manufacturer would then derive the efficiency rating for all models in that group from the results of testing sample units of these models. All of the models in the group would comprise the ''basic model,'' and they would all have the same efficiency rating. Manufacturers cannot advertise better energy efficiency or consumption ratings than those certified to the Department.

With respect to model numbers, DOE proposed that commercial HVAC, WH and refrigeration equipment manufacturers could provide customer-specified model numbers, in addition to the other current reporting requirements found within 10 CFR 429.12(b). The Working Group used the term ''customer-specified model number'' to describe an individual model number that is specified by a customer in lieu of the manufacturer's normal model numbering system. This ''customer-specified model number'' often includes the customer's name or brand name, and thus may reveal confidential business information about company relationships. Therefore, in the NOPR, DOE proposed to use the term ''private model number'' instead of ''customer-specified model number'' in the regulatory text to differentiate it from a manufacturer's individual model number, which is considered public information. DOE did not receive any comments on this proposal and is adopting it in this final rule.

The Working Group also recommended changes to the AEDM provisions as applied to commercial HVAC, WH and refrigeration equipment, which DOE addressed in a separate rulemaking. See 78 FR 79579 (Dec. 31, 2013). As part of those recommendations, the Working Group developed the concept of having multiple, unique AEDMs. Because certain verification provisions are tied to the basic models rated with each AEDM, the Working Group recommended that manufacturers use a name or other identifier to designate which basic models were rated using which AEDM. The Working Group recommended that a manufacturer include that AEDM name/identifier as part of the certification of a basic model that was rated using the AEDM. DOE proposed to require the AEDM name or identifier as part of the certification of a basic model where the basic model was rated using an AEDM. The Working Group further recommended that DOE modify the language regarding sample size in 429.12(b)(8) to indicate that models certified with performance data based upon an AEDM should indicate the sample size is ''0''.

DOE received one comment on this proposal. AHRI agreed that if the sample size is ''0,'' which would indicate that the basic model is rated with an AEDM, then the manufacturer should identify the method of determining the ''measures of energy conservation.'' It suggested that DOE allow manufacturers of 3-phase, small, air-cooled commercial HVAC equipment to use ARMs that were developed and approved for similar single-phase residential equipment. (AHRI, No. 0072.1 at p. 3) DOE agrees with AHRI that manufacturers can use simulations developed for central air conditioners and heat pumps for similar 3-phase, air-cooled equipment with a cooling capacity less than 65,000 Btu/h. However, the manufacturer would still need to validate the simulation as an AEDM according to DOE's requirements in 10 CFR 429.70. In this final rule, DOE is adopting the requirement for manufacturers to specify the AEDM name or identifier as part of the certification of a basic model which was rated using an AEDM.

The Working Group also recommended that certification reports for commercial HVAC, WH, and refrigeration equipment identify whether the basic model was engineered-to-order. The CA IOUs supported DOE's requirements to modify general certification reports by adding private model numbers and engineered-to-order classification options, the name of the AEDM used, and if applicable changing the sample size specified when using an AEDM. (CA IOUs, No. 0076.1 at p. 1) DOE received no other comments on this issue.

DOE generally requires manufacturers to certify to DOE, prior to distribution in commerce, the compliance of each basic model subject to an applicable energy conservation standard set forth in 10 CFR 430 or 10 CFR 431. See 10 CFR 429.12. The Working Group made several recommendations regarding when manufacturers should be required to submit a certification report to DOE based on the specific circumstances regarding manufacturing of commercial HVAC, WH, and refrigeration equipment. For domestically manufactured, engineered-to-order products, the Working Group recommended that DOE consider distribution in commerce to begin on the date on which the basic model is shipped. For all other domestic products, it recommended that DOE consider distribution in commerce to begin on the date on which a manufacturer is first willing to accept an order. For engineered-to-order products built outside of the U.S., the Working Group recommended that DOE consider distribution in commerce to begin on the date on which the basic model is imported. For all other foreign manufactured products, it recommended that DOE consider distribution in commerce to begin on either the date on which a basic model is imported for sale or the date on which a manufacturer is willing to accept an order, whichever is first. DOE proposed to adopt these interpretations for the limited purposes of determining by what date certification reports must be submitted to the Department for commercial HVAC, WH and refrigeration equipment. The Department did not receive any comments on this proposal.

In this final rule the Department is adopting the Working Group's recommendations, which include the general certification information required from manufacturers, specific information that is not exempt from public disclosure, private model numbers (i.e., customer-specified model numbers for which DOE is simply modifying the name for clarity), AEDM identifiers, engineered-to-order designation, sample size ''0'' for basic models rated with an AEDM, and guidelines establishing when a basic model is distributed in commerce.

2. Equipment Specific Certification Information

DOE adopted an approach that permits commercial HVAC, WH, and refrigeration equipment manufacturers to elect to have a manufacturer's representative on-site to witness test set-up before verification testing occurs. Under this approach, a maximum of 10 percent of the manufacturer's certified basic models rated with an AEDM may be witness-tested. A manufacturer would indicate which of its basic models in its certification report(s) would be eligible to be witness-tested. 78 FR 79579, 79585. DOE has included this certification requirement in its proposal in the equipment-specific certification sections. AHRI commented that manufacturers should be allowed to elect to witness test all models and not just those rated by an AEDM. (AHRI, No. 0072.1 at p.3) DOE notes that this rule is adopting the necessary certification provisions to implement the Working Group's recommendation regarding witness testing of basic models rated using an AEDM. The Working Group did not negotiate similar provisions for other basic models, and whether DOE should adopt similar provisions for basic models not rated using an AEDM is outside the scope of this rulemaking.

The Working Group also outlined information specific to the commercial HVAC, WH, and refrigeration equipment that should be certified to DOE, listed in Table II.2, Table II.3, Table II.4, and Table II.5. In addition to the equipment-specific information it identified, the Working Group recommended that manufacturers be permitted to submit a document in PDF format with additional testing instructions that are required to test the equipment according to the applicable DOE test procedure. For instance, the PDF with additional instructions may include the refrigerant charging instructions for a given basic model. As indicated in Tables II.4 and II.5, the Working Group determined that the PDF with testing instructions should be optional for some types of equipment but mandatory for others due to the complexities with testing certain basic models and the unique nature associated with certain basic models of custom equipment. For those types of HVAC equipment that are required to have additional testing instructions submitted along with its certification, the Working Group further provided a list of specific information that should be included in those instructions as detailed in Table II.4. DOE proposed to

adopt these certification requirements in the NOPR. 79 FR 8886, 8890.

For commercial HVAC and refrigeration equipment, the Working Group recommended that certain features should not be subject to testing and, thus, should not be considered when determining the efficiency of a basic model. Models with these special features would only be excluded from testing and certification if the manufacturer offers an otherwise identical model without the feature(s) in the basic model. The Working Group recommended that a manufacturer identify in the PDF portion of a certification report whether a basic model includes any of these special features. That is, if the manufacturer does not offer an ''otherwise identical'' model without the feature—meaning the certification is based on testing *with* the feature—the manufacturer must specify in the PDF portion of the certification report which ''special'' features are included in the basic model's rating.

TABLE II.2—CRE CERTIFICATION REPORT REQUIREMENTS

Equipment type	Certification report must include:	Additional testing instructions:
—Self-contained commercial refrigerators and freezer with solid doors.	—Daily energy consumption (kWh/day)	Must be submitted with certification report.
—Self-contained commercial refrigerators and freezers with transparent doors.	—Chilled or frozen compartment volume (ft^3).	
—Self-contained commercial refrigerator-freezers with solid doors.	—Daily energy consumption (kWh/day) —Adjusted volume (ft^3).	Must be submitted with certification report.
—Remote condensing commercial refrigerators, freezers, and refrigerator-freezers.	—Daily energy consumption (kWh/day)	Must be submitted with certification report.
—Self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors.	—Total display area (ft^2) or chilled volume (ft^3) as applicable.	
—Commercial ice-cream freezers	—Rating temperature (°F).	
—Commercial refrigeration equipment with two or more compartments.	—Equipment class designation as described in 10 CFR 431.66.	
—Service over the counter refrigerators and freezers.		

TABLE II.3—HVAC CERTIFICATION REPORT REQUIREMENTS

Equipment type	Certification reports must include:
Commercial Warm Air Furnaces	—Thermal efficiency (%). —Maximum rated input capacity (Btu/h).
Commercial Packaged Boilers	—Combustion efficiency (%) or thermal efficiency (%) as applicable. —Maximum rated capacity (Btu/h).
Air-Cooled, Split and Packaged (ACs) and (HPs) less than 65,000 Btu/h cooling capacity (3-Phase).	—Seasonal energy efficiency ratio (Btu/Wh). —Heating seasonal performance factor (Btu/Wh) if applicable. —Rated cooling capacity (Btu/h).
Commercial packaged air-cooled, evaporatively-cooled, and water cooled air conditioners and heat pumps greater than or equal to 65,000 Btu/h cooling capacity.	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance, if applicable. —Rated cooling capacity (Btu/h). —Heating type (may be none).
PTACs and PTHPs	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance, if applicable. —Cooling capacity (Btu/h). —Wall sleeve dimensions (in).
SPVUs	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance, if applicable. —Cooling capacity (Btu/h).
VRF ACs and HPs with less than 65,000 Btu/h cooling capacity.	—Seasonal energy efficiency ratio (Btu/Wh). —Heating seasonal performance factor (Btu/Wh) if applicable. —Rated cooling capacity (Btu/h).
VRF AC and HPs with 65,000 Btu/h cooling capacity or more.	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance, if applicable. —Rated cooling capacity (Btu/h). —Heating type (may be none).
Water Source VRFs HPs	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance. —Rated cooling capacity (Btu/h). —Heating type (may be none).
Computer Room ACs	—Net sensible cooling capacity (Btu/h). —Net cooling capacity (Btu/h). —Configuration (upflow/downflow). —Economizer presence (Yes or No). —Condenser medium (air, water, or glycol-cooled). —Sensible coefficient of performance. —Rated airflow (SCFM).
Water Source HPs	—Energy efficiency ratio (Btu/Wh). —Coefficient of performance. —Rated cooling capacity (Btu/h).

TABLE II.3—HVAC CERTIFICATION REPORT REQUIREMENTS—Continued

Equipment type	Certification reports must include:
	—Heating type (may be none).

TABLE II.4—HVAC REQUIREMENTS FOR ADDITIONAL TESTING INSTRUCTIONS

Equipment type	Additional testing instructions
Commercial Warm Air Furnaces	Optional.
Commercial Packaged Boilers	Optional.
Air-Cooled, Split and Packaged ACs and HPs less than 65,000 Btu/h Cooling Capacity (3-Phase).	Must be submitted and include: —Nominal cooling capacity (Btu/h), —Rated heating capacity (Btu/h), if applicable, —Rated airflow (SCFM) for each fan coil, —Rated static pressure (inches of water), —Charging instructions, —Frequency set points, —Required dip switch/control setting for step or variable components, —Indication that model will not operate at test conditions without manufacturer programming, —Base motor designation, and —Indication if excluded features are included in base model.
Commercial packaged air-cooled ACs and HPs with 65,000 Btu/h Cooling Capacity or More, Evaporatively-Cooled ACs and HPs, and Water-Cooled ACs and HPs.	Must be submitted and include: —Nominal cooling capacity, —Rated heating capacity, if applicable, —Rated airflow (SCFM) for each fan coil, —Water flow rate (gpm) for water-cooled units only —Rated static pressure, —Charging instructions, —Frequency set points, —Required dip switch/control setting for step or variable components, —Indication that model will not operate at test conditions without manufacturer programming, —Base motor designation, and —Indication if excluded features are included in base model.
PTACs and PTHPs	Optional.
SPVUs	Optional.
Variable Refrigerant Flow ACs and HPs less than 65,000 Btu/h Cooling Capacity.	Must be submitted and include: —Nominal cooling capacity (Btu/h), —Rated heating capacity (Btu/h), if applicable, —Outdoor unit(s) and indoor units identified in the tested combination —Components needed for heat recovery if applicable, —Rated airflow (SCFM) for each indoor unit, —Water flow rate (gpm) for water-cooled units only —Rated static pressure (inches of water), —Compressor frequency set points, —Required dip switch/control setting for step or variable components, —Indication that model will not operate at test conditions without manufacturer programming, —Base motor designation, and —Indication if excluded features are included in base model. Upon request by DOE manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.
Variable Refrigerant Flow ACs and HPs with 65,000 Btu/h Cooling Capacity or More.	Must be submitted and include: —Nominal cooling capacity (Btu/h), —Rated heating capacity (Btu/h), if applicable, —Outdoor unit(s) and indoor units identified in the tested combination —Components needed for heat recovery if applicable, —Rated airflow (SCFM) for each indoor unit, —Water flow rate (gpm) for water-cooled units only —Rated static pressure (inches of water), —Compressor frequency set points, —Required dip switch/control setting for step or variable components, —Indication that model will not operate at test conditions without manufacturer programming, —Base motor designation, and —Indication if excluded features are included in base model. Upon request by DOE manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.
Water Source Variable Refrigerant Flow HPs	Must be submitted and include: —Nominal cooling capacity (Btu/h), —Rated heating capacity (Btu/h), —Rated airflow (SCFM) for each indoor uit, —Water flow rate (gpm), —Rated static pressure (inches of water) if applicable, —Charging instructions, —Compressor/VFD frequency set points,

TABLE II.4—HVAC REQUIREMENTS FOR ADDITIONAL TESTING INSTRUCTIONS—Continued

Equipment type	Additional testing instructions
	—Required dip switch/control setting for step or variable components, —Indication that model will not operate at test conditions without manufacturer programming, —Base motor designation, and —Indication if excluded features are included in base model. Upon request by DOE manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with installation manual.
Computer Room ACs	Optional.
Water Source HPs	Must be submitted and include: —Nominal cooling capacity (Btu/h), —Rated heating capacity (Btu/h), if applicable, —Rated airflow (SCFM), —Water flow rate (gpm), —Rated static pressure (inches of water), —Charging instructions, —Compressor/VFD frequency set points, —Required dip switch/control setting for step or variable components, —Indication that model will not operate at test conditions without manufacturer programming, —Base motor designation, and —Indication if excluded features are included in base model.

TABLE II.5—WH CERTIFICATION REPORT REQUIREMENTS

Equipment type	Certification report must include:	Additional testing instructions:
Commercial Electric Storage Water Heaters	—Maximum standby loss (%/h) —Measured storage volume (gal).	Optional.
Commercial gas-fired and oil-fired storage water heaters	—Thermal efficiency (%) —Maximum standby loss (Btu/h). —Rated storage volume (gal). —Nameplate input rate (Btu/h).	Optional.
Commercial water heaters and hot water supply boilers (storage capacity > 140 gal).	—Storage volume is greater than 140 gal (Yes/No). —Tank surface area is insulated with at least R–12.5 (Yes/No). —No standing pilot light (Yes/No). —Gas or oil-fired water heater has a fire damper or fan assisted combustion (Yes/No). —If ''no'' to any of the above, report standby loss (Btu/h) and measured storage volume (gal).	Optional.
Commercial gas-fired and oil-fired instantaneous water heaters less than 10 gallons and gas-fired and oil-fired hot water supply boilers less than 10 gallons.	—Thermal efficiency (%) —Storage volume (gal).	Optional.
Commercial gas-fired and oil-fired instantaneous water heaters greater than or equal to 10 gallons and gas-fired and oil-fired hot water supply boilers greater than or equal to 10 gallons.	—Thermal efficiency (%). —Maximum standby loss (Btu/h). —Rated storage volume (gal). —Nameplate input rate (Btu/h).	
Commercial unfired hot water storage tanks	—Thermal insulation (R-value) —Stored water volume (gal).	Optional.

AHRI provided several comments on the proposed requirements for commercial HVAC equipment. AHRI requested that DOE list the requirements for commercial heat pumps and air conditioners separately to improve the comprehensibility of the regulations. (AHRI, No. 0072.1 at p. 3) DOE agrees with AHRI and will list the requirements separately in the regulatory text in this final rule.

AHRI also stated that net cooling capacity is not relevant to computer room air conditioners, as the cooling loads associated with these products are primarily sensible (i.e., the cooling loads associated with the dry-bulb temperatures), and therefore DOE should remove ''net cooling capacity'' from the certification report. (AHRI, No. 0072.1 at p. 3) DOE agrees that the load for computer room air conditioners is primarily sensible loads. However, the net cooling capacity remains useful for assessment purposes since this value can be used to aid commercial customers in matching the loads they may encounter in the field. Additionally, net cooling capacity is measured as part of the computer room air conditioner test procedure and reporting this value would be unlikely to increase manufacturer testing burdens. Accordingly, DOE is declining to adopt AHRI's suggestion.

AHRI also requested that the presence of an economizer (i.e., an automatic system that enables a cooling system to supply outdoor air to reduce or eliminate the need for mechanical cooling during mild or cold weather) should be listed as ''Yes, No, or Optional'' for computer room air conditioners. (AHRI, No. 0072.1 at p. 3) DOE understands that some models have the option of an economizer, but as this type of feature impacts the unit's performance, in DOE's view,

manufacturers should consider whether to group models equipped with economizers separately from models without economizers since the energy consumption characteristics could differ.

AHRI commented that manufacturers of water source heat pumps should not be required to provide duplicate information in the proposed supplemental PDF submission, like rated airflow, rated heating capacity, and nominal cooling capacity, because this information is already in the certification report. (AHRI, No. 0072.1 at p.4) DOE agrees with AHRI that manufacturers should not have to report any information in the supplemental PDF that was already included in the certification report. However, in addition to the general certification information requirements, the certification report for water source heat pumps only requires the energy efficiency ratio (Btu/Wh), coefficient of performance, rated cooling capacity (Btu/h), and heating type (which may be none). None of the product specific information identified by AHRI are certification report requirements duplicated in the supplemental PDF.

AHRI requested that DOE clarify that the proposed certification report requirements applying to variable refrigerant flow (VRF) multi-split systems with less than 65,000 Btu/h cooling capacity should only apply to 3-phase equipment. (AHRI, No. 0072.1 at p. 3) DOE agrees and has made appropriate clarifications in the regulatory text in part 429.

DOE received a number of comments on the proposed supplemental PDF submission. Traulsen commented that a generic set of charging instructions by product family with the listing of excluded features could be provided with the initial certification and reviewed annually. (Traulsen, No. 0074.1 at p. 2) DOE agrees that a manufacturer may submit one PDF covering multiple basic models, particularly if all the basic models are part of the same product family, because it would reduce the certification burden while still providing the necessary testing information. For those equipment types for which PDFs are required or for which a manufacturer elects to submit a PDF, manufacturers must associate the appropriate PDF file name with its certification of the basic model in the template. Thus, if a manufacturer submits a single PDF spanning many different basic models, it should clearly mark within the PDF which testing instructions are applied to each specific basic model.

Summit strongly opposed DOE's proposal that manufacturers submit a PDF with specific testing requirements for every registered product because it would create a significant testing burden for manufacturers. Summit estimated that it would take 16 to 40 hours per model to initially develop and review the testing instructions and an additional 4 to 16 hours per model to review the supplement PDF each year. Summit explained that this amount of time would require manufacturers to hire full time staff to work on certification issues, which would be detrimental to small businesses in particular. (Summit, No. 0067.1 at pp. 1–2) DOE clarifies that the supplemental PDF for commercial refrigeration equipment must include any additional testing instructions the manufacturer deems necessary to properly test its equipment, as long as such instructions do not contradict the test procedure. These instructions are included at the manufacturer's discretion, and the manufacturer may determine that no additional testing instructions are necessary.

Summit also questioned how a specific test instruction recommended by the manufacturer could be used if it contradicted the DOE test procedure. (Summit, No. 0067.1 at p. 1) As previously stated, DOE will not use any manufacturer recommended test instructions that are not allowed by or are inconsistent with the DOE test procedure.

Finally, DOE proposed to move the provisions for certifying commercial packaged boilers and commercial warm air furnaces from 10 CFR 429.43 to 10 CFR 429.41 and 429.60, respectively. (Section 429.41, which is currently reserved for electric motors, would be moved to another available section.) This change would reflect that commercial packaged boilers and commercial warm air furnaces are types of equipment for which the regulations are typically amended through separate rulemakings and are located in different subparts of 10 CFR part 431 (subpart D for commercial warm air furnaces and subpart E for commercial packaged boilers) than commercial air conditioning and heat pump equipment (subpart F). DOE is not proposing any changes to the sampling provisions for these products; the modification would ensure that the organizational structure of part 429 better reflects the structure of part 431. DOE notes that section 429.43 would continue to provide the certification requirements for the equipment in 10 CFR part 431, subpart F (commercial air conditioners and heat pumps). DOE did not receive any comments on this proposal and will adopt this change in this final rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

This regulatory action is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, et seq.) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment and a final regulatory flexibility analysis (FRFA) for any rule that an agency adopts as a final rule, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://energy.gov/gc/office-general-counsel*). DOE reviewed the February 2014 NOPR and this final rule under the provisions of the Regulatory Flexibility Act procedures and policies published on February 19, 2004.

For manufacturers of HVAC, WH, and refrigeration equipment, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/category/navigation-structure/contracting/contracting-officials/small-business-size-standards.* Manufacturing

of HVAC and commercial refrigeration equipment is classified under NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' The SBA sets a threshold of 750 employees or less for an entity to be considered as a small business for this category. Manufacturing of WH equipment is classified under NAICS 333319, ''Other Commercial and Service Industry Machinery Manufacturing,'' for which SBA also sets a size threshold of 500 employees or fewer for being considered a small business.

1. Description and Estimated Number of Small Entities Regulated

To estimate the number of companies that could be small business manufacturers of equipment covered by this rulemaking, DOE conducted a market survey using publicly available information. DOE's research involved industry trade association membership directories (including AHRI), information from previous rulemakings, product directories (AHRI Directory,[4] the California Energy Commission Appliance Efficiency Database [5]), individual company Web sites, and market research tools (e.g., Dunn and Bradstreet reports [6] and Hoovers reports [7]). DOE used information from these sources to create a list of companies that potentially manufacture commercial HVAC, WH, and refrigeration equipment covered by this rulemaking. DOE screened out companies that do not offer equipment covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated. Based on these efforts, DOE estimates that there are 5 small business manufacturers of all commercial HVAC equipment, 32 small business manufacturers of commercial refrigeration equipment, and 9 small business manufacturers of commercial WH equipment.

2. Description and Estimated of Compliance Requirements

DOE entered into negotiations with commercial HVAC, water heating, and refrigeration equipment manufacturers regarding the types of information to submit when certifying their equipment and when that certification must be made to the Department. The outcomes of the negotiation resulted in slight changes to the information that DOE is collecting for commercial HVAC, WH, and refrigeration equipment. The most notable of these changes adopted in this rule is that some manufacturers of commercial refrigeration equipment and some types of commercial HVAC equipment must submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of water heating equipment and some types of commercial HVAC equipment would have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. The certification requirements adopted in this final rule reflect the direct results of the negotiations. By permitting manufacturers to submit PDFs with additional testing instructions, individual manufacturers will have a mechanism to provide the Department with additional information necessary for testing each basic model.

In general, this rule requires manufacturers to submit a certification report indicating that all basic models distributed in commerce in the U.S. comply with the applicable standards using DOE's testing procedures, as well as the necessary product specific certification data describing the efficiency and characteristics of the basic model. The certification reports are submitted for each basic model, either when the requirements go into effect (for models already in distribution), or when the manufacturer begins distribution of a particular basic model, and annually thereafter. Reports must be updated when a new model is introduced or a change affecting energy efficiency or use is made to an existing model resulting in a change in the certified rating.

DOE currently requires manufacturers or their party representatives to prepare and submit certification reports using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the only mechanism for submitting certification reports to DOE. CCMS currently has product specific templates that manufacturers must use when submitting certification data to DOE. See *http://www.regulations.doe.gov/ccms.* This final rule would not change the electronic submission requirement for commercial HVAC, WH, and refrigeration equipment. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamlines the process, and provides the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way.

3. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with this final rule.

4. Significant Alternatives to the Rule

This section considers alternatives to the certification, compliance, and enforcement provisions in this rulemaking. DOE has tried to minimize the reporting burden as much as possible by: (1) Accepting electronic submissions; (2) providing preformatted templates that lay out the certification and compliance requirements for each product; and (3) allowing manufacturers to group individual models into basic models for the purposes of certification to reduce the number of discrete models reported to the Department. DOE also notes that the Working Group included representatives of small businesses and that this proposal reflects the recommendations of that Working Group. DOE has also made efforts to address the concerns of small businesses by expanding the ability of manufacturers to use alternative efficiency determination methods (AEDMs) in lieu of testing equipment. Further, DOE is adopting certification provisions set forth in this rulemaking as negotiated by the Working Group for all manufacturers of covered products and covered equipment that would be affected by this proposal.

C. Review Under the Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, et seq.), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. This final rule mandates that manufacturers and importers of covered commercial HVAC, WH, and refrigeration equipment certify to the Department that the products they are distributing in commerce in the U.S. comply with the applicable energy conservation standards.

In compliance with the PRA, DOE sought comment on the proposed expansion of the existing information collection. As noted earlier in the preamble, DOE negotiated these certification requirements with interested parties in an effort to minimize the burden of the reporting requirements, while providing DOE with important information about equipment being sold.

DOE proposed to require that manufacturers certify as compliant with the applicable energy conservation

standards the following groups of basic models of equipment: (1) New basic models before distribution in commerce; (2) existing basic models, whose certified rating remains valid, annually; (3) existing basic models, whose designs have been altered and result in a change in rating that is more consumptive or less efficient, at the time the design change is made; and (4) previously certified basic models that have been discontinued on an annual basis. Respondents may submit reports to the Department at any time during the year using DOE's online system.

The outcomes of the negotiation resulted in slight changes to the information that DOE will collect for commercial HVAC, WH, and refrigeration equipment. The most notable of these changes is that DOE proposed in the NOPR that manufacturers of commercial refrigeration equipment and some types of commercial HVAC equipment must submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment and some types of commercial HVAC equipment have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. DOE's proposal and final rule both reflect the direct results of the negotiations, without modification in this regard.

In the NOPR, DOE estimated that it will take each respondent approximately 30 hours total per company per year to comply with the certification requirements based on 20 hours of technician/technical work and 10 hours clerical work to submit the CCMS templates. For the purposes of estimating burden, DOE assumed that each respondent will submit approximately 10 CCMS templates during the course of the year, which is encompassed by the 30 hours total per company per year estimate. DOE recognizes that a respondent may submit a minimum of 1 report per year, whereas other respondents may submit one weekly. DOE estimates the burden for this rule as follows:

(1) *Annual Estimated Number of Respondents:* 100;

(2) *Annual Estimated Number of Total Responses:* 1,000;

(3) *Annual Estimated Number of Burden Hours:* 30,000 (14 hours for certification reports, compliance statements, and recordkeeping; 16 hours for testing pdfs);

(4) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $300,000.

DOE requested comment 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Traulsen commented on the necessity of the information DOE proposed to collect in the NOPR. Traulsen does not believe that the additional categories of information and classifications are necessary for DOE to have in addition to the efficiency ratings of products on the market. Companies should be allowed to keep its information private and present it to the DOE only if a failure is declared. (Traulsen, No. 0074.1 at p. 2) DOE does not agree with Traulsen. In order for the Department to check certification reports and conduct assessment testing, DOE requires additional information beyond the efficiency rating like product class and exact charging instructions. During the negotiation, manufacturers asserted that, without such information available prior to assessment testing, DOE would lack the ability to test certain types of equipment, which would prevent the Department from enforcing the energy conservation standards. (42 U.S.C. 6311–6317)

Four stakeholders commented on the estimated burden of the collection of information. AHRI commented that the number of hours needed to prepare and submit a certification report is more than 30 hours per year. (AHRI, No. 0072.1 at p. 4) Continental also commented that the burden to certify exceeds 30 hours per year because manufacturers have hundreds of models with thousands of product variations. Continental also remarked that with these new regulations customer requests must be reviewed for compliance, which increases manufacturer burden. (Continental, No. 0073.1 at p. 1) Summit stated that DOE underestimated the time burden to certify by two orders of magnitude and the financial burden. Summit also estimated that it would cost manufacturers $225 million. Summit urged DOE to survey CCMS filers, including small businesses, to establish more accurate burden estimates before imposing these reporting requirements. (Summit, No. 0067 at pp. 2–3) Zero Zone remarked that it is difficult to determine if 30 hours per year per manufacturer is reasonable because the templates have not yet been posted. (Zero Zone, No. 0070.1 at pp. 1–2)

With respect to each of these concerns, DOE notes first that neither AHRI nor Continental provided an estimate of the number of hours required for certification. As a result, DOE is continuing to adhere to its current estimated number of hours. Should additional information become available in the future, DOE would reevaluate its estimates and make any necessary adjustments. Using the basic model definitions agreed upon by the Working Group, of which Continental was a voting member, manufacturers may group models with similar features and the same consumption ratings; therefore, a manufacturer is not required to certify the compliance of each, individual model separately. In addition, DOE has clarified in a CRE test procedure final rule (79 FR 22277, April 21, 2014) that a variety of options do not need to be accounted for in ratings; thus, many variations offered by manufacturers do not result in different basic models. DOE notes that the certification requirements do not impose new burdens with respect to evaluating customer requests to ensure that the equipment produced is compliant; manufacturers have had an ongoing obligation to ensure that equipment produced complied with the applicable standard.

Traulsen and Zero Zone suggested that DOE could minimize the burden of collecting information. Trauslen commented that DOE could reduce the reporting burden by limiting the number of changes made to the certification regulations. Additionally, Traulsen commented that certification would be less burdensome if DOE provided the certification templates earlier. (Traulsen, No. 0074.1 at p. 3) DOE agrees that modifying the certification requirements can be burdensome to manufacturers. However, the changes adopted by this final rule were the result of the Working Group's recommendations, of which Traulsen, along with other manufacturers, was a participant. Regarding certification templates, the Department is not able to publish certification templates until the requirements are finalized, which they will be as a result of this final rule.

Zero Zone remarked that the certification burden would be reduced to about 8.5 hours per year if a manufacturer can advertise alternate lower energy consumption values for a

model included in the basic model group; otherwise, in its view, the certification burden would be around 1333 hours per year. (Zero Zone, No. 0070.1 at pp. 1–2) As previously stated, the Working Group negotiated a definition of a basic model, which requires all of the models in the basic model to have essentially identical energy consumption or water consumption characteristics, such that the manufacturer would derive the efficiency rating for all models in the group from testing sample units of these models. All of the models in the group would comprise the ''basic model,'' and they would all have the same efficiency rating. Manufacturers cannot advertise better energy efficiency or consumption ratings than those certified to the Department for a given basic model.

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

D. Review Under the National Environmental Policy Act

DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule adopts changes for certifying certain covered products and equipment, so it would not affect the amount, quality or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A6 under 10 CFR part 1021, subpart D. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this rule and has determined that it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *www.gc.doe.gov.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that

might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with the applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This final rule amends certification requirements for all covered consumer products and commercial equipment and is not a significant regulatory action under Executive Order 12866. Moreover, it does not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition. This final rule to amend the certification requirements for all covered consumer products and commercial equipment does not propose the use of any commercial standards.

M. Congressional Notification

As required by 5 U.S.C. 801, the DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rule. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

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

Kathleen B. Hogan,

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

For the reasons set forth in the preamble, DOE is amending part 429 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.2 is amended by adding, in alphabetical order, the definition for ''engineered-to-order'' to read as follows:

§ 429.2 Definitions.

* * * * *

Engineered-to-order means a basic model of commercial water heating equipment, commercial packaged boiler, commercial heating, ventilation, and air conditioning (HVAC) equipment, or commercial refrigeration equipment that is: Not listed in any catalogs or marketing literature and designed and built to specific customer requirements. A unit of an engineered-to-order basic model is not offered as a set of options (e.g., configure-to-order, menu-system).

* * * * *

■ 3. Section 429.7 is amended by revising paragraph (a), redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and adding new paragraph (b) to read as follows:

§ 429.7 Confidentiality.

(a) The following records are not exempt from public disclosure: Product or equipment type; product or equipment class; private labeler name; brand name; applicable model number(s) unless that information meets the criteria specified in paragraph (b) of this section; energy or water ratings submitted by manufacturers to DOE pursuant to § 429.12(b)(13); whether the certification was based on a test procedure waiver and the date of such waiver; and whether the certification was based on exception relief from the Office of Hearing and Appeals and the date of such relief.

(b) An individual, manufacturer model number is public information unless it is:

(1) The individual, manufacturer model number is a unique model number of a commercial packaged boiler, commercial water heating equipment, commercial HVAC equipment or commercial refrigeration equipment that was developed for an individual customer,

(2) The individual, manufacturer model number is not displayed on product literature, and

(3) The manufacturer treats the model number as confidential business

information—in which case, the manufacturer may identify the individual manufacturer model number as a private model number on a certification report submitted pursuant to § 429.12(b)(6).

* * * * *

■ 4. Section 429.12 is amended by revising paragraph (b) to read as follows:

§ 429.12 General requirements applicable to certification reports.

* * * * *

(b) *Certification report.* A certification report shall include a compliance statement (see paragraph (c) of this section), and for each basic model, the information listed in this paragraph (b).

(1) Product or equipment type;

(2) Product or equipment class (as denoted in the provisions of part 430 or 431 of this chapter containing the applicable energy conservation standard);

(3) Manufacturer's name and address;

(4) Private labeler's name(s) and address(es) (if applicable);

(5) Brand name;

(6) For each brand, the basic model number and the manufacturer's individual model number(s) in that basic model with the following exceptions: For external power supplies that are certified based on design families, the design family model number and the individual manufacturer's model numbers covered by that design family must be submitted for each brand. For walk-in coolers, the basic model number for each brand must be submitted. For distribution transformers, the basic model number or kVA grouping model number (depending on the certification method) for each brand must be submitted. For commercial HVAC, WH, and refrigeration equipment, an individual manufacturer model number may be identified as a ''private model number'' if it meets the requirements of § 429.7(b).

(7) Whether the submission is for a new model, a discontinued model, a correction to a previously submitted model, data on a carryover model, or a model that has been found in violation of a voluntary industry certification program;

(8) The test sample size (i.e., number of units tested for each basic model). Manufacturers must enter ''0'' if an AEDM was used in lieu of testing;

(9) The certifying party's U.S. Customs and Border Protection (CBP) importer identification numbers assigned by CBP pursuant to 19 CFR 24.5, if applicable;

(10) Whether certification is based upon any waiver of test procedure requirements under § 430.27 or § 431.401 of this chapter and the date(s) of such waiver(s);

(11) Whether certification is based upon any exception relief from an applicable energy conservation standard and the date such relief was issued by DOE's Office of Hearings and Appeals;

(12) If the test sample size is listed as ''0'' to indicate the certification is based upon the use of an alternate way of determining measures of energy conservation, identify the method used for determining measures of energy conservation (such as ''AEDM,'' ''ARM,'' or linear interpolation) and the approval date, if applicable, of any such alternate rating, testing, or efficiency determination method. Manufacturers of commercial packaged boilers, commercial water heating equipment, commercial refrigeration equipment and commercial HVAC equipment, must provide the manufacturer's designation (name or other identifier) of the AEDM used; and

(13) Product specific information listed in §§ 429.14 through 429.54 of this chapter.

* * * * *

■ 5. Add § 429.41 to read as follows:

§ 429.41 Commercial Warm Air Furnaces.

(a) *Determination of represented value.* Manufacturers must determine the represented value, which includes the certified rating, for each basic model of commercial warm air furnace either by testing, in conjunction with the applicable sampling provisions, or by applying an AEDM.

(1) *Units to be tested.* (i) If the represented value is determined through testing, the general requirements of § 429.11 are applicable; and

(ii) For each basic model selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n − 1 degrees of freedom (from Appendix A to subpart B of part 429). And,

(B) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The lower 95 percent confidence limit (LCL) of the true mean divided by 0.95, where:

$$LCL = \bar{x} - t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n − 1 degrees of freedom (from Appendix A to subpart B of part 429).

(2) *Alternative efficiency determination methods.* In lieu of testing, a represented value of efficiency or consumption for a basic model of commercial warm air furnace must be determined through the application of an AEDM pursuant to the requirements of § 429.70 and the provisions of this section, where:

(i) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the output of the AEDM and less than or equal to the Federal standard for that basic model; and

(ii) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the output of the AEDM and greater than or equal to the Federal standard for that basic model.

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial warm air furnaces; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the

following public, equipment-specific information: The thermal efficiency in percent (%), and the maximum rated input capacity in British thermal units per hour (Btu/h).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional equipment-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report may include supplemental testing instructions in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

■ 6. Section 429.42 is amended by:

■ a. Removing ''can'' from paragraph (a) introductory text and adding ''must'' in its place; and

■ b. Revising paragraph (b) to read as follows:

§ 429.42 Commercial refrigerators, freezers, and refrigerator-freezers.

* * * * *

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial refrigerators, freezers, and refrigerator-freezers; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public, equipment-specific information:

(i) The daily energy consumption in kilowatt hours per day (kWh/day);

(ii) The rating temperature (e.g. lowest product application temperature, if applicable) in degrees Fahrenheit (°F); and

(iii) The chilled or frozen compartment volume in cubic feet (ft^3), the adjusted volume in cubic feet (ft^3), or the total display area (TDA) in feet squared (ft^2) (as appropriate for the equipment class).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional, equipment-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report must include supplemental information submitted in PDF format. The equipment-specific, supplemental information must include testing instructions (e.g., charging instructions); and which, if any, special features were included in rating the basic model. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part. Manufacturers may submit a single supplemental PDF with information for multiple basic models as long as the basic models to which the PDF applies are designated.

■ 7. Section 429.43 is amended by:

■ a. Removing ''can'' from paragraph (a) introductory text and adding ''must'' in its place; and

■ b. Revising paragraph (b) to read as follows:

§ 429.43 Commercial heating, ventilating, air conditioning (HVAC) equipment.

* * * * *

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial HVAC equipment; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public equipment-specific information:

(i) Commercial package air-conditioning equipment (except commercial package air conditioning that are air-cooled with a cooling capacity less than 65,000 Btu/h): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(ii) Commercial package heating equipment (except commercial package heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), the rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(iii) Commercial package air conditioning equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h (3-Phase): The seasonal energy efficiency ratio (SEER in British thermal units per Watt-hour (Btu/Wh)), and the rated cooling capacity in British thermal units per hour (Btu/h).

(iv) Commercial package heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h (3-Phase): The seasonal energy efficiency ratio (SEER in British thermal units per Watt-hour (Btu/Wh)), the heating seasonal performance factor (HSPF in British thermal units per Watt-hour (Btu/Wh)), and the rated cooling capacity in British thermal units per hour (Btu/h).

(v) Package terminal air conditioners: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the rated cooling capacity in British thermal units per hour (Btu/h), and the wall sleeve dimensions in inches (in).

(vi) Package terminal heat pumps: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/W-h)), the coefficient of performance (COP), the rated cooling capacity in British thermal units per hour (Btu/h), and the wall sleeve dimensions in inches (in).

(vii) Single package vertical air conditioners: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)) and the rated cooling capacity in British thermal units per hour (Btu/h).

(viii) Single package vertical heat pumps: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), and the rated cooling capacity in British thermal units per hour (Btu/h).

(ix) Variable refrigerant flow multi-split air conditioners with rated cooling capacity less than 65,000 Btu/h (3-Phase): The seasonal energy efficiency ratio (SEER in British thermal units per Watt-hour (Btu/Wh)) and rated cooling capacity in British thermal units per hour (Btu/h).

(x) Variable refrigerant flow multi-split heat pumps with rated cooling capacity less than 65,000 Btu/h (3-Phase): The seasonal energy efficiency ratio (SEER in British thermal units per Watt-hour (Btu/Wh)), the heating seasonal performance factor (HSPF in British thermal units per Watt-hour (Btu/Wh)), and rated cooling capacity in British thermal units per hour (Btu/h).

(xi) Variable refrigerant flow multi-split air conditioners with rated cooling capacity greater than or equal to 65,000 Btu/h: The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(xii) Variable refrigerant flow multi-split heat pumps with rated cooling capacity greater than or equal to 65,000 Btu/h: The energy efficiency ratio (EER in British thermal units per Watt-hour

(Btu/Wh)), the coefficient of performance (COP), rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(xiii) Water source variable refrigerant flow heat pumps (all rated cooling capacities): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(xiv) Computer room air-conditioners: The net sensible cooling capacity in British thermal units per hour (Btu/h), the net cooling capacity in British thermal units per hour (Btu/h), the configuration (upflow/downflow), economizer presence (yes or no), condenser medium (air, water, or glycol-cooled), sensible coefficient of performance (SCOP), and rated airflow in standard cubic feet per minute (SCFM).

(xv) Water source heat pumps (other than variable refrigerant flow): The energy efficiency ratio (EER in British thermal units per Watt-hour (Btu/Wh)), the coefficient of performance (COP), the rated cooling capacity in British thermal units per hour (Btu/h), and the type(s) of heating used by the basic model (e.g., electric, gas, hydronic, none).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional equipment-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models.

(4) Pursuant to § 429.12(b)(13), a certification report must include supplemental information submitted in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part. The equipment-specific, supplemental information must include at least the following:

(i) Commercial package air-conditioning equipment (except commercial package air conditioning equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h): The nominal cooling capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each fan coil; water flow rate in gallons per minute (gpm) for water cooled units only; rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency or control set points for variable speed components (e.g., compressors, VFDs); required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(ii) Commercial package heating equipment (except commercial package heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h): The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each fan coil; water flow rate in gallons per minute (gpm) for water cooled units only; rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency or control set points for variable speed components (e.g., compressors, VFDs); required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(iii) Commercial package air conditioning equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h (3-phase): The nominal cooling capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each fan coil; rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency or control set points for variable speed components (e.g., compressors, VFDs); required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(iv) Commercial package heating equipment that is air-cooled with a cooling capacity less than 65,000 Btu/h (3-phase): The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each fan coil; rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency or control set points for variable speed components (e.g., compressors, VFDs); required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(v) Variable refrigerant flow multi-split air conditioners with cooling capacity less than 65,000 Btu/h (3-phase): The nominal cooling capacity in British thermal units per hour (Btu/h); outdoor unit(s) and indoor units identified in the tested combination; components needed for heat recovery, if

applicable; rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm) for water-cooled units only; rated static pressure in inches of water; compressor frequency set points; required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(vi) Variable refrigerant flow multi-split heat pumps with cooling capacity less than 65,000 Btu/h (3-phase): The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); outdoor unit(s) and indoor units identified in the tested combination; components needed for heat recovery, if applicable; rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm) for water-cooled units only; rated static pressure in inches of water; compressor frequency set points; required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(vii) Variable refrigerant flow multi-split air conditioners with cooling capacity greater than or equal to 65,000 Btu/h: The nominal cooling capacity in British thermal units per hour (Btu/h); outdoor unit(s) and indoor units identified in the tested combination; components needed for heat recovery, if applicable; rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm) for water-cooled units only; rated static pressure in inches of water; compressor frequency set points; required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(viii) Variable refrigerant flow multi-split heat pumps with cooling capacity greater than or equal to 65,000 Btu/h: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); outdoor unit(s) and indoor units identified in the tested combination; components needed for heat recovery, if applicable; rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm) for water-cooled units only; rated static pressure in inches of water; compressor frequency set points; required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(ix) Water source variable refrigerant flow heat pumps: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm); rated static pressure in inches of water; refrigeration charging instructions (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency set points for variable speed components (e.g., compressors, VFDs), including the required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model. Additionally, upon DOE request, the manufacturer must provide a layout of the system set-up for testing including charging instructions consistent with the installation manual.

(x) Water source heat pumps: The nominal cooling capacity in British thermal units per hour (Btu/h); rated heating capacity in British thermal units per hour (Btu/h); rated airflow in standard cubic feet per minute (SCFM) for each indoor unit; water flow rate in gallons per minute (gpm); rated static pressure in inches of water; refrigerant charging instructions, (e.g., refrigerant charge, superheat and/or subcooling temperatures); frequency set points for variable speed components (e.g., compressors, VFDs), including the required dip switch/control settings for step or variable components; a statement whether the model will operate at test conditions without manufacturer programming; any additional testing instructions if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying

installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(xi) Single package vertical air conditioners: Any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(xii) Single package vertical heat pumps: Any additional testing instructions, if applicable; if a variety of motors/drive kits are offered for sale as options in the basic model to account for varying installation requirements, the model number and specifications of the motor (to include efficiency, horsepower, open/closed, and number of poles) and the drive kit, including settings, associated with that specific motor that were used to determine the certified rating; and which, if any, special features were included in rating the basic model.

(xiii) Computer room air-conditioners: Any additional testing instructions, if applicable; and which, if any, special features were included in rating the basic model.

(xiv) Package terminal air conditioners and package terminal heat pumps: Any additional testing instructions, if applicable.

* * * * *

■ 8. Section 429.44 is amended by:

■ a. Removing ''can'' in paragraph (a) introductory text and adding ''must'' in its place; and

■ b. Revising paragraph (b) to read as follows:

§ 429.44 Commercial water heating equipment.

* * * * *

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial WH equipment; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public equipment-specific information:

(i) Commercial electric storage water heaters: The maximum standby loss in percent per hour (%/hr) and the measured storage volume in gallons (gal).

(ii) Commercial gas-fired and oil-fired storage water heaters: The thermal efficiency in percent (%), the maximum standby loss in British thermal units per hour (Btu/h), the rated storage volume in gallons (gal), and the nameplate input rate in British thermal units per hour (Btu/h).

(iii) Commercial water heaters and hot water supply boilers with storage capacity greater than 140 gallons: The thermal efficiency in percent (%), whether the storage volume is greater than 140 gallons (Yes/No); whether the tank surface area is insulated with at least R–12.5 (Yes/No); whether a standing pilot light is used (Yes/No); for gas or oil-fired water heaters, whether the basic model has a fire damper or fan assisted combustion (Yes/No); and, if applicable, pursuant to 10 CFR 431.110, the maximum standby loss in British thermal units per hour (Btu/h) and measured storage volume in gallons (gal).

(iv) Commercial gas-fired and oil-fired instantaneous water heaters greater than or equal to 10 gallons and gas-fired and oil-fired hot water supply boilers greater than or equal to 10 gallons: The thermal efficiency in percent (%), the maximum standby loss in British thermal units per hour (Btu/h), the rated storage volume in gallons (gal), and the nameplate input rate in Btu/h.

(v) Commercial gas-fired and oil-fired instantaneous water heaters less than 10 gallons and gas-fired and oil-fired hot water supply boilers less than 10 gallons: The thermal efficiency in percent (%) and the rated storage volume in gallons (g).

(vi) Commercial unfired hot water storage tanks: The thermal insulation (i.e., R-value) and stored volume in gallons (gal).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional, equipment-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models to be eligible for witness testing.

(4) Pursuant to § 429.12(b)(13), a certification report may include supplemental testing instructions in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

* * * * *

■ 9. Add § 429.60 to read as follows:

§ 429.60 Commercial packaged boilers.

(a) *Determination of represented value.* Manufacturers must determine the represented value, which includes the certified rating, for each basic model of commercial packaged boilers either by testing, in conjunction with the applicable sampling provisions, or by applying an AEDM.

(1) *Units to be tested.* (i) If the represented value is determined through testing, the general requirements of § 429.11 are applicable; and

(ii) For each basic model selected for testing, a sample of sufficient size shall be randomly selected and tested to ensure that—

(A) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The upper 95 percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with $n-1$ degrees of freedom (from Appendix A to subpart B of part 429). And,

(B) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

and, $\bar{x}$ is the sample mean; n is the number of samples; and x_i is the ith sample; Or,

(*2*) The lower 95 percent confidence limit (LCL) of the true mean divided by 0.95, where:

$$LCL = \bar{x} - t_{0.95}(\frac{s}{\sqrt{n}})$$

And $\bar{x}$ is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95% one-tailed confidence interval with n − 1 degrees of freedom (from Appendix A to subpart B of part 429).

(2) *Alternative efficiency determination methods.* In lieu of testing, a represented value of efficiency or consumption for a basic model of commercial packaged boiler must be determined through the application of an AEDM pursuant to the requirements of § 429.70 and the provisions of this section, where:

(i) Any represented value of energy consumption or other measure of energy use of a basic model for which consumers would favor lower values shall be greater than or equal to the output of the AEDM and less than or equal to the Federal standard for that basic model; and

(ii) Any represented value of energy efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be less than or equal to the output of the AEDM and greater than or equal to the Federal standard for that basic model.

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to commercial packaged boilers; and

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public equipment-specific information: The combustion efficiency in percent (%) or the thermal efficiency in percent (%), as required in § 431.87 of this chapter; and the maximum rated input capacity in British thermal units per hour (Btu/h).

(3) Pursuant to § 429.12(b)(13), a certification report must include the following additional equipment-specific information:

(i) Whether the basic model is engineered-to-order; and

(ii) For any basic model rated with an AEDM, whether the manufacturer elects the witness test option for verification testing. (See § 429.70(c)(5)(iii) for options). However, the manufacturer may not select more than 10% of AEDM-rated basic models to be eligible for witness testing.

(4) Pursuant to § 429.12(b)(13), a certification report may include supplemental testing instructions in PDF format. A manufacturer may also include with a certification report other supplementary items in PDF format (e.g., manuals) for DOE consideration in performing testing under subpart C of this part.

(c) Alternative methods for determining efficiency or energy use for commercial packaged boilers can be found in § 429.70.

■ 10. Section 429.70 is amended by revising the section heading and the heading of paragraph (c) to read as follows:

§ 429.70 Alternative methods for determining energy efficiency and energy use.

* * * * *

(c) *Alternative efficiency determination method (AEDM) for commercial HVAC (includes commercial warm air furnaces and commercial packaged boilers), WH, and refrigeration equipment*—(1) * * *

* * * * *

[FR Doc. 2014–10085 Filed 5–2–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 312

[Docket ID: DoD–2014–OS–0060]

Privacy Act of 1974; Implementation

AGENCY: Office of Inspector General, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: The Office of Inspector General is exempting a new system of records, CIG–29, entitled, ''Privacy and Civil Liberties Complaint Reporting System'' from subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4); (G), (H), (I); and (f) of the Privacy Act, pursuant to 5 U.S.C. 552a.

This direct final rule makes no substantive changes to the Office of Inspector General Privacy Program rules.

These changes will allow the Department to add an exemption rule to the Office of Inspector General Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by preserving the exempt status of the applicable records and/or material when the purposes underlying the exemption(s) are valid and necessary.

This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

DATES: This rule will be effective on July 14, 2014 unless adverse comment is received by July 7, 2014. If adverse comment is received, the Department of Defense will publish a timely withdrawal of the rule in the **Federal Register**.

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

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

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mark Dorgan, DoD IG FOIA/Privacy Office, Department of Defense, Inspector General, 4800 Mark Center Drive, Alexandria, VA 22350–1500 or telephone: (703) 699–5680.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

This rule will not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

These amendments do not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

These amendments do not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 312

Privacy.

Accordingly, 32 CFR part 312 is amended as follows:

PART 312—OFFICE OF THE INSPECTOR GENERAL (OIG) PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 312 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Section 312.12 is amended by adding paragraph (k) to read as follows:

§ 312.12 Exemptions.

* * * * *

(k) *System identifier:* CIG–29.

(1) *System Name:* Privacy and Civil Liberties Complaint Reporting System.

(2) *Exemptions:* Any portion of this record system which falls within the provisions of 5 U.S.C. 552a (j)(2), (k)(2)and (k)(5) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I).

(3) Authority: 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

(4) Reasons: To ensure the integrity of the privacy and civil liberties process. The execution requires that information be provided in a free and open manner without fear of retribution or harassment in order to facilitate a just, thorough, and timely resolution of the complaint or inquiry. Disclosures from this system can enable individuals to conceal their wrongdoing or mislead the course of the investigation by concealing, destroying, or fabricating evidence or documents. In addition, disclosures can subject sources and witnesses to harassment or intimidation which may cause individuals not to seek redress for wrongs through privacy and civil liberties channels for fear of retribution or harassment. There is a clear need to protect national security information from inadvertent disclosure.

Dated: April 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–10190 Filed 5–2–14; 8:45 am]

BILLING CODE 5001–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0005; FRL–9910–33–Region 3]

Approval and Promulgation of Implementation Plans; Delaware; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware through the Delaware Department of Natural Resources and Environmental Control (DNREC). Delaware's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing implementation plan addressing regional haze (regional haze SIP). EPA is approving Delaware's SIP revision on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

DATES: This final rule is effective on June 4, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2014–0005. 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 State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 25, 2014 (79 FR 10442), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. In the NPR, EPA proposed approval of Delaware's progress report SIP, a report on progress made in the first implementation period towards RPGs for the Class I area outside the State that is affected by emissions from

Delaware's sources. This progress report SIP and accompanying cover letter also included a determination that Delaware's existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018.

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). In addition, the provisions under 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze SIP. The first progress report SIP is due five years after submittal of the initial regional haze SIP. On September 25, 2008, Delaware DNREC submitted the State's first regional haze SIP in accordance with 40 CFR 51.308(b).[1] The progress report SIP revision was submitted by Delaware on September 24, 2013, and EPA finds that it satisfies the requirements of 40 CFR 51.308(g) and 308(h).

II. Summary of SIP Revision

Delaware's September 24, 2013 progress report SIP addresses progress made towards RPGs of the Class I area outside the State that is affected by emissions from Delaware's sources. This progress report SIP also includes a determination of the adequacy of the State's existing regional haze SIP. Delaware does not have any Class I areas within its borders. However, in Delaware's September 25, 2008 regional haze SIP submittal, DNREC had identified, through an area of influence modeling analysis based on back trajectories in consultation with the regional planning organization, Mid-Atlantic/Northeast Visibility Union (MANE–VU), only one Class I area, Edwin B. Forsythe National Wildlife Refuge (Brigantine Wilderness Area), in the neighboring State of New Jersey, that can be potentially impacted by Delaware sources. *See* 76 FR 42557 (July 19, 2011).

The provisions in 40 CFR 51.308(g) require a progress report SIP to address seven elements. EPA finds that Delaware's progress report SIP addressed each element under 40 CFR 51.308(g). The seven elements and EPA's conclusion are briefly summarized below; however, the detailed rationale for EPA's action is explained in the NPR and will not be restated here. No public comments were received on the NPR.

The provisions in 40 CFR 51.308(g) require progress report SIPs to include a description of the status of measures in the approved regional haze SIP; a summary of emissions reductions achieved; an assessment of visibility conditions for each Class I area in the state; an analysis of changes in emissions from sources and activities within the state; an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in Class I areas impacted by the state's sources; an assessment of the sufficiency of the approved regional haze SIP; and a review of the state's visibility monitoring strategy. As explained in detail in the NPR, EPA finds that Delaware's progress report SIP addressed each element and has therefore satisfied the requirements under 40 CFR 51.308(g).

In addition, pursuant to 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP, a determination of the adequacy of their existing regional haze SIP and to take one of four possible actions based on information in the progress report. One possible action is submission of a negative declaration to EPA that no further substantive revision to the state's existing regional haze SIP is needed. In its progress report SIP, Delaware submitted a negative declaration that it had determined that the existing regional haze SIP requires no further substantive revision to achieve the RPGs for the Class I area affected by Delaware's sources. As explained in detail in the NPR, EPA concludes Delaware has adequately addressed 40 CFR 51.308(h) because the visibility data trends at the Class I area impacted by Delaware's sources and the emissions trends of Delaware's largest emitters of visibility-impairing pollutants both indicate that Brigantine Wilderness Area, which is the Class I area impacted by Delaware sources, will be able to meet or exceed the RPGs for 2018.

III. Final Action

EPA is approving Delaware's Regional Haze five-year progress report SIP revision, submitted September 24, 2013, as meeting the applicable regional haze requirements as set forth in 40 CFR 51.308(g) and 51.308(h).

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

[1] On July 19, 2011, EPA finalized an approval of Delaware's September 25, 2008 regional haze SIP to address the first implementation period for regional haze. *See* 76 FR 42557.

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 July 7, 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 to approve Delaware's regional haze five-year progress report SIP revision 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, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: April 21, 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 I—Delaware

■ 2. In § 52.420, the table in paragraph (e) is amended by adding the entry for Regional Haze Five-Year Progress Report at the end of the table to read as follows:

§ 52.420 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Regional Haze Five-Year Progress Report.	Statewide	9/24/13	5/5/14 [*Insert page number where the document begins*].	

[FR Doc. 2014–10111 Filed 5–2–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2013–0802; FRL 9909–24–OAR]

RIN 2060–AS15

Technical Amendments to Inadvertent Errors in Air Quality Designations for Fine Particles, Ozone, Lead, Nitrogen Dioxide and Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to make technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text establishing the air quality designations for certain areas in fourteen states for the 1997 Fine Particles ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS), the 2008 Ozone NAAQS, the 2008 Lead NAAQS, the 2010 Nitrogen Dioxide (NO_2) NAAQS and the 2010 Sulfur Dioxide (SO_2) NAAQS. The states are: Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Minnesota, Missouri, North Carolina, Ohio, Oregon, Tennessee, Washington and Wisconsin. This action does not change the designation for any area.

DATES: This rule is effective on August 4, 2014 without further notice, unless the EPA receives adverse comment by June 4, 2014. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule, or the relevant provisions of this rule, will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0802, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-Docket@epamail.epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2013–0802.
- *Fax:* (202) 566–1541, Attention Docket ID No. EPA–HQ–OAR–2013–0802.
- *Mail:* Docket ID No. EPA–HQ–OAR–2013–0802, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room: 3334, Mail Code: 6102T, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2013–0802. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0802. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information 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 the EPA will not know your identity or contact information

unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses. For additional information about commenting on this rule, see section II of this document. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the index at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA's Docket Center, Public Reading Room, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. This Docket Center 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 Air Docket is (202) 566–1742.

Documents related to the affected designations are available in the following dockets:

Designations for the 1997 $PM_{2.5}$ NAAQS: Docket ID No. EPA–HQ–OAR–2003–0061;

Designations for the 2008 Ozone NAAQS: Docket ID No. EPA–HQ–OAR–2008–0476;

Designations for the 2008 Lead NAAQS: Docket ID No. EPA–HQ–OAR–2009–0443;

Designations for the 2010 NO_2 NAAQS: Docket ID No. EPA–HQ–OAR–2011–0572; and

Designations for the 2010 SO_2 NAAQS: Docket ID No. EPA–HQ–OAR–2012–0233.

In addition, the EPA has established Web sites for the designation rulemakings at: *http://www.epa.gov/pmdesignations/, http://www.epa.gov/ozonedesignations, http://www.epa.gov/leaddesignations/, http://www.epa.gov/no2designations/ www.epa.gov/so2designations.*

FOR FURTHER INFORMATION CONTACT: Carla Oldham, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539–04, Research Triangle Park, N.C. 27711, phone number (919) 541–3347 or by email at: *oldham.carla@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Why is the EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. This action makes technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text that established the air quality designations for certain areas for several NAAQS. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to make the technical amendments if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section and section II of this document.

If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule. If we receive adverse comment on a distinct provision of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on the date set out above, notwithstanding adverse comment on any other provision.

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

A. Submitting CBI

Do not submit this information to the 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 the 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. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), U.S. EPA,

Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2013–0802.

B. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of **Federal Register** (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

III. What is the purpose of this action?

Whenever the EPA establishes a new NAAQS, section 107(d) of the Clean Air Act (CAA) requires the EPA to designate all areas of the country as meeting or not meeting the new NAAQS, or as unclassifiable where available information does not support a determination whether an area is meeting the NAAQS. The area designations and boundaries for each NAAQS are set forth in tables in the CFR at 40 CFR part 81.

This action makes technical amendments to minor, inadvertent and nonsubstantive errors in the 40 CFR part 81 regulatory text concerning the air quality designations for certain areas in fourteen states for the 1997 $PM_{2.5}$ NAAQS, the 2008 Ozone NAAQS, the 2008 Lead NAAQS, the 2010 NO_2 NAAQS and the 2010 SO_2 NAAQS. These states are: Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Minnesota, Missouri, North Carolina, Ohio, Oregon, Tennessee, Washington and Wisconsin. The affected areas and the inadvertent errors to be corrected are discussed in section IV and the revisions to the regulatory text are provided at the end of this preamble. This action does not change the designation for any area.

IV. What are the technical amendments to inadvertent errors in prior designations?

A. Technical Amendments Concerning Designations for the 1997 $PM_{2.5}$ Annual NAAQS

In an action signed on December 17, 2004, the EPA promulgated air quality designations for the 1997 annual $PM_{2.5}$ NAAQS (70 FR 944; January 5, 2005). The EPA designated Chattanooga as a multi-state nonattainment area that includes parts of Tennessee, Georgia and Alabama. As the naming convention for identifying multi-state nonattainment areas, the EPA uses the initials for all states that are partially or wholly included in the area. For the Chattanooga nonattainment area, the EPA inadvertently omitted the state initials for Alabama and identified the area as Chattanooga, TN-GA in the 40 CFR part 81 tables designation tables. Therefore, it is not evident when looking at the area name in the 40 CFR part 81 tables for Tennessee and Georgia that the area includes a portion of Alabama. The EPA is correcting the area name to be Chattanooga, TN-GA-AL.

B. Technical Amendments Concerning Designations for the 2008 Ozone NAAQS

In an action signed on April 30, 2012, the EPA promulgated air quality designations for the 2008 ozone NAAQS (77 FR 30088; May 21, 2012). By letter dated January 28, 2014, the North Carolina Department of Environment and Natural Resources notified the EPA that there were errors in the 40 CFR part 81 designation table for North Carolina. Specifically, North Carolina pointed out that Concord Township in Cabarrus County and Gold Hill Township in Rowan County were not listed as part of the Charlotte-Rock Hill, NC-SC nonattainment area.

In March 2009, and again in October 2011, North Carolina recommended that the counties of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union, in their entirety and a portion of Iredell County be designated as ''nonattainment.'' After evaluating North Carolina's recommendation, in December 2011, the EPA notified North Carolina that it intended to designate those areas as part of the Charlotte-Rock Hill, NC-SC nonattainment area. On February 29, 2012, North Carolina submitted an updated recommendation requesting that for Cabarrus, Gaston, Lincoln, Rowan and Union Counties, the EPA only include certain townships in the nonattainment area. North Carolina provided a multi-factor technical analysis for each county to support the partial county boundaries and provided maps identifying the townships the state recommended as nonattainment. The EPA evaluated the new technical information and concluded it was appropriate to include the partial counties, as recommended by North Carolina, as part of the designated nonattainment area. The technical analyses for Cabarrus and Rowan Counties and the nonattainment area maps are clear that Concord Township in Cabarrus County and Gold Hill Township in Rowan County were intended to be included as part of the nonattainment area. However, the two counties were not listed in Table 1 of their recommendation. In preparing the 40 CFR part 81 designation table, the EPA relied on Table 1 for its list of counties included as part of the nonattainment area, and thus inadvertently did not include Concord and Gold Hill Townships. Therefore, the EPA is correcting the errors by listing Concord Township in Cabarrus County and Gold Hill Township in Rowan County as part of that Charlotte-Rock Hill, NC-SC nonattainment area, consistent with the state's recommendation and the analysis in the record.

In an action signed on May 31, 2012, the EPA promulgated the air quality designation for the 2008 Ozone NAAQS for several counties in Illinois, Indiana and Wisconsin (77 FR 34221; June 11, 2012). The EPA designated all or parts of 11 counties as the Chicago-Naperville, IL-IN-WI nonattainment area, including part of Kenosha County, WI. In the 40 CFR part 81 table for Wisconsin, the EPA described the included part of Kenosha County in terms of townships, based on historical maps that the EPA has since learned are no longer in general use. Therefore, the EPA is replacing the description of the boundary for the included part of the county with an alternative description that is easily recognizable and well defined in existing maps and documents in current use. The alternative partial county description is ''The portion of Kenosha County bounded by the Lake Michigan shoreline on the East, the Kenosha County boundary on the North, the Kenosha County boundary on the South and the I–94 corridor (including the entire corridor) on the West.''

C. Technical Amendments Concerning Designations for the 2008 Lead NAAQS

The EPA completed the designations for the 2008 Lead NAAQS in two final rules. The EPA promulgated the first rule designating certain areas for the 2008 Lead NAAQS in an action signed on November 16, 2010 (75 FR 71033;

November 22, 2010) and the second rule designating all remaining areas on November 8, 2011 (76 FR 72097; November 22, 2011).

The EPA is correcting inadvertent errors in the entries for two areas in the 40 CFR part 81 tables for the lead designations. In the second rule, the EPA inadvertently omitted the word ''County'' in the name of the lead nonattainment area in Iowa and identified it as ''Pottawattamie, IA'' rather than ''Pottawattamie County, IA.'' The EPA is adding ''County'' to the area name. The area is correctly identified as ''Pottawattamie County, IA'' in the Technical Support Document (TSD) for the area, which is available in the docket (EPA–HQ–OAR–2009–0443–0491).

In the second rule designating areas for the 2008 Lead NAAQS, the EPA also reformatted the existing lead designation tables in 40 CFR part 81. For the ''Iron, Dent, and Reynolds Counties, MO'' nonattainment area, which was designated in the first rule, a typographical error occurred when the tables were reformatted, which resulted in the designation effective date for the included portion of Dent County being listed in the 40 CFR part 81 table as 2/31/10 rather than 12/31/10. The effective date was correct in the original table included in the first rule. The EPA is correcting the typographical error. The effective date for the other portions of the nonattainment area is correctly identified as 12/31/10, consistent with the effective date for all other areas designated in the first designation rule.

D. Technical Amendments Concerning Designations for the 2010 NO_2 NAAQS

In an action signed on January 20, 2012, the EPA promulgated air quality designations for the 2010 NO_2 NAAQS (77 FR 9532; February 17, 2012). The EPA designated all areas as unclassifiable/attainment. In letters sent in June 2011, from the EPA Regional Administrators to the states, the EPA indicated it intended to designate all areas of the country as unclassifiable/attainment using the boundaries each state had recommended to the EPA or using revised boundaries each state might provide in response to the letter. The EPA recommended that the states consider the implications for the prevention of significant deterioration permitting program if the entire state were designated as a single area rather than as several smaller areas.

For the states of Indiana, Minnesota and Washington, the EPA inadvertently designated areas according to the state's original recommendations rather than the revised boundary recommendations submitted by these states. For Idaho and Oregon, the EPA designated areas according to the EPA's interpretation of each state's original recommendation. Subsequently, the states informed the EPA that the agency had interpreted their recommendations incorrectly. The EPA is correcting the listings of the unclassifiable/attainment areas for each of these five states in accordance with their recommendations as discussed below.

For Indiana, the EPA designated four counties separately and designated the remaining counties in the states collectively as ''Rest of State.'' By letter dated July 29, 2011, from Thomas W. Easterly, Commissioner of the State of Indiana, to Susan Hedman, EPA Regional Administrator, Indiana responded to the EPA's June 2011 letter concerning designations for the NO_2 NAAQS. Indiana said it ''wishes to make it clear that each county within the state should be classified under the standard separately.'' The EPA is correcting the listing of the of unclassifiable/attainment areas in Indiana to list those remaining counties as separate areas.

For Minnesota, the EPA designated all areas in the state unclassifiable/attainment collectively as ''State of Minnesota.'' By letter dated August 9, 2011, from Paul W. Assen, Commissioner of Minnesota, to Susan Hedman, EPA Regional Administrator, Minnesota provided revised recommendations in response to the EPA's June 2011 letter concerning designations for the NO_2 NAAQS. Minnesota recommended that the EPA ''make a designation for each county within Minnesota.'' The EPA is correcting the listing of the unclassifiable/attainment areas in Minnesota to list each county as a separate area.

For Washington, the EPA designated all areas in the state unclassifiable/attainment collectively as ''State of Washington.'' By letter dated August 19, 2011, from Ted Sturdevant, Director of the State of Washington Department of Ecology, to Dennis J. McLerran, EPA Regional Administrator, Washington clarified the state's recommendations in response to the EPA's June 2011 letter concerning designations for the NO_2 NAAQS. Washington recommended that all six of the state's Air Quality Control Regions (AQCRs) be designated unclassifiable/attainment. The EPA is correcting the listing of the unclassifiable/attainment areas in Washington to list the areas by AQCRs.

For Idaho, the EPA designated the unclassifiable/attainment areas by AQCRs, according to the EPA's interpretation of the state's December 17, 2010, recommendation from Toni Hardesty, Director of the Idaho Department of Environmental Quality to Dennis J. McLerran, EPA Regional Administrator. Subsequently, in conversation with the EPA, Idaho clarified that the state had wanted a statewide area designation for the NO_2 NAAQS rather than listing each AQCR as a separate area. The EPA is correcting the listings of the unclassifiable/attainment areas for Idaho to specify one statewide unclassifiable/attainment area in accordance with the state's original recommendation, as clarified.

For Oregon, the EPA designated each county separately as an unclassifiable/attainment area according to the EPA's interpretation of the state's January 21, 2011, recommendation from Governor John Kitzhaber, MD to Dennis J. McLerran, EPA Regional Administrator. Subsequently, in conversation with the EPA, Oregon clarified that the state had wanted all areas in the state to be designated collectively as one statewide area for the NO_2 NAAQS rather than by separate counties. The EPA is correcting the listings of the unclassifiable/attainment areas for Oregon to specify one statewide unclassifiable/attainment area in accordance with the state's original recommendation, as clarified.

E. Technical Amendments Concerning Designations for the 2010 SO_2 NAAQS

In an action signed on July 25, 2013, the EPA promulgated the initial designations for certain areas for the 2010 SO_2 NAAQS (78 FR 47191; August 5, 2013). The EPA is correcting inadvertent errors in descriptions for two of the areas.

The EPA designated part of Hillsborough County, Florida as nonattainment. In the 40 CFR part 81 table for Florida, the EPA described the boundary of the nonattainment portion of the county as: ''That portion of Hillsborough County encompassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 17 with datum NAD83 as follows: (1) Vertices—UTM Easting (m) 35881, UTM Northing 3076066; (2) vertices—UTM Easting (m) 355673, UTM Northing 3079275; (3) vertices—UTM Easting (m) 360300, UTM Northing 3086380; (4) vertices—UTM Easting (m) 366850, UTM Northing 3086692; (5) vertices—UTM Easting (m) 368364, UTM Northing 3083760; and (6) vertices—UTM Easting (m) 365708, UTM Northing 3079121.'' Under (1) of the boundary description, the EPA made a typographical error that omitted a digit in identifying the UTM Easting (m) vertice. The EPA is

correcting the error so that the number reads as ''358581'' rather than ''35881.'' This correction is consistent with the TSD for the nonattainment area, which is available in the docket (EPA–HQ–OAR–2012–0233–0307) and on the SO_2 designations Web site.

For the Campbell-Clermont Counties, KY-OH SO_2 nonattainment area, the entry for the area in the 40 CFR part 81 table for Ohio indicates that only part of Clermont County is included in the nonattainment area, but the boundary description for the included part was inadvertently omitted. Therefore, the EPA is adding the partial county description to read ''Pierce Township'' as provided in the TSD (EPA–HQ–OAR–2012–0233–0313) for the nonattainment area, which is available in the docket and on the SO_2 designations Web site.

V. Statutory and Executive Order Reviews

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

This action makes technical amendments to minor, inadvertent and nonsubstantive errors in prior area designations. This type of action is exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This action corrects minor, inadvertent and nonsubstantive errors in prior area designations and does not require any party to perform an information collection.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action makes technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text concerning the air quality designations for certain areas in prior designation actions and does not impose any requirements on small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action contains no federal mandate under the provisions of Title II of the UMRA of 1995, 2 U.S.C. 1531–1538 for state, local or tribal governments or the private sector. The action does not impose an enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action corrects minor, inadvertent and nonsubstantive errors in prior area designations.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action make technical amendments to minor, inadvertent and nonsubstantive errors in prior area designations. Thus, Executive Order 13132 does not apply to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action only makes technical amendments to minor, inadvertent and nonsubstantive errors in prior area designations. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA of 1995, Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through the Office of Management and Budget, explanations when the agency decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the U.S.

The EPA has determined that this rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action makes technical amendments to minor, inadvertent, nonsubstantive errors in the designations for certain areas.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States 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). This rule will be effective on August 4, 2014.

L. Judicial Review

In the final actions designating areas for the $PM_{2.5}$ NAAQS, ozone NAAQS, lead NAAQS, NO_2 NAAQS, and SO_2 NAAQS, the EPA determined that the actions were ''nationally applicable'' within the meaning of CAA section 307(b)(1). Because this action is making corrections to those nationally applicable rules, we are determining that this action is also nationally applicable within the meaning of section 307(b)(1). Thus, petitions for review of this final action must be filed in the Court of Appeals for the District of Columbia Circuit. Section 307(b)(1) requires such petitions to be filed within 60 days from the date final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 15, 2014

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, 40 CFR Part 81, is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

Subpart C—Section 107 Attainment Status Designations

§ 81.301 [Amended]

■ 2. In § 81.301, the table titled ''Alabama—$PM_{2.5}$ (Annual NAAQS)'' is amended by removing ''Chattanooga, TN-GA'' in the ''Designated area'' column and adding in its place ''Chattanooga, TN-GA-AL''.

■ 3. In § 81.310, the table titled ''Florida—2010 Sulfur Dioxide NAAQS (Primary)'' is amended by revising the partial county description under ''Hillsborough County (part)'' under the ''Hillsborough County, FL'' nonattainment area to read as follows:

§ 81.310 Florida.

* * * * *

FLORIDA—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated area	Designation	
	Date	Type
Hillsborough County, FL [1]	10–4–13	Nonattainment.
Hillsborough County (part):		
That portion of Hillsborough County encompassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 17 with datum NAD83 as follows: (1) Vertices—UTM Easting (m) 358581, UTM Northing 3076066; (2) vertices—UTM Easting (m) 355673, UTM Northing 3079275; (3) UTM Easting (m) 360300, UTM Northing 3086380; (4) vertices—UTM Easting (m) 366850, UTM Northing 3086692; (5) vertices—UTM Easting (m) 368364, UTM Northing 3083760; and (6) vertices—UTM Easting (m) 365708, UTM Northing 3079121.	.....	
* * * * *	*	*

[1] Excludes Indian country located in each area, if any, unless otherwise specified.

* * * * *

§ 81.311 [Amended]

■ 4. In § 81.311, the table titled ''Georgia—$PM_{2.5}$ (Annual NAAQS)'' is amended by removing ''Chattanooga, TN-GA'' in the ''Designated area'' column and adding in its place ''Chattanooga, TN-GA-AL''.

■ 5. Section 81.313 is amended by revising the table titled ''Idaho—NO_2 (2010 1-Hour Standard)'' to read as follows:

§ 81.313 Idaho.

* * * * *

IDAHO—NO_2

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
State of Idaho		Unclassifiable/Attainment.

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after October 31, 2011, unless otherwise noted.

* * * * *

■ 6. Section 81.315 is amended by revising the table titled ''Indiana—NO_2 (2010 1-Hour Standard)'' to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—NO_2

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Adams County		Unclassifiable/Attainment.
Allen County		Unclassifiable/Attainment.
Bartholomew County		Unclassifiable/Attainment.
Benton County		Unclassifiable/Attainment.
Blackford County		Unclassifiable/Attainment.
Boone County		Unclassifiable/Attainment.
Brown County		Unclassifiable/Attainment.
Carroll County		Unclassifiable/Attainment.
Cass County		Unclassifiable/Attainment.
Clark County		Unclassifiable/Attainment.
Clay County		Unclassifiable/Attainment.
Clinton County		Unclassifiable/Attainment.
Crawford County		Unclassifiable/Attainment.
Daviess County		Unclassifiable/Attainment.
Dearborn County		Unclassifiable/Attainment.
Decatur County		Unclassifiable/Attainment.
Dekalb County		Unclassifiable/Attainment.
Delaware County		Unclassifiable/Attainment.
Dubois County		Unclassifiable/Attainment.
Elkhart County		Unclassifiable/Attainment.
Fayette County		Unclassifiable/Attainment.
Floyd County		Unclassifiable/Attainment.
Fountain County		Unclassifiable/Attainment.
Franklin County		Unclassifiable/Attainment.
Fulton County		Unclassifiable/Attainment.
Gibson County		Unclassifiable/Attainment.
Grant County		Unclassifiable/Attainment.
Greene County		Unclassifiable/Attainment.
Hamilton County		Unclassifiable/Attainment.
Hancock County		Unclassifiable/Attainment.
Harrison County		Unclassifiable/Attainment.
Hendricks County		Unclassifiable/Attainment.
Henry County		Unclassifiable/Attainment.
Howard County		Unclassifiable/Attainment.
Huntington County		Unclassifiable/Attainment.
Jackson County		Unclassifiable/Attainment.
Jasper County		Unclassifiable/Attainment.
Jay County		Unclassifiable/Attainment.
Jefferson County		Unclassifiable/Attainment.
Jennings County		Unclassifiable/Attainment.
Johnson County		Unclassifiable/Attainment.
Knox County		Unclassifiable/Attainment.
Kosciusko County		Unclassifiable/Attainment.
Lagrange County		Unclassifiable/Attainment.
Lake County		Unclassifiable/Attainment.
La Porte County		Unclassifiable/Attainment.
Lawrence County		Unclassifiable/Attainment.
Madison County		Unclassifiable/Attainment.
Marion County		Unclassifiable/Attainment.
Marshall County		Unclassifiable/Attainment.
Martin County		Unclassifiable/Attainment.
Miami County		Unclassifiable/Attainment.

INDIANA—NO_2—Continued

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Monroe County		Unclassifiable/Attainment.
Montgomery County		Unclassifiable/Attainment.
Morgan County		Unclassifiable/Attainment.
Newton County		Unclassifiable/Attainment.
Noble County		Unclassifiable/Attainment.
Ohio County		Unclassifiable/Attainment.
Orange County		Unclassifiable/Attainment.
Owen County		Unclassifiable/Attainment.
Parke County		Unclassifiable/Attainment.
Perry County		Unclassifiable/Attainment.
Pike County		Unclassifiable/Attainment.
Porter County		Unclassifiable/Attainment.
Posey County		Unclassifiable/Attainment.
Pulaski County		Unclassifiable/Attainment.
Putnam County		Unclassifiable/Attainment.
Randolph County		Unclassifiable/Attainment.
Ripley County		Unclassifiable/Attainment.
Rush County		Unclassifiable/Attainment.
St. Joseph County		Unclassifiable/Attainment.
Scott County		Unclassifiable/Attainment.
Shelby County		Unclassifiable/Attainment.
Spencer County		Unclassifiable/Attainment.
Starke County		Unclassifiable/Attainment.
Steuben County		Unclassifiable/Attainment.
Sullivan County		Unclassifiable/Attainment.
Switzerland County		Unclassifiable/Attainment.
Tippecanoe County		Unclassifiable/Attainment.
Tipton County		Unclassifiable/Attainment.
Union County		Unclassifiable/Attainment.
Vanderburgh County		Unclassifiable/Attainment.
Vermillion County		Unclassifiable/Attainment.
Vigo County		Unclassifiable/Attainment.
Wabash County		Unclassifiable/Attainment.
Warren County		Unclassifiable/Attainment.
Warrick County		Unclassifiable/Attainment.
Washington County		Unclassifiable/Attainment.
Wayne County		Unclassifiable/Attainment.
Wells County		Unclassifiable/Attainment.
White County		Unclassifiable/Attainment.
Whitley County		Unclassifiable/Attainment.

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after October 31, 2011, unless otherwise noted.

* * * * *

§ 81.316 [Amended]

■ 7. In § 81.316, the table titled ''Iowa—2008 Lead NAAQS'' is amended by removing the entry ''Pottawattamie, IA'' in the ''Designated area'' column and adding in its place ''Pottawattamie County, IA''.

■ 8. Section 81.324 is amended by revising the table titled ''Minnesota—NO_2 (2010 1-Hour Standard)'' to read as follows:

§ 81.324 Minnesota.

* * * * *

MINNESOTA—NO_2

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Aitkin County		Unclassifiable/Attainment.
Anoka County		Unclassifiable/Attainment.
Becker County		Unclassifiable/Attainment.
Beltrami County		Unclassifiable/Attainment.
Benton County		Unclassifiable/Attainment.
Big Stone County		Unclassifiable/Attainment.
Blue Earth County		Unclassifiable/Attainment.
Brown County		Unclassifiable/Attainment.
Carlton County		Unclassifiable/Attainment.

MINNESOTA—NO_2—Continued

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Carver County		Unclassifiable/Attainment.
Cass County		Unclassifiable/Attainment.
Chippewa County		Unclassifiable/Attainment.
Chisago County		Unclassifiable/Attainment.
Clay County		Unclassifiable/Attainment.
Clearwater County		Unclassifiable/Attainment.
Cook County		Unclassifiable/Attainment.
Cottonwood County		Unclassifiable/Attainment.
Crow Wing County		Unclassifiable/Attainment.
Dakota County		Unclassifiable/Attainment.
Dodge County		Unclassifiable/Attainment.
Douglas County		Unclassifiable/Attainment.
Faribault County		Unclassifiable/Attainment.
Fillmore County		Unclassifiable/Attainment.
Freeborn County		Unclassifiable/Attainment.
Goodhue County		Unclassifiable/Attainment.
Grant County		Unclassifiable/Attainment.
Hennepin County		Unclassifiable/Attainment.
Houston County		Unclassifiable/Attainment.
Hubbard County		Unclassifiable/Attainment.
Isanti County		Unclassifiable/Attainment.
Itasca County		Unclassifiable/Attainment.
Jackson County		Unclassifiable/Attainment.
Kanabec County		Unclassifiable/Attainment.
Kandiyohi County		Unclassifiable/Attainment.
Kittson County		Unclassifiable/Attainment.
Koochiching County		Unclassifiable/Attainment.
Lac qui Parle County		Unclassifiable/Attainment.
Lake County		Unclassifiable/Attainment.
Lake of the Woods County		Unclassifiable/Attainment.
Le Sueur County		Unclassifiable/Attainment.
Lincoln County		Unclassifiable/Attainment.
Lyon County		Unclassifiable/Attainment.
Mahnomen County		Unclassifiable/Attainment.
Marshall County		Unclassifiable/Attainment.
Martin County		Unclassifiable/Attainment.
McLeod County		Unclassifiable/Attainment.
Meeker County		Unclassifiable/Attainment.
Mille Lacs County		Unclassifiable/Attainment.
Morrison County		Unclassifiable/Attainment.
Mower County		Unclassifiable/Attainment.
Murray County		Unclassifiable/Attainment.
Nicollet County		Unclassifiable/Attainment.
Nobles County		Unclassifiable/Attainment.
Norman County		Unclassifiable/Attainment.
Olmsted County		Unclassifiable/Attainment.
Otter Tail County		Unclassifiable/Attainment.
Pennington County		Unclassifiable/Attainment.
Pine County		Unclassifiable/Attainment.
Pipestone County		Unclassifiable/Attainment.
Polk County		Unclassifiable/Attainment.
Pope County		Unclassifiable/Attainment.
Ramsey County		Unclassifiable/Attainment.
Red Lake County		Unclassifiable/Attainment.
Redwood County		Unclassifiable/Attainment.
Renville County		Unclassifiable/Attainment.
Rice County		Unclassifiable/Attainment.
Rock County		Unclassifiable/Attainment.
Roseau County		Unclassifiable/Attainment.
Scott County		Unclassifiable/Attainment.
Sherburne County		Unclassifiable/Attainment.
Sibley County		Unclassifiable/Attainment.
St. Louis County		Unclassifiable/Attainment.
Stearns County		Unclassifiable/Attainment.
Steele County		Unclassifiable/Attainment.
Stevens County		Unclassifiable/Attainment.
Swift County		Unclassifiable/Attainment.
Todd County		Unclassifiable/Attainment.
Traverse County		Unclassifiable/Attainment.

MINNESOTA—NO_2—Continued

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Wabasha County		Unclassifiable/Attainment.
Wadena County		Unclassifiable/Attainment.
Waseca County		Unclassifiable/Attainment.
Washington County		Unclassifiable/Attainment.
Watonwan County		Unclassifiable/Attainment.
Wilkin County		Unclassifiable/Attainment.
Winona County		Unclassifiable/Attainment.
Wright County		Unclassifiable/Attainment.
Yellow Medicine County		Unclassifiable/Attainment.

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after October 31, 2011, unless otherwise noted.

* * * * *

§ 81.326 [Amended]

■ 9. In § 81.326, the table titled ''Missouri—2008 Lead NAAQS'' is amended by removing the designation date ''2/31/10'' for the entry ''Dent County (part)'' and adding in its place the designation date ''12/31/10''.

■ 10. In § 81.334, the table titled ''North Carolina—2008 8-Hour Ozone NAAQS (Primary and secondary)'' is amended by revising the partial county descriptions under ''Cabarrus County (part)'' and ''Rowan County (part)'' under the ''Charlotte-Rock Hill, NC-SC'' nonattainment area to read as follows:

§ 81.334 North Carolina.

* * * * *

NORTH CAROLINA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Charlotte-Rock Hill, NC-SC: [2]		Nonattainment		Marginal
Cabarrus County (part):				
Central Cabarrus Township, Concord Township, Georgeville Township, Harrisburg Township, Kannapolis Township, Midland Township, Mount Pleasant Township, New Gilead Township, Odell Township, Poplar Tent Township, Rimertown Township.				
* * *	*	*	*	*
Rowan County (part):				
Atwell Township, China Grove Township, Franklin Township, Gold Hill Township, Litaker Township, Locke Township, Providence Township, Salisbury Township, Steele Township, Unity Township.				
* * *	*	*	*	*

[1] This date is July 20, 2012, unless otherwise noted.
[2] Excludes Indian country located in each area, unless otherwise noted.
[3] Includes any Indian country in each county or area, unless otherwise specified.

* * * * *

■ 11. In § 81.336, the table titled ''Ohio—2010 Sulfur Dioxide NAAQS (Primary) is amended by revising the entry for Campbell-Clermont Counties, KY-OH to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—2010 SO_2 NAAQS

[Primary]

Designated area	Designation	
	Date	Type
Campbell-Clermont Counties, KY-OH [1]	10–4–13	Nonattainment.
Clermont County (part):		
Pierce Township.		
* * *	*	*

[1] Excludes Indian country located in each area, if any, unless otherwise specified.

* * * * *

■ 12. Section 81.338 is amended by revising the table titled ''Oregon—NO_2 (2010 1-Hour Standard)'' to read as follows:

§ 81.338 Oregon.

* * * * *

OREGON—NO_2

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Statewide		Unclassifiable/Attainment.

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after October 31, 2011, unless otherwise noted.

* * * * *

§ 81.343 [Amended]

■ 13. In § 81.343, the table titled ''Tennessee—$PM_{2.5}$ (Annual NAAQS)'' is amended by removing ''Chattanooga, TN-GA'' in the ''Designated area'' column and adding in its place ''Chattanooga, TN-GA-AL''.

■ 14. Section 81.348 is amended by revising the table titled ''Washington—NO_2 (2010 1-Hour Standard) to read as follows:

§ 81.348 Washington.

* * * * *

WASHINGTON—NO_2

[2010 1-Hour standard]

Designated area	Designation [a]	
	Date [1]	Type
Puget Sound Intrastate AQCR		Unclassifiable/Attainment.
Portland (Oregon)-Southwest Washington Interstate AQCR (Washington portion)		Unclassifiable/Attainment.
Eastern Washington-Northern Idaho Interstate AQCR (Washington portion)		Unclassifiable/Attainment.
Northern Washington Intrastate AQCR		Unclassifiable/Attainment.
Olympic-Northwest Washington Intrastate AQCR		Unclassifiable/Attainment.
South Central Washington Intrastate AQCR		Unclassifiable/Attainment.

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after October 31, 2011, unless otherwise noted.

* * * * *

■ 15. In § 81.350, the table titled ''Wisconsin—2008 8-Hour Ozone NAAQS (Primary and secondary)'' is amended by revising the partial county description under ''Kenosha County (part)'' under the ''Chicago-Naperville, IL—IN—WI'' nonattainment area to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Chicago-Naperville, IL-IN-WI [2]		Nonattainment		Marginal
Kenosha County (part):				
The portion of Kenosha County bounded by the Lake Michigan shoreline on the East, the Kenosha County boundary on the North, the Kenosha County boundary on the South, and the I–94 corridor (including the entire corridor) on the West.				
* * * * * * *				

[1] This date is July 20, 2012, unless otherwise noted.
[2] Excludes Indian country located in each area, unless otherwise noted.

* * * * *

[FR Doc. 2014–09272 Filed 5–2–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–8331]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region I				
Massachusetts:				
Milton, Town of, Norfolk County	250245	January 14, 1974, Emerg; April 3, 1978, Reg; June 9, 2014, Susp.	June 9, 2014	June 9, 2014.
Nantucket, Town of, Nantucket County	250230	January 21, 1974, Emerg; June 3, 1986, Reg; June 9, 2014, Susp.	.....*do	Do.
Quincy, City of, Norfolk County	255219	June 19, 1970, Emerg; September 21, 1973, Reg; June 9, 2014, Susp.	.....do	Do.
Region III				
Maryland:				
Betterton, Town of, Kent County	240095	May 15, 1975, Emerg; February 2, 1983, Reg; June 9, 2014, Susp.	.....do	Do.
Chestertown, Town of, Kent County	240046	September 4, 1973, Emerg; February 15, 1984, Reg; June 9, 2014, Susp.	.....do	Do.
Kent County, Unincorporated Areas	240045	March 9, 1973, Emerg; December 4, 1985, Reg; June 9, 2014, Susp.	.....do	Do.
Millington, Town of, Kent County	240058	July 2, 1975, Emerg; November 3, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Rock Hall, Town of, Kent County	240048	February 26, 1975, Emerg; September 1, 1983, Reg; June 9, 2014, Susp.	.....do	Do.
Pennsylvania:				
Clark, Borough of, Mercer County	422475	July 11, 1975, Emerg; July 30, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Coolspring, Township of, Mercer County.	421863	July 11, 1975, Emerg; September 17, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Delaware, Township of, Mercer County	422283	June 1, 1976, Emerg; July 30, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
East Lackawannock, Township of, Mercer County.	421864	March 22, 1976, Emerg; July 23, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Fairview, Township of, Mercer County	421865	December 23, 1977, Emerg; January 1, 1987, Reg; June 9, 2014, Susp.	.....do	Do.
Farrell, City of, Mercer County	420673	December 6, 1973, Emerg; April 17, 1978, Reg; June 9, 2014, Susp.	.....do	Do.
Findley, Township of, Mercer County	421866	August 12, 1975, Emerg; February 4, 1983, Reg; June 9, 2014, Susp.	.....do	Do.
Fredonia, Borough of, Mercer County	422477	May 9, 1975, Emerg; November 17, 1978, Reg; June 9, 2014, Susp.	.....do	Do.
French Creek, Township of, Mercer County.	421867	February 17, 1977, Emerg; June 1, 1986, Reg; June 9, 2014, Susp.	.....do	Do.
Greene, Township of, Mercer County	422478	October 17, 1975, Emerg; June 30, 1976, Reg; June 9, 2014, Susp.	.....do	Do.
Greenville, Borough of, Mercer County	420674	August 23, 1974, Emerg; July 16, 1981, Reg; June 9, 2014, Susp.	.....do	Do.
Grove City, Borough of, Mercer County	420675	February 5, 1974, Emerg; September 30, 1977, Reg; June 9, 2014, Susp.	.....do	Do.
Hermitage, City of, Mercer County	421862	August 21, 1975, Emerg; September 30, 1981, Reg; June 9, 2014, Susp.	.....do	Do.
Jackson Center, Borough of, Mercer County.	422479	July 25, 1975, Emerg; June 18, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Jackson, Township of, Mercer County	422480	July 28, 1975, Emerg; December 19, 1980, Reg; June 9, 2014, Susp.	.....do	Do.
Jamestown, Borough of, Mercer County	422481	February 18, 1976, Emerg; September 10, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Jefferson, Township of, Mercer County	421869	February 11, 1975, Emerg; June 1, 1986, Reg; June 9, 2014, Susp.	.....do	Do.
Lackawannock, Township of, Mercer County.	422482	August 28, 1975, Emerg; June 30, 1976, Reg; June 9, 2014, Susp.	.....do	Do.
Lake, Township of, Mercer County	422483	May 4, 1979, Emerg; June 18, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Liberty, Township of, Mercer County	421870	March 3, 1977, Emerg; June 1, 1986, Reg; June 9, 2014, Susp.	.....do	Do.
Mercer, Borough of, Mercer County	420676	May 12, 1972, Emerg; March 15, 1977, Reg; June 9, 2014, Susp.	.....do	Do.
Mill Creek, Township of, Mercer County	421871	June 7, 1979, Emerg; December 17, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
New Lebanon, Borough of, Mercer County.	422484	September 27, 1979, Emerg; September 10, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
New Vernon, Township of, Mercer County.	422485	September 7, 1979, Emerg; October 15, 1982, Reg; June 9, 2014, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Otter Creek, Township of, Mercer County.	422486	June 2, 1976, Emerg; December 1, 1986, Reg; June 9, 2014, Susp.	.....do	Do.
Perry, Township of, Mercer County	422487	April 14, 1976, Emerg; December 17, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Pine, Township of, Mercer County	422284	November 3, 1975, Emerg; February 25, 1983, Reg; June 9, 2014, Susp.	.....do	Do.
Pymatuning, Township of, Mercer County.	422285	September 17, 1975, Emerg; June 1, 1989, Reg; June 9, 2014, Susp.	.....do	Do.
Salem, Township of, Mercer County	421872	April 6, 1976, Emerg; May 1, 1986, Reg; June 9, 2014, Susp.	.....do	Do.
Sandy Creek, Township of, Mercer County.	421873	November 18, 1975, Emerg; October 1, 1986, Reg; June 9, 2014, Susp.	.....do	Do.
Sandy Lake, Borough of, Mercer County.	420677	August 1, 1975, Emerg; March 18, 1991, Reg; June 9, 2014, Susp.	.....do	Do.
Sharon, City of, Mercer County	420678	November 19, 1973, Emerg; October 17, 1978, Reg; June 9, 2014, Susp.	.....do	Do.
Sharpsville, Borough of, Mercer County	420682	March 11, 1975, Emerg; May 25, 1978, Reg; June 9, 2014, Susp.	.....do	Do.
Shenango, Township of, Mercer County	421875	November 7, 1975, Emerg; September 4, 1991, Reg; June 9, 2014, Susp.	.....do	Do.
South Pymatuning, Township of, Mercer County.	421876	July 28, 1975, Emerg; March 18, 1991, Reg; June 9, 2014, Susp.	.....do	Do.
Springfield, Township of, Mercer County.	421877	July 2, 1975, Emerg; July 16, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Stoneboro, Borough of, Mercer County	420679	June 18, 1975, Emerg; March 18, 1991, Reg; June 9, 2014, Susp.	.....do	Do.
Sugar Grove, Township of, Mercer County.	422489	May 4, 1979, Emerg; September 17, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
West Middlesex, Borough of, Mercer County.	420680	February 19, 1975, Emerg; September 4, 1991, Reg; June 9, 2014, Susp.	.....do	Do.
West Salem, Township of, Mercer County.	422490	March 18, 1976, Emerg; January 21, 1983, Reg; June 9, 2014, Susp.	.....do	Do.
Wheatland, Borough of, Mercer County	420681	February 15, 1974, Emerg; February 15, 1978, Reg; June 9, 2014, Susp.	.....do	Do.
Worth, Township of, Mercer County	422492	July 31, 1979, Emerg; February 4, 1983, Reg; June 9, 2014, Susp.	.....do	Do.
Region IV				
Mississippi:				
Jackson, City of, Hinds, Madison and Rankin Counties.	280072	April 19, 1973, Emerg; April 1, 1980, Reg; June 9, 2014, Susp.	.....do	Do.
Region V				
Indiana:				
Anderson, City of, Madison County	180150	November 7, 1974, Emerg; December 4, 1979, Reg; June 9, 2014, Susp.	.....do	Do.
Austin, City of, Scott County	180233	December 30, 1976, Emerg; September 1, 1988, Reg; June 9, 2014, Susp.	.....do	Do.
Chesterfield, Town of, Madison County	180151	February 14, 1975, Emerg; May 1, 1980, Reg; June 9, 2014, Susp.	.....do	Do.
Ingalls, Town of, Madison County	180155	March 24, 1975, Emerg; July 15, 1988, Reg; June 9, 2014, Susp.	.....do	Do.
Madison County, Unincorporated Areas	180442	October 23, 1990, Emerg; February 1, 1994, Reg; June 9, 2014, Susp.	.....do	Do.
Pendleton, Town of, Madison County ...	180156	December 26, 1974, Emerg; May 3, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Scott County, Unincorporated Areas	180474	March 5, 1993, Emerg; November 1, 1995, Reg; June 9, 2014, Susp.	.....do	Do.
Scottsburg, City of, Scott County	180234	April 7, 1975, Emerg; August 19, 1985, Reg; June 9, 2014, Susp.	.....do	Do.
Sharpsville, Town of, Tipton County	180527	June 19, 2007, Emerg; N/A, Reg; June 9, 2014, Susp.	.....do	Do.
Tipton, City of, Tipton County	180255	October 29, 1975, Emerg; March 5, 1996, Reg; June 9, 2014, Susp.	.....do	Do.
Tipton County, Unincorporated Areas ...	180475	November 1, 1979, Emerg; September 1, 1988, Reg; June 9, 2014, Susp.	.....do	Do.
Region VI				
Texas:				
Harris County, Unincorporated Areas ...	480287	May 14, 1970, Emerg; May 26, 1970, Reg; June 9, 2014, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Hilshire Village, City of, Harris County ..	480295	December 13, 1974, Emerg; June 28, 1979, Reg; June 9, 2014, Susp.	.....do	Do.
Humble, City of, Harris County	480297	October 25, 1974, Emerg; September 16, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Hunter's Creek Village, City of, Harris County.	480298	November 27, 1973, Emerg; November 5, 1980, Reg; June 9, 2014, Susp.	.....do	Do.
Jersey Village, City of, Harris County ...	480300	October 9, 1974, Emerg; March 15, 1982, Reg; June 9, 2014, Susp.	.....do	Do.
Spring Valley Village, City of, Harris County.	480313	July 31, 1974, Emerg; June 4, 1980, Reg; June 9, 2014, Susp.	.....do	Do.
Region VII				
Iowa:				
Riverdale, City of, Scott County	190245	July 7, 1975, Emerg; January 5, 1978, Reg; June 9, 2014, Susp.	.....do	Do.
Region IX				
California:				
Vallejo, City of, Solano County	060374	March 19, 1971, Emerg; October 17, 1978, Reg; June 9, 2014, Susp.	.....do	Do.

*-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: April 22, 2014.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–10158 Filed 5–2–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Ballard County, Kentucky, and Incorporated Areas Docket No.: FEMA–B–1085			
Cane Creek (backwater effects from Mississippi River).	From the confluence with Shawnee Creek Slough to approximately 2.3 miles upstream of confluence with Shawnee Creek Slough.	+330	Unincorporated Areas of Ballard County.
Hazel Creek (backwater effects from Ohio River).	From the confluence with Brushy Pond Creek to approximately 3.2 miles upstream of the confluence with Brushy Pond Creek.	+331	Unincorporated Areas of Ballard County.
Humphrey Creek (backwater effects from Ohio River.	From the confluence with Lucy Creek to approximately 2,007 feet upstream of the confluence with Lucy Creek.	+331	Unincorporated Areas of Ballard County.
Humphrey Creek Tributary 9 (backwater effects from Ohio River).	From the confluence with Humphrey Creek to approximately 1,320 feet upstream of the confluence with Humphrey Creek.	+331	Unincorporated Areas of Ballard County.
Lucy Creek (backwater effects from Ohio River).	From the confluence with Humphrey Creek to approximately 0.45 mile upstream of the confluence with Humphrey Creek.	+331	Unincorporated Areas of Ballard County.
Mississippi River	Approximately 3.5 miles downstream of the confluence with the Ohio River.	+329	City of Wickliffe, Unincorporated Areas of Ballard County.
	Approximately 0.5 mile upstream of the confluence with Ohio River.	+330	
Ohio River	Approximately 3.0 miles upstream of the confluence with the Mississippi River.	+330	Unincorporated Areas of Ballard County.
	Approximately 6.3 miles upstream of Lock and Dam 53	+334	
Stovall Creek (backwater effects from Mississippi River).	From the confluence with the Mississippi River to approximately 1 mile upstream of Mayfield Road.	+329	Unincorporated Areas of Ballard County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Wickliffe
Maps are available for inspection at 321 Court Street, Wickliffe, KY 42087.

Unincorporated Areas of Ballard County
Maps are available for inspection at 134 North 4th Street, Wickliffe, KY 42087.

Beaufort County, North Carolina, and Incorporated Areas Docket No.: FEMA–B–1212			
Aggie Run	At the Tranters Creek confluence	+11	City of Washington, Unincorporated Areas of Beaufort County.
	Approximately 0.5 mile upstream of VOA Road	+12	
Maple Branch	At the Tranters Creek confluence	+9	City of Washington, Unincorporated Areas of Beaufort County.
	Approximately 1.3 miles upstream of U.S. Route 264	+21	
Mitchell Branch	At the Tranters Creek confluence	+9	City of Washington, Unincorporated Areas of Beaufort County.
	Approximately 1,100 feet upstream of Cherry Run Road	+23	
Tranter Creek	Approximately 250 feet downstream of the Mitchell Branch confluence.	+9	Unincorporated Areas of Beaufort County.
	Approximately 1.5 miles downstream of the Horsepen Swamp confluence.	+14	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

ADDRESSES

City of Washington

Maps are available for inspection at City Hall, 102 East 2nd Street, Washington, NC 27889.

Unincorporated Areas of Beaufort County

Maps are available for inspection at the Beaufort County Administrative Offices, 121 West 3rd Street, Washington, NC 27889.

Pitt County, North Carolina, and Incorporated Areas
Docket No.: FEMA–B–1212

Back Swamp	At the downstream side of Weyerhaeuser Road	+41	Town of Ayden, Town of Grifton, Unincorporated Areas of Pitt County.
	Approximately 300 feet upstream of Gas Plant lane	+62	
Baldwin Swamp	At the Moyes Run/Cannon Swamp confluence	+17	City of Greenville, Unincorporated Areas of Pitt County.
	Approximately 1.4 miles upstream of the Baldwin Swamp North Tributary confluence.	+19	
Baldwin Swamp North Tributary	At the Baldwin Swamp confluence	+17	City of Greenville, Unincorporated Areas of Pitt County.
	At the downstream side of U.S. Route 264 Alternate	+20	
Bates Branch	Approximately 60 feet upstream of the Juniper Branch confluence.	+28	Unincorporated Areas of Pitt County, Village of Simpson.
	Approximately 1,000 feet upstream of Simpson Street	+46	
Bells Branch	Approximately 0.5 mile upstream of the Hardee Creek confluence.	+20	City of Greenville.
	Approximately 625 feet upstream of York Road	+56	
Chicod Creek	Approximately 550 feet upstream of the Juniper Branch confluence.	+15	Town of Grimesland, Unincorporated Areas of Pitt County.
	At the downstream side of Mobleys Bridge Road	+15	
Fork Swamp	Approximately 0.3 mile upstream of Fire Tower Road (State Route 1708).	+59	City of Greenville, Town of Winterville, Unincorporated Areas of Pitt County.
	Approximately 330 feet upstream of Baywood Lane	+71	
Fork Swamp Tributary 2	Approximately 1,500 feet upstream of the Fork Swamp confluence.	+53	City of Greenville.
	Approximately 250 feet upstream of Fire Tower Road	+68	
Fornes Run	Approximately 0.4 mile downstream of 14th Street	+28	City of Greenville.
	Approximately 500 feet upstream of Elm Street	+60	
Green Mill Run	Approximately 1,500 feet upstream of Dickinson Avenue	+55	City of Greenville.
	Approximately 0.4 mile upstream of Allen Road	+69	
Grindle Creek	Approximately 600 feet upstream of State Route 11	+39	Town of Bethel, Unincorporated Areas of Pitt County.
	Approximately 440 feet upstream of State Route 11 Business.	+52	
Horse Swamp	At the upstream side of Jolly Road	+52	Unincorporated Areas of Pitt County.
	Approximately 0.4 mile upstream of Jolly Road	+54	
Indian Well Swamp	Approximately 0.8 mile downstream of State Route 43	+38	Unincorporated Areas of Pitt County.
	Approximately 0.7 mile upstream of Ivy Road	+56	
Lateral No. 2	Approximately 0.4 mile upstream of the Parkers Creek confluence.	+25	City of Greenville.
	Approximately 1.1 miles upstream of the Parkers Creek confluence.	+29	
Meeting House Branch	At the Bells Branch confluence	+23	City of Greenville.
	At King George Road	+37	
Moyes Run-Cannon Swamp	Approximately 500 feet downstream of the Baldwin Swamp confluence.	+17	City of Greenville, Unincorporated Areas of Pitt County.
	At the downstream side of Old Creek Road	+25	
Parkers Creek	Approximately 150 feet downstream of Old Creek Road	+22	City of Greenville.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 300 feet downstream of the Lateral No. 2 confluence.	+23	
Pea Branch	At the Tranters Creek confluence	+14	Unincorporated areas of Pitt County.
	Approximately 1,250 feet upstream of the Tranters Creek confluence.	+14	
Reedy Branch	At Wright Road	+36	City of Greenville.
	Approximately 400 feet upstream of the railroad	+68	
Swift Creek	Approximately 0.4 mile upstream of Davenport Farm Road.	+59	City of Greenville, Town of Ayden, Town of Winterville, Unincorporated Areas of Pitt County.
	Approximately 360 feet upstream of Thomas Langston Road.	+68	
Swift Creek Tributary 2	Approximately 0.6 mile upstream of Red Forbes Road	+60	Town of Winterville, Unincorporated Areas of Pitt County.
	Approximately 0.7 mile upstream of Red Forbes Road	+62	
Tranters Creek	Approximately 250 feet downstream of the Mitchell Branch confluence.	+9	Unincorporated Areas of Pitt County.
	Approximately 0.6 mile downstream of the Poley Branch confluence.	+14	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Greenville
Maps are available for inspection at the City of Greenville, 200 West 5th Street, Greenville, NC 27834.
Town of Ayden
Maps are available for inspection at the Pitt County Planning Department, 1717 West 5th Street, Greenville, NC 27834.
Town of Bethel
Maps are available for inspection at the Town Hall, 141 West Railroad Street, Bethel, NC 27812.
Town of Grifton
Maps are available for inspection at the Pitt County Planning Department, 1717 West 5th Street, Greenville, NC 27834.
Town of Grimesland
Maps are available for inspection at the Town Hall, 7592 Pitt Street, Grimesland, NC 27837.
Town of Winterville
Maps are available for inspection at the Town Hall, 2571 Railroad Street, Winterville, NC 28590.
Unincorporated areas of Pitt County
Maps are available for inspection at the Pitt County Planning Department, 1717 West 5th Street, Greenville, NC 27834.
Village of Simpson
Maps are available for inspection at the Village Hall, 2768 Thompson Street, Simpson, NC 27879.

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified
Unincorporated Areas of Richmond County, North Carolina Docket No.: FEMA–B–1158				
North Carolina	Unincorporated Areas of Richmond County.	Crooked Creek	At the Scotland County boundary	+242
			Approximately 0.8 mile upstream of County Line Road (State Route 1803).	+261

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified

ADDRESSES

Unincorporated Areas of Richmond County

Maps are available for inspection at Richmond County Planning Department, 125 South Hancock Street, Rockingham, NC 28379.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) # Depth in feet above ground + Elevation in feet (NAVD) ∧ Elevation in meters (MSL) Modified	Communities affected
Dallas County, Texas, and Incorporated Areas Docket Nos.: FEMA–B–7740, B–7756 and B–1194			
Bachman Branch	Approximately 0.31 mile upstream of the Browning Branch confluence.	+501	City of Dallas.
	At the upstream side of Willow Lane	+593	
Bear Creek	Approximately 406 feet upstream of S. Beltline Road.	+446	City of Desoto, City of Glenn Heights, City of Grand Prairie, City of Irving.
	Approximately 1,320 feet upstream of County Line Road.	+479	
Beckley Club Branch	Approximately 700 feet upstream of Elmore Avenue.	+469	City of Dallas.
	Approximately 275 feet downstream of Appian Way.	+557	
Bennett Branch	Approximately 650 feet downstream of Beltline Road.	+433	City of Mesquite.
	Approximately 1478 feet upstream of Plaza Drive.	+470	
Bentle Branch	Approximately 500 feet upstream of the Tenmile Creek confluence.	+631	City of Cedar Hill, City of Dallas, City of Duncanville.
	Approximately 190 feet upstream of County Highway 1382.	+754	
Browning Branch	Approximately 750 feet downstream of Lake Hill Drive.	+508	City of Dallas.
	Approximately 150 feet upstream of Hollow Way Road.	+547	
Cedar Creek	At the upstream side of Ewing Avenue	+447	City of Dallas.
	At the upstream side of Montclair Avenue.	+540	
Chalk Hill Branch	At the upstream side of Davis Street	+518	City of Cockrell Hill, City of Dallas.
	At the upstream side of Clarendon Drive.	+615	
Coombs Creek	At the upstream side of Davis Road	+527	City of Dallas.
	Approximately 650 feet upstream of Clarendon Drive.	+601	
Cottonwood Creek (of Lake Ray Hubbard).	Approximately 1,670 feet downstream of Stonewall Road.	+447	City of Dallas, City of Garland, City of Richardson, City of Rowlett, City of Wylie, Unincorporated Areas of Dallas County.
	Approximately 400 feet upstream of Highridge Drive.	+486	
Cottonwood Creek (of White Rock Creek)	Approximately 805 feet upstream of the White Rock Creek confluence.	+502	City of Dallas, City of Richardson, Unincorporated Areas of Dallas County.
	Approximately 0.40 mile upstream of Campbell Road.	+666	
Elmwood Branch	Approximately 800 feet upstream of Clarendon Drive.	+501	City of Dallas.
	At the upstream side of Wright Street	+593	
Estes Branch	Approximately 413 feet downstream of Bruton Road.	+471	City of Dallas.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) # Depth in feet above ground + Elevation in feet (NAVD) ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 350 feet upstream of Saint Augustine Drive.	+478	
Floyd Branch (of White Rock Creek)	Approximately 1,300 feet upstream of the Cottonwood Creek confluence.	+510	City of Dallas, City of Richardson.
	At the downstream side of Polk Street	+620	
Furneaux Creek	At the upstream side of President George Bush Turnpike.	+450	City of Carrollton.
	Approximately 0.41 mile upstream of Dickerson Parkway.	+460	
Hatfield Branch	At the intersection with Prairie Creek Road.	+400	City of Dallas.
	Approximately 4,660 feet downstream of the intersection with North Master's Drive.	+482	
Hickory Creek	Approximately 920 feet downstream from intersection with S. Woody Road.	+399	City of Balch Springs, City of Dallas.
	Approximately 700 feet upstream of C.F. Hawn Freeway.	+430	
Hollings Branch	Approximately 0.50 mile upstream of the North Hollings Branch confluence.	+538	City of Cedar Hill, City of Grand Prairie.
	Approximately 1,584 feet upstream of Ellis Road.	+638	
Hunt Branch	Approximately 900 feet upstream of the Cottonwood Creek (of White Rock Creek) confluence.	+559	City of Dallas, City of Richardson.
	At the downstream side of Belt Line Road.	+613	
Hutton Branch	At the upstream side of Belt Line Road	+443	City of Carrollton, Town of Addison.
	Approximately 135 feet upstream of Midway Road.	+605	
Lake June Branch	Approximately 1,530 feet downstream from the intersection with Lake June Road.	+455	City of Dallas.
	At the downstream side of Oak Gate Lane.	+491	
Long Branch (of Duck Creek)	Approximately 5,710 feet downstream from intersection with Northwest Drive.	+458	City of Dallas, City of Garland, City of Mesquite.
	Approximately 200 feet downstream of I–635.	+553	
Long Branch (of Duck Creek) Bypass	At the upstream side of the Long Branch (of Duck Creek) confluence.	+490	City of Mesquite.
	Approximately 460 feet upstream of the Long Branch (of Duck Creek) confluence.	+493	
Meadowdale Branch	Approximately 950 feet downstream of Rowlett Road.	+468	City of Garland.
	Approximately 150 feet downstream of Rowlett Road.	+468	
North Mesquite Creek	Approximately 0.61 mile downstream of Lawson Road.	+379	City of Balch Springs, City of Mesquite, Town of Sunnyvale, Unincorporated Areas of Dallas County.
	Approximately 205 feet downstream of Via Del Norte Road.	+507	
North Mesquite Creek Spill	At the upstream side of the North Mesquite Creek confluence.	+481	City of Mesquite.
	At the downstream side of Tripp Road	+488	
Pleasant Branch	Approximately 440 feet downstream from intersection with Prairie Creek Road.	+462	City of Dallas.
	Approximately 273 feet upstream from intersection with Bohannon Drive.	+498	
Prairie Creek	Approximately 1,510 feet downstream from intersection with LBJ Freeway.	+397	City of Dallas.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) # Depth in feet above ground + Elevation in feet (NAVD) ^ Elevation in meters (MSL) Modified	Communities affected
	At the downstream side of Union Pacific Railroad.	+524	
Pruitt Branch	Approximately 2,423 feet downstream from intersection with Kingsfield Road.	+411	City of Dallas.
	Approximately 696 feet upstream of Ryoak Drive.	+435	
Richardson Branch	Approximately 540 feet downstream of intersection with Royal Lane.	+491	City of Dallas.
	At the downstream side of Forest Lane	+588	
Rugged Branch	At the downstream side of Elmwood Boulevard.	+549	City of Dallas.
	Approximately 60 feet upstream of Berkley Avenue.	+565	
Rylie Branch	Approximately 0.38 mile upstream of the Hatfield Branch confluence.	+409	City of Dallas.
	Approximately 1,388 feet upstream from intersection with Old Seagoville Road.	+456	
South Branch of Cedar Creek	Approximately 100 feet downstream of I–35 East.	+474	City of Dallas.
	At the upstream side of Ohio Avenue	+528	
South Branch of Cedar Creek Tributary 1	At the upstream side of the South Branch of Cedar Creek confluence.	+496	City of Dallas.
	At the downstream side of Louisiana Avenue.	+506	
South Mesquite Creek	Approximately 0.61 mile downstream of Lawson Road.	+383	City of Balch Springs, City of Dallas, City of Mesquite.
	Approximately 1,905 feet downstream from intersection with Demaret Drive.	+547	
Stream 2A4	Approximately 850 feet upstream of Dalrock Road.	+453	City of Dallas, City of Rowlett, Unincorporated Areas of Dallas County.
	Approximately 280 feet upstream from intersection with Oak Hollow Drive.	+477	
Stream 2A5	Approximately 155 feet downstream from intersection with Pecan Lane.	+439	City of Dallas, City of Rowlett.
	At the upstream side of Dalrock Road	+467	
Stream 2B1	At the downstream side of Belt Line Road.	+429	City of Balch Springs, City of Mesquite.
	Approximately 840 feet downstream from intersection with Eastgate Drive.	+464	
Stream 2B2	Approximately 150 feet upstream from intersection with Burton Road.	+434	City of Balch Springs, City of Mesquite.
	Approximately 0.25 mile upstream of I–635.	+453	
Stream 2B3	Approximately 425 feet upstream of the Stream 2B2 confluence.	+446	City of Mesquite.
	Approximately 500 feet upstream of the Stream 2B2 confluence.	+449	
Stream 2B4	Approximately 1,930 feet downstream from the intersection with Military Parkway.	+437	City of Mesquite, Unincorporated Areas of Dallas County.
	Approximately 57 feet upstream of intersection with Kearney Street.	+476	
Stream 2B5	Approximately 500 feet upstream of I–635.	+452	City of Mesquite.
	Approximately 0.22 mile downstream of Town East Boulevard.	+482	
Stream 2B6	Approximately 400 feet upstream of the South Mesquite Creek confluence.	+473	City of Mesquite.
	Approximately 42 feet downstream from intersection with Baker Drive.	+503	
Stream 2B7	Approximately 800 feet downstream from intersection with Gus Thomasson Road.	+470	City of Mesquite.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) # Depth in feet above ground + Elevation in feet (NAVD) ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 437 feet upstream from intersection with I–30.	+521	
Stream 2B8	Approximately 700 feet upstream of the South Mesquite Creek confluence.	+464	City of Mesquite.
	Approximately 326 feet downstream from intersection with I–80.	+493	
Stream 2E1	At the upstream side of Kyle Road	+477	City of Rowlett.
	Approximately 0.39 mile upstream of the Long Branch (of Lake Ray Hubbard) confluence.	+486	
Stream 2E10	At the upstream side of Chiesa Road	+449	City of Rowlett.
	Approximately 0.68 mile upstream of Chiesa Road.	+470	
Stream 2E2	Approximately 0.49 mile downstream of Liberty Grove Road.	+439	City of Dallas, City of Rowlett.
	Approximately 1.09 miles upstream of Liberty Grove Road.	+491	
Stream 2E2 Tributary 1	At the upstream side of the Stream 2E2 confluence.	+466	City of Rowlett.
	At the downstream side of Big Cemetery Road.	+475	
Stream 2E8	Approximately 0.32 mile upstream of the Muddy Creek confluence.	+471	City of Garland, City of Rowlett, City of Sachse.
	Approximately 200 feet upstream of Merritt Road.	+499	
Stream 2J2	At the upstream side of Brookhaven Drive.	+494	City of Mesquite.
	Approximately 600 feet downstream of American Lane.	+503	
Stream 4C3	Approximately 40 feet upstream from the intersection with Kleberg Road.	+400	City of Dallas, City of Seagoville, Unincorporated Areas of Dallas County.
	At the upstream side of Belt Line Road	+455	
Stream 5B11	Approximately 400 feet upstream of the Floyd Branch confluence.	+596	City of Richardson.
	Approximately 350 feet downstream of Polk Street.	+632	
Stream 5B12	Approximately 800 feet upstream of the Cottonwood Creek confluence.	+585	City of Dallas, City of Richardson.
	At the downstream side of Cullum Street.	+660	
Stream 6A1	At the upstream side of Turtle Creek Boulevard.	+474	Town of Highland Park.
	Approximately 525 feet upstream of Beverly Drive.	+526	
Stream 6D1	At the upstream side of East Jackson Road.	+497	City of Carrollton.
	Approximately 800 feet upstream of East Jackson Road.	+502	
Stream 6D3	Approximately 900 feet upstream of the Hutton Branch confluence.	+478	City of Carrollton.
	Approximately 450 feet upstream of Old Trinity Mills Road.	+554	
Stream 6D4	Approximately 190 feet from intersection with Scott Mill Road.	+502	City of Carrollton.
	At the upstream side of Scott Mill Road.	+521	
Stream 6D5	Approximately 100 feet upstream of the Hutton Branch confluence.	+493	City of Carrollton.
	Approximately 500 feet upstream of Waterford Way.	+523	
Stream 6D7	Approximately 300 feet upstream of Carmel Drive.	+510	City of Carrollton.
	Approximately 250 feet upstream of Briardale Drive.	+525	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) # Depth in feet above ground + Elevation in feet (NAVD) ∧ Elevation in meters (MSL) Modified	Communities affected
Stream 6D8	Approximately 390 feet downstream from intersection with Ballantrae Road.	+562	City of Carrollton.
	Approximately 780 feet downstream from intersection with Tarplex Road.	+614	
Stream JC–1	Approximately 0.22 mile upstream of the Johnson Creek confluence.	+449	City of Grand Prairie.
	At the upstream side of West Tarrant Road.	+502	
Turtle Creek	At the downstream side of Blackburn Street.	+448	City of Dallas, Town of Highland Park.
	At the downstream side of Wycliff Avenue.	+473	
West Fork of South Mesquite Creek	At the upstream side of Peachtree Road.	+461	City of Mesquite.
	Approximately 150 feet downstream from intersection with Town East Boulevard.	+503	
White Rock Creek	At the upstream side of the Peaks Branch confluence.	+408	City of Dallas, Town of Addison.
	Approximately 0.40 mile upstream of the Hall Branch confluence.	+588	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Balch Springs
Maps are available for inspection at Public Works Department, 3117 Hickory Tree Road, Balch Springs, TX 75980.

City of Carrollton
Maps are available for inspection at Engineering Department, 1945 East Jackson Road, Carrollton, TX 75006.

City of Cedar Hill
Maps are available for inspection at City Hall, 285 Uptown Boulevard, Cedar Hill, TX 75104.

City of Cockrell Hill
Maps are available for inspection at City Hall, Department of Public Works, 4125 West Clarendon Drive, Cockrell Hill, TX 75211.

City of Dallas
Maps are available for inspection at Department of Public Works, 320 East Jefferson Boulevard, Room 321, Dallas, TX 75203.

City of Desoto
Maps are available for inspection at 211 East Pleasant Run Road, Building A, Desoto, TX 75115.

City of Duncanville
Maps are available for inspection at 203 East Wheatland Road., Duncanville, TX 75116.

City of Garland
Maps are available for inspection at City Hall, 800 Main Street, Garland, TX 75040.

City of Glenn Heights
Maps are available for inspection at 1938 South Hampton, Glenn Heights, TX 75154.

City of Grand Prairie
Maps are available for inspection at City Development Center, 206 West Church Street, Grand Prairie, TX 75051.

City of Irving
Maps are available for inspection at Public Works Department, 825 West Irving Boulevard, Irving, TX 75015.

City of Mesquite
Maps are available for inspection at Engineering Division, 1515 North Galloway Avenue, Mesquite, TX 75185.

City of Richardson
Maps are available for inspection at Engineering Office, 411 West Arapaho Road, Richardson, TX 75083.

City of Rowlett
Maps are available for inspection at City Hall, 4000 Main Street, Rowlett, TX 75088.

City of Sachse
Maps are available for inspection at the Community Development Department, 3815 Sachse Road, Building B, Sachse, TX 75048.

City of Seagoville
Maps are available for inspection at City Hall, 702 North U.S. Route 175, Seagoville, TX 75182.

City of Wylie
Maps are available for inspection at 114 North Ballard Avenue, Wylie, TX 75098.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) # Depth in feet above ground + Elevation in feet (NAVD) ∧ Elevation in meters (MSL) Modified	Communities affected

Town of Addison
Maps are available for inspection at Public Works Department, 16801 Westgrove Drive, Addison, TX 75001.

Town of Highland Park
Maps are available for inspection at Public Works Department, 4300 MacArthur Avenue, Suite 160, Highland Park, TX 75205.

Town of Sunnyvale
Maps are available for inspection at Town Hall, 127 North Collins Road, Sunnyvale, TX 75182.

Unincorporated Areas of Dallas County
Maps are available for inspection at Dallas County Records Building, 509 Main Street, Dallas, TX 75202.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 22, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–10157 Filed 5–2–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
West Baton Rouge Parish, Louisiana, and Incorporated Areas Docket No.: FEMA–B–1035			
Bayou Poydras	Approximately 160 feet downstream of State Route 413	+11	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 100 feet upstream of Section Road	+22	
Chamberlin Canal	Intersection of Chamberlin Canal and Airline Highway	+19	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 4,361 feet downstream of Section Road	+21	
Cline Lateral	Approximately 1,819 feet downstream of Section Road	+18	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 60 feet upstream of Tonawanda Street	+23	
Grand Bayou	Intersection of Airline Highway and Grand Bayou	+19	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 157 feet upstream of Treuil Road	+20	
Kean Lateral	Approximately 1,760 feet upstream of the intersection of Kean Lateral and Airline Highway.	+19	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 170 feet upstream of the intersection of Section Road and Kean Lateral.	+20	
Little Stumpy Bayou	Intersection of Airline Highway and Little Stumpy Bayou	+16	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 4,387 feet upstream of the intersection of Airline Highway and Little Stumpy Bayo.	+17	
Stumpy Bayou	Intersection of Stumpy Bayou and Airline Highway	+16	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 2,965 feet upstream of the intersection of Elm Grove Road and Stumpy Bayou.	+20	
Tiger Bayou	Approximately 3,663 feet upstream of intersection of Airline Highway and Tiger Bayou.	+17	Unincorporated Areas of West Baton Rouge Parish.
	Approximately 205 feet upstream of Section Road and Tiger Bayou.	+21	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of West Baton Rouge Parish, Louisiana

Maps are available for inspection at 880 North Alexander Avenue, Port Allen, LA 70767.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: April 22, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–10156 Filed 5–2–14; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 79, No. 86
Monday, May 5, 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

[Docket: EPA–R10–OAR–2011–0916; FRL–9910–43–Region 10]

Approval and Promulgation of Implementation Plans; Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the Alaska State Implementation Plan (SIP). Alaska submitted these revisions on February 13, 2008, December 11, 2009, April 14, 2010, November 29, 2010, October 21, 2011, December 10, 2012, and January 28, 2013, to meet Clean Air Act (CAA) requirements. These revisions update the Alaska SIP to reflect changes to the National Ambient Air Quality Standards (NAAQS), area designations, and Federal permitting requirements. In addition, the submitted changes revise and clarify Alaska permitting rules, and remove provisions that are duplicated in other regulations. Although the EPA is proposing to approve most of the submitted revisions, the EPA is proposing to not approve certain provisions which are inappropriate for SIP approval. The EPA is also removing specific provisions from the Alaska SIP that were previously approved, but that implement other provisions of the CAA and that the State has not relied on to demonstrate attainment or maintenance of the NAAQS or to meet other specific requirements of section 110 of the CAA, and therefore should not be part of the Federally-approved Alaska SIP. Finally, the EPA is deferring action on certain portions of the submissions, including those that adopt by reference updates to the Federal nonattainment major new source review requirements, because those revisions will be addressed in a separate action.

DATES: Comments must be received on or before June 4, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2011–0916, by any of the following methods:

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

B. *Email: R10-Public_Comments@epa.gov.*

C. *Mail:* Donna Deneen, EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

D. *Hand Delivery:* EPA Region 10 Mailroom, 9th Floor, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Donna Deneen, Office of Air, Waste and Toxics, AWT—107. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2011–0916. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Donna Deneen at (206) 553–6706, *deneen.donna@epa.gov,* or by using the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' is used, it is intended to refer to the EPA.

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I. Background

The EPA last approved major revisions to the State of Alaska air quality regulations at Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50 Air Quality Control (18 AAC 50) on August 14, 2007 (72 FR 45378) (''2007 action''). More recently, the Alaska Department of Environmental Conservation (ADEC) submitted rule revisions to the EPA on February 13, 2008, December 11, 2009, April 14, 2010, November 29, 2010, October 21, 2011, December 10, 2012, and January 28, 2013. These submissions include revisions to update the Alaska SIP for changes to the NAAQS, area designations, and Federal permitting requirements, in addition to changes and clarifications to Alaska permitting rules, and removal of provisions that are duplicated in other regulations.

In this action, we are proposing to approve the rule changes submitted by Alaska, with certain exceptions described below. We are also removing specific provisions from the Alaska SIP that were previously approved by the EPA, but implement other requirements of the CAA and that the State has not relied on to demonstrate attainment or maintenance of the NAAQS or to meet other specific requirements of section 110 of the CAA, and therefore should not be part of the Federally-approved Alaska SIP. In addition, we are deferring action on certain portions of the submissions, including those adopting by reference updates to the Federal nonattainment major new source review (nonattainment NSR) permitting requirements at 40 CFR 51.165, as discussed in paragraph F below. We intend to address them in a separate action.

Below is a summary of our evaluation of the submitted revisions to the Alaska SIP. For a more detailed discussion of the revisions, our analysis and proposed action, please see the technical support document (TSD) in the docket for this action. Please note that this action does not address portions of these Alaska submissions which we previously approved on February 9, 2011 (76 FR 7116), October 22, 2012 (77 FR 64425), February 14, 2013 (78 FR 10546), and May 9, 2013 (78 FR 27071). In addition, our analysis in this proposed action discusses only the most recently submitted amendment to any particular provision. We describe how the submitted Alaska rules differ from the Federally-approved Alaska SIP, and why the EPA believes the changes are approvable.

II. Evaluation of Submittals

A. Ambient Air Quality Standards

The revisions submitted by Alaska update the State's ambient air quality standards at 18 AAC 50.010 ''Ambient Air Quality Standards'' to reflect the 2006 fine particulate matter ($PM_{2.5}$), 2008 lead (Pb), 2010 sulfur dioxide (SO_2), and 2010 nitrogen dioxide (NO_2) NAAQS.[1] Because the submitted revisions are consistent with the Federal NAAQS promulgated under the CAA, we are proposing to approve 18 AAC 50.010 ''Ambient Air Quality Standards,'' except paragraphs (7) and (8), which set State ambient air quality standards for reduced sulfur compounds and ammonia respectively. Consistent with our 2007 action, we are proposing to not approve paragraphs (7) and (8) because they establish State ambient air quality standards for reduced sulfur compounds and ammonia, and they are not NAAQS established under section 109 of the CAA (72 FR 45378).

B. Air Quality Designations, Classifications and Control Regions

The submitted revisions add subparagraph (b)(3) to 18 AAC 50.015 ''Air Quality Designations, Classification and Control Regions'' to identify the $PM_{2.5}$ nonattainment area for the Fairbanks and North Pole urban area, in addition to an editor's note to clarify that nonattainment and maintenance areas, air quality control regions, and the Class I area boundaries can be found in the Alaska Air Quality Control Plan and 40 CFR Part 81. We are proposing to approve these revisions, which update the Alaska SIP to include the most recently designated nonattainment area in Alaska.

C. Baseline Dates and Maximum Allowable Increases

The submissions revise 18 AAC 50.020 ''Baseline Dates and Maximum Allowable Increases'' to clarify minor source baseline dates and maximum allowable increases, including adding $PM_{2.5}$ to the tables in the rule. Specifically, the revisions clarify that baseline dates will be determined using the already-established Federal definition for minor source baseline dates, that concentrations above the ambient air quality standard are prohibited, and that baseline concentrations will be determined using already-established Federal provisions. The submitted revisions are consistent with the CAA and implementing provisions in 40 CFR part 52 and 81 and therefore we are proposing to approve the revisions.

D. State Air Quality Control Plan

As a matter of State law, 18 AAC 50.030 ''State Air Quality Control Plan'' adopts by reference Volumes II and III of the State Air Quality Control Plan and other documents. The submissions addressed in this action revise the appendices to the Air Quality Control Program (Volume III, 18 AAC 50 Air Quality Control) by amending 18 AAC 50.030. We are proposing to not approve the submitted revisions to 18 AAC 50.030 because the referenced documents that form the basis for the submissions are being individually approved in this action. We are only proposing to approve those provisions specifically identified in the submissions and addressed in this action. The EPA takes action directly, as appropriate, on the specific provisions in the State Air Quality Control Plan that have been submitted by Alaska, so it is unnecessary for the EPA to approve 18 AAC 50.030.

E. Documents, Procedures and Methods Adopted by Reference

18 AAC 50.035 ''Documents, Procedures, and Methods Adopted by Reference'' adopts by reference the Alaska in situ burning guidelines, various Federal monitoring and modeling requirements and guidance, State ''Title V Application Forms,'' Federal reference and interpretation methods, and standard test methods. Except for the adoption by reference of the State ''Title V Standard Application and Forms,'' we are proposing to approve the submitted revisions to this provision because the changes update the Alaska SIP for the latest versions of specific documents, and add several new Federal reference and interpretation methods required to implement revised NAAQS. The State ''Title V Standard Application and Forms'' are inappropriate for SIP approval because they are not a requirement under section 110 of title I of the CAA, but rather are a requirement of title V of the CAA.

We note that, consistent with our 2007 action, we are proposing to not approve 18 AAC 50.035(b)(4), which specifies test methods related to 40 CFR part 63 (72 FR 45378). This provision is inappropriate for SIP approval because it relates to requirements that are not in the SIP and implement other requirements of the CAA.

[1] We note that on October 22, 2012, we approved the State's revision to this rule to align Alaska's ozone ambient air quality standard with the 2008 ozone NAAQS (77 FR 64425).

F. Federal Standards Adopted by Reference

The submissions update the most recent Federal regulation references in 18 AAC 50.040 ''Federal Standards Adopted by Reference.'' In addition, the submissions add a new paragraph (k) to 18 AAC 50.040 to adopt by reference the provisions of 40 CFR part 64, to the extent they apply to title V sources. Paragraph (k) of 18 AAC 50.050 implements the requirements of 40 CFR parts 64 and 71, and not the requirements of section 110 of the CAA. In the absence of a specific request from Alaska that this provision be included in the SIP, we are proposing to not approve this provision.

Provisions Implementing Other Requirements of the CAA

The submissions revise paragraphs (a), (b), (c), (d), (e), (g), and (j) of 18 AAC 50.040 to update the adoption by reference of emissions standards for 40 CFR parts 60, 61, 62, 63, 70, and 82 sources. In addition, the submissions add a new paragraph (k) to adopt by reference the provisions of 40 CFR part 64 to the extent they apply to title V sources.

These types of provisions are inappropriate for SIP approval because they implement other requirements of the CAA, and the State is not relying on them to demonstrate attainment or maintenance of the NAAQS or to meet other requirements of section 110 of the CAA. We are proposing to not approve the addition of subparagraph (j)(9), relating to 40 CFR part 71 ''Operating Permits,'' for the same reason.

PSD

The submissions revise paragraph (h) of 18 AAC 50.040 to adopt by reference specific provisions of the Federal PSD regulations set forth at 40 CFR 51.166 and 40 CFR 52.21 as of July 1, 2011, to implement the Alaska PSD permitting program. However, the submitted revisions adopting by reference 40 CFR 52.21(i) (relating to the significant monitoring concentration (SMC)) and 40 CFR 52.21(k) (relating to the significant impact level (SIL)) have been impacted by a recent court decision vacating portions of the 2010 PSD $PM_{2.5}$ Implementation Rule (October 20, 2010, 75 FR 64864).

On January 22, 2013, the U.S. Court of Appeals for the District of Columbia, in *Sierra Club* v. *EPA,* 703 F.3d 458 (D.C. Cir. 2013), issued, with respect to the SMC, a judgment that, *inter alia,* vacated the provisions of the 2010 PSD $PM_{2.5}$ Implementation Rule adding the $PM_{2.5}$ SMC to the Federal regulations at 51.166(i)(5)(i)(*c*) and 52.21(i)(5)(i)(*c*). In its decision, the Court held that the EPA did not have authority to use SMCs to exempt permit applicants from the statutory requirement in section 165(e)(2) of the CAA that ambient monitoring data for $PM_{2.5}$ be included in all PSD permit applications. Thus, although the $PM_{2.5}$ SMC was not a required element of a state's PSD program, where a state PSD program contains such a provision and allows issuance of new permits without requiring ambient $PM_{2.5}$ monitoring data, such application of the vacated SMC would be inconsistent with the Court's opinion and the requirements of section 165(e)(2) of the CAA.

At the EPA's request, the decision also vacated and remanded to the EPA for further consideration the portions of the 2010 PSD $PM_{2.5}$ Implementation Rule that revised 40 CFR 51.166 and 40 CFR 52.21 related to SILs for $PM_{2.5}$. The EPA requested this vacatur and remand of two of the three provisions in the EPA regulations that contain SILs for $PM_{2.5}$, because the wording of these two SIL provisions (40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2)) is inconsistent with the explanation of when and how SILs should be used by permitting authorities that we provided in the preamble to the **Federal Register** publication when we promulgated these provisions. The third SIL provision (40 CFR 51.165(b)(2)) was not vacated and remains in effect. In addition, the Court decision does not affect the PSD increments for $PM_{2.5}$ promulgated as part of the 2010 PSD $PM_{2.5}$ Implementation Rule.

We note that the EPA recently amended its regulations to remove the vacated $PM_{2.5}$ SILs and SMC provisions from PSD regulations on December 9, 2013 (78 FR 73698). In addition, the EPA will initiate a separate rulemaking in the future regarding the $PM_{2.5}$ SILs that will address the Court's remand. In the meantime, we are advising states to begin preparations to remove the vacated provisions from state PSD regulations.

Consistent with the vacatur of the EPA regulations as they relate to the $PM_{2.5}$ SMC and the $PM_{2.5}$ SIL, and the EPA's December 9, 2013, rulemaking, Alaska has submitted a letter dated February 12, 2014, withdrawing the adoption by reference of 40 CFR 52.21 as it relates to the vacated $PM_{2.5}$ SMC and SIL at subparagraphs 18 AAC 50.040(h)(7) and (9). A copy of Alaska's letter is in the docket for this action. Although these provisions remain in effect as a matter of State law, Alaska has confirmed that it will not apply either the $PM_{2.5}$ SMC provisions at 40 CFR 51.166(i)(5)(i)(c) and 52.21 (i)(5)(i)(c), or the $PM_{2.5}$ SIL provisions at 40 CFR 51.166(k)(2) and 52.21(k)(2) in implementing the State PSD program. In addition, the letter states that Alaska intends to remove the vacated provisions to ensure consistency with Federal law.

The submissions also add subparagraph (21) to 18 AAC 50.040(h) to adopt by reference 40 CFR 52.22 ''Enforceable Commitments for Further Actions Addressing the Pollutant Greenhouse Gases (GHGs).'' This provision is inappropriate for SIP approval because it is related to a Federal commitment that is not applicable to the State. Therefore, we are proposing to not approve the addition of subparagraph (21).

In summary, we are proposing to approve the revisions to 18 AAC 50.040(h) except for subparagraph (21). We are taking no action on subparagraphs (7) and (9) because these provisions were withdrawn.

Nonattainment NSR

The submitted revisions to paragraph (i) of 18 AAC 50.040 update the adoption by reference of Federal provisions at 40 CFR 51.165 ''Permit Requirements.'' These provisions govern the permitting of new major sources and major modifications in nonattainment areas. On February 12, 2014, Alaska submitted a letter to the EPA explaining that the Alaska regulations submitted for approval adopt by reference the ''regulated NSR pollutant'' definition found in the Federal PSD permitting regulations at 40 CFR 52.21(b)(50), rather than the definition in the Federal nonattainment NSR regulations 40 CFR 51.165(a)(1)(xxxvii). In the letter, Alaska stated that it intends to propose revisions to the appropriate sections of 18 AAC 50 to adopt by reference the ''regulated NSR pollutant'' definition at 40 CFR 51.165(a)(1)(xxxvii) for purposes of nonattainment NSR permitting, and to begin the public notice and comment process at the first opportunity. The EPA understands the State has already commenced a rulemaking to revise the definition of regulated NSR pollutant. In light of the commencement of that rulemaking, we are taking no action on Alaska's revisions to 18 AAC 50.040(i) at this time, but will address the revisions at a later date. We are deferring action on the revisions to 18 AAC 50.040(i) to give Alaska the opportunity to revise its definition of ''regulated NSR pollutant'' for nonattainment areas in 18 AAC 50.040(i)(1)(B)(i).

G. Industrial Processes and Fuel-Burning Equipment

In subparagraph (a)(9)(D) of 18 AAC 50.055 ''Industrial Processes and Fuel-Burning Equipment, '' the term ''facility'' was replaced by the more specific term ''stationary source.'' We are proposing to approve this revision because it clarifies that a Federally-approved source-specific SIP revision is necessary to change the applicable opacity limit at a stationary source located at a facility. In addition, consistent with our 2007 action, we are proposing to not approve subparagraph (d)(2)(B), which contains emissions standards for hydrogen sulfide (72 FR 45378). This provision is inappropriate for SIP approval because it is not related to attainment or maintenance of the NAAQS or other specific requirements of section 110 of the CAA.

H. Ambient Air Quality Analysis Methods

The submitted revisions to 18 AAC 50.215 ''Ambient Air Quality Analysis Methods'' include revisions to update the methods for $PM_{2.5}$ and ozone, and minor clarifications and edits. The EPA proposes to approve the submitted changes, with the exceptions described below.

The submissions add subparagraph (a)(3) to 18 AAC 50.215 to reference the EPA's ''Meteorological Monitoring Guidance for Regulatory Modeling Applications,'' adopted by reference in 18 AAC 50.035(a). Alaska renumbered what was previously subparagraph (a)(3) to (a)(4). What is now subparagraph (a)(4) was added in earlier revisions to allow ADEC to approve alternative reference test methods for collecting ambient monitoring data. In our 2007 action, we did not approve this provision because it provides for unbounded director's discretion (72 FR 45378). Consistent with our 2007 action, we are proposing to not approve subparagraph (a)(4), which authorizes ADEC to approve any alternative method that ADEC determines is ''representative, accurate, verifiable, capable of replication.'' In essence, this subparagraph allows ADEC to modify requirements relied on to attain and maintain the NAAQS without a SIP revision. For additional discussion, see the TSD for our 2007 action, which can be found in the docket for this action. See also 78 FR 12460, 12485–86 (February 22, 2013).

As explained above in the discussion of 18 AAC 50.040(h), because 40 CFR 51.166(k)(2) and 40 CFR 52.21(k)(2) relating to SILs were vacated by the U.S. Court of Appeals for the District of Columbia, and subsequently repealed by the EPA, Alaska withdrew the revisions to paragraph (d) which update the SILs table and associated SIL-related requirements.[2]

I. Enforceable Test Methods

We are proposing to approve the submitted changes to 18 AAC 50.220 ''Enforceable Test Methods'' except for subparagraphs (A), (B), and (C) of (c)(1), and all of subparagraph (c)(2), as described below.

Subparagraph (c)(2) of 18 AAC 50.220 authorizes ADEC to approve the use of an alternative method using the procedure specified in 40 CFR part 63, Appendix A, Method 301. In essence, subparagraph (c)(2) authorizes ADEC to issue variances from regulatory requirements, including SIP, New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements. Consistent with our 2007 action, we are proposing to not approve subparagraph (c)(2), which in essence allows ADEC to modify requirements relied on to attain and maintain the NAAQS without a SIP revision (72 FR 45378). See also 78 FR 12460, 12485–86 (Feb. 22, 2013).

In addition, under the authority of CAA section 110(k)(6), we are removing from the SIP subparagraphs (A), (B), and (C) of 18 AAC 50.220(c)(1) because they relate to test methods for CAA requirements that are not part of the SIP and implement other provisions of the CAA.

J. Owner-Requested Limits

We are proposing to approve the revisions to 18 AAC 50.225 ''Owner-Requested Limits'' paragraph (a) and subparagraph (b)(7) because the revisions clarify what can be requested and what needs to be submitted for purposes of this provision. The clarifications do not change the existing requirements for establishing source-specific limitations under 18 AAC 50.225. We are also proposing to approve the addition of paragraph (i) to this provision because it provides for the submission of certain information and clarifies Alaska's process and effective date, but does not change the existing requirements for establishing source-specific limitations under this rule.

K. Construction Permits

The submitted revisions add paragraph (c) to 18 AAC 50.302 ''Construction Permits'' to clarify that a subsequent revision to a title V permit term or condition that is solely necessary to meet a title V requirement, but was associated with an integrated review conducted under 18 AAC 50.306(c)(3), may be processed through the title V operating permit amendment or modification provisions of 18 AAC 50.326. We are proposing to approve this new provision because it is appropriate and consistent with the CAA for revisions made solely for title V purposes to be revised using the title V amendment or modification provisions.

In addition, under the authority of CAA section 110(k)(6), we are removing from the SIP subparagraph (a)(3) of this provision, because it relates to major sources of hazardous air pollutants. This provision implements other requirements of the CAA and the State has not relied on this requirement to demonstrate attainment or maintenance of the NAAQS or to meet other specific requirements of section 110 of the CAA.

L. Prevention of Significant Deterioration (PSD) Permits

Alaska's PSD program was originally approved into the SIP by the EPA on July 5, 1983, and has been revised several times since the original approval. The most recent major revision to Alaska's PSD program was approved by the EPA in our 2007 action (72 FR 45378). In general, Alaska chooses to adopt by reference the Federal PSD rules in 40 CFR 52.21 rather than the comparable provisions in 40 CFR 51.166, which set forth what is required in a State's plan, because 40 CFR 52.21 is written to directly state the requirements of an owner or operator. In some cases, Alaska adopted provisions of 40 CFR 51.166 rather than the comparable provisions of 40 CFR 52.21 because 40 CFR 51.166 was a better fit for a SIP-approved PSD program.

Key submitted changes to 18 AAC 50.306 ''Prevention of Significant Deterioration (PSD) Permits'' include the definition of ''national ambient air quality standard,'' which is revised to mean ''an ambient air quality standard set out in 18 AAC 50.010 for this state'' and ''ambient air increment'' or ''maximum allowable increase,'' which is revised to mean a maximum allowable increase calculated as described in 18 AAC 50.020 ''Baseline Dates and Maximum Allowable Increases.'' We are proposing to approve the definition of ''national ambient air

[2] Letter from Alaska Department of Environmental Conservation regarding $PM_{2.5}$ Significant Impact Levels and Significant Monitoring Concentrations, dated February 12, 2014.

quality standard'' because the referred-to State ambient air quality standards in 18 AAC 50.010 include the Federal 2006 $PM_{2.5}$ NAAQS, 2008 ozone NAAQS, 2008 Pb NAAQS, 2010 SO_2 NAAQS, and 2010 NO_2 NAAQS in 40 CFR part 50. The EPA's understanding is that the previous reference to ''national ambient air quality standard'' in this provision referred to the NAAQS as last adopted by reference by ADEC, so that the change in reference from ''national ambient air quality standard'' to ''ambient air quality standards in 18 AAC 50.010'' is not a substantive change. It will remain important for ADEC to revise 18 AAC 50.010 promptly after Federal revisions to the NAAQS so that its PSD program continues to meet Federal requirements.

In addition, we are proposing to approve in subparagraph (b)(1)(C) the definition of ''ambient air increment'' or ''maximum allowable increase'' because it appropriately refers to the established maximum allowance increases that Alaska has set out in Table 3 of 18 AAC 50.020(b). We are proposing to approve the other submitted clarifications to this rule because they meet the requirements of the CAA.

M. Construction, Minor and Operating Permits: Standard Permit Conditions

We are proposing to approve the submitted revisions to 18 AAC 50.345 ''Construction, Minor and Operating Permits: Standard Permit Conditions'' because they meet the requirements of the CAA, with the exception of paragraph (l). Paragraph (l) gives ADEC unbounded discretion to change the source testing requirements of a Federally-enforceable permit without revising the permit. Consistent with our 2007 action, we are proposing to not approve paragraph (l) (72 FR 45378). See also 78 FR 12460, 12485–86 (Feb. 22, 2013)

N. Construction and Operating Permits: Other Permit Conditions

Alaska submitted revisions to paragraphs (a), (b) and (c) of 18 AAC 50.346 ''Construction and Operating Permits: Other Permit Conditions.'' Consistent with our 2007 action, we are proposing to not approve 18 AAC 50.346(a) because this provision only requires corrective action after the permittee or ADEC, determines a violation has occurred and thus cannot be construed as monitoring to assure compliance (72 FR 45378). In addition, we are proposing to not approve paragraphs (b) and (c) because the provisions implement requirements of title V of the CAA, and not requirements of section 110 of title I of the CAA.

O. Permit Administration Fees

Alaska submitted revisions to paragraphs (a), (e), (g), (h), (i), and (m), and subparagraphs (j)(19) and (20) of 18 AAC 50.400 ''Permit Administration Fees.'' We are proposing to approve the fee provisions in 18 AAC 50.400(e), (g), (h), (i), (j)(19) and (j)(20) because these provisions implement SIP requirements. We are proposing to not approve paragraph (a) of this provision because it implements requirements of title V of the CAA and not requirements of section 110 of title I of the CAA. In addition, it is not necessary to act on paragraph (m), which was repealed, because that provision is not currently in the Federally-approved Alaska SIP.

P. Minor Permits for Air Quality Protection

The Alaska submissions revise subparagraphs (c)(1), (2), and (3) of 18 AAC 50.502 ''Minor Permits for Air Quality Protection'' to appropriately refer to ''beginning actual construction,'' ''beginning relocation,'' and ''beginning a physical change to or a change in operation.'' The previous version of these provisions required an owner or operator to obtain a minor permit before commencing construction, relocation, or a physical change, which corresponded generally to a date that occurs before actual construction begins. The CAA, however, does not require a state to tie the obligation to obtain a minor permit to the commence construction date, or to a date that occurs before actual construction begins. Alaska has, accordingly, changed the requirements to obligate a source to obtain a minor permit before ''beginning actual construction,'' ''beginning relocation,'' or ''beginning a physical change,'' consistent with CAA requirements. We are proposing to approve these revisions.

The submissions also add subparagraphs (c)(1)(F), (c)(3)(A)(v) and (c)(3)(B)(v) to 18 AAC 50.502 to establish $PM_{2.5}$ thresholds for determining whether the owner or operator of a stationary source must obtain a minor permit for $PM_{2.5}$. These new subparagraphs strengthen the SIP by requiring stationary sources of $PM_{2.5}$ above the specified thresholds to obtain a minor permit. These provisions are consistent with Federal requirements in 40 CFR 51.160 through 164, and are approvable. Finally, we are proposing to approve 18 AAC 50.502(e), (g), and (i) because they are consistent with CAA requirements and are clarifications to existing Federally-approved rules.

Q. Minor Permits Requested by the Owner or Operator

The submissions revise 18 AAC 50.508 ''Minor Permits Requested by the Owner or Operator'' by clarifying terms and cross-references, and repealing provisions that have been repealed at the Federal level. We are proposing to approve these revisions because they are consistent with the CAA.

R. Minor Permit—Title V Permit Interface

The submissions add a new provision, 18 AAC 50.510 ''Minor Permit—Title V Permit Interface,'' which provides that certain terms or conditions established in a minor permit at 18 AAC 50.542 solely for title V purposes can be revised through the applicable title V revision process. We are proposing to approve this provision because it makes permit terms established in a minor permit, solely under the authority of title V, subject to the title V permit revision provisions.

S. Minor Permit: Application

We are proposing to approve the submitted revisions to 18 AAC 50.540 ''Minor Permit: Application.'' Specifically, we are proposing to approve the revision to subparagraph (c)(2) to clarify the air quality analysis methods for demonstrating attainment or maintenance of the ambient air quality standards. We also are proposing to approve the NO_2 exception in 50.540(l) because it only pertains to the content of the application, and does not change the requirements for air quality analysis during the permit review process that continue to apply under 18 AAC 50.542(f). Finally, we are proposing to approve the revisions to 18 AAC 50.540(d), (j), and (k) because they either clarify existing rule language or add requirements that will assist in the implementation of these provisions.

T. Minor Permit: Review and Issuance

The submissions revise 18 AAC 50.542 ''Minor Permit: Review and Issuance'' in several places. We are proposing to approve the revision to paragraph (a), excluding sources in the additional areas of the Municipality of Anchorage, the City of Fairbanks, Fort Wainwright, and Eielson Air Force Base from fast track procedures. In these areas, ADEC will provide a 30-day public comment period for sources regardless of whether a public comment period was requested. We also are proposing to approve, in subparagraph (c)(2)(A), the addition of a $PM_{2.5}$ screening level because it is reasonable and appropriate to offer the fast-track procedure to sources that can show

compliance with the NAAQS using a conservative approach. The screening level of 50 percent of the $PM_{2.5}$ standard is set well below the ambient air quality standard for $PM_{2.5}$ and appropriately conservative for showing compliance.

In addition, we are proposing to approve, in subparagraph (c)(2)(D), an alternative way to determine if the fast-track procedure in subparagraph (c)(2) is available for a modification. This provision is approvable because it is an appropriately conservative approach that relies on the highest predicted concentrations for use in comparing to the ambient air quality standard and is appropriately conservative for showing compliance.

Consistent with our 2007 action (72 FR 45378), we are proposing to approve the remaining portion of 18 AAC 50.542, except subparagraph (b)(2). Subparagraph (b)(2) allows ADEC to require the owner/operator to submit a permit application online. Alaska did not submit the appropriate documentation to allow the EPA to evaluate the approvability of Alaska's Online System with respect to the EPA's Cross-Media Electronic Reporting Rule (CROMERR). See 70 FR 59848 (October 13, 2005). Therefore, we are proposing to not approve subparagraph (b)(2).

U. Minor Permits: Content

The submissions revise 18 AAC 50.544 ''Minor Permits: Content,'' a provision that sets forth what a minor permit must contain. We are proposing to approve the submitted revisions to subparagraphs (a)(5) and (6) because they correspond to the clarification in 18 AAC 50.345 that requires the standard permit conditions of 18 AAC 50.345 to apply to minor permits. We are also proposing to approve subparagraph (a)(7) because this provision establishes the process for accommodating an owner or operator request to add the conditions of a minor permit to a title V permit, and because this provision is not contrary to any CAA requirement. Finally, we are proposing to approve subparagraph (c)(3) and paragraph (h) as clarifications of the terms and conditions that are required to be included in a permit.

V. Minor Permits: Revisions

We are proposing to approve 18 AAC 50.546 ''Minor Permits: Revisions,'' except paragraph (b), which authorizes ADEC to revise ''non-substantive elements of a minor permit without further administrative procedures.'' As discussed in our 2007 action, we did not approve paragraph (b) because it does not adequately define the class of revisions that can be made without public review (72 FR 45378). For the same reason, we are proposing to not approve paragraph (b) in this action.

W. Conformity

Revisions to the regulations in Article 7 ''Conformity'' of 18 AAC 50 were submitted in Alaska's October 21, 2011, submission. We are not addressing these revisions in this action. We intend to address these revisions in a separate action.

X. Definitions

18 AAC 50.990 ''Definitions,'' defines terms and also adopts by reference applicable definitions set forth in Federal rules. We are proposing to approve the submitted revisions to this provision because they meet the requirements of the CAA. Specifically, we are proposing to approve the repeal of the definitions of ''clean unit,'' ''expected arithmetic mean,'' ''expected number'' and ''pollution control project'' because the EPA has previously revoked or repealed the related Federal provision requiring the definition. In addition, we are proposing to approve the updated definition of ''good engineering practice stack height'' to reference the requirements of 40 CFR 51.100(ii) as revised as of July 1, 2007, and as currently in effect.

We are also proposing to approve the revisions to the definitions of ''impairment of visibility,'' ''modification'' or ''modify,'' ''nonroad engine,'' ''reconstruct'' and ''reconstruction,'' ''regulated air pollutant,'' ''regulated NSR pollutant'' (except that we are deferring action on this definition as it relates to 18 AAC 50.040(i) (nonattainment NSR)), ''volatile organic compound,'' ''PAL,'' ''regional administrator,'' ''PM–2.5,'' ''transportation improvement plan,'' ''CO2 equivalent emissions,'' and ''greenhouse gases'' because they reflect the already-established Federal definitions for these terms.

Y. Statutes

In addition to our review of regulatory changes to 18 AAC 50, we reviewed Alaska statutory provisions submitted as part of the January 28, 2013, submission. Specifically, the submission included portions of Alaska Statutes Chapters 44.46 ''Department of Environmental Conservation;'' 46.03 ''Declaration of Policy;'' and 46.14 ''Air Quality Control.'' Based on our review, these submitted statutes continue to provide Alaska with adequate legal authority to carry out the requirements of the Alaska SIP as set forth in sections 110 and 114 of the CAA and its implementing regulations, in particular 40 CFR 51.230.

Certain aspects and provisions, however, merit further discussion. First, the EPA's authority to approve SIPs extends to provisions related to attainment and maintenance of the NAAQS, and carrying out other specific requirements of section 110 of the CAA. Therefore, our review of the submitted statutory provisions is limited in that respect.

Second, AS 46.14.540 ''Authority of Department in Cases of Emergency'' states that, under certain circumstances, the commissioner may waive procedural requirements of AS Chapter 46.14 and issue an order to authorize emergency use of the emissions unit. This statutory provision authorizes ADEC to issue a variance to State regulations approved into the SIP without meeting state regulatory requirements for revising a regulation or permit and without a SIP revision. Section 110(i) of the CAA, however, specifically precludes states from changing the requirements of the SIP, except through SIP revisions approved by the EPA as provided in section 110 of the CAA and the implementing regulations at 40 CFR 51.100 to 51.105. See 78 FR 12460, 12485–86 (Feb. 22, 2013). For these reasons, we are proposing to not approve AS 46.14.540 ''Authority of Department in Cases of Emergency'' into the SIP.

Third, AS 46.14.560 ''Unavoidable Malfunctions and Emergencies'' provides an affirmative defense to an action for noncompliance with a technology-based emission standard for excess emissions ''caused by an unavoidable emergency, a malfunction, or nonroutine repairs of an emissions unit'' when asserted under regulations adopted by ADEC under AS 46.14.140. This statutory provision is the basis for 18 AAC 50.240 ''Excess Emissions.'' Both AS 46.14.560 and 18 AAC 50.240 were previously approved into the Alaska SIP. The current SIP submission includes a resubmission of AS 46.14.560, with two minor changes, but does not include a resubmission of 18 AAC 50.240.

On February 22, 2013, the EPA proposed a SIP call in which the EPA identified deficiencies in the startup, shutdown, and malfunction provisions of numerous states, including Alaska's regulation 18 AAC 50.240 (78 FR 12460) (proposed SSM SIP call). In light of the proposed SSM SIP call, we are taking no action on Alaska's submission of AS 46.14.560 at this time, but rather will take action on the submission at a later date.

Fourth, AS 46.14.510(b) relates to maintenance of motor vehicle air pollution control equipment. We incorporated by reference AS 46.14.510(b) on November 18, 1998 (63 FR 63983). In this action, we are removing the incorporation by reference of AS 46.14.510(b) because the provision is addressed by incorporation by reference elsewhere in the Federally-approved SIP (at 18 AAC 52.015(a), (b), 52.990(66)(B) and 52.100(d)(3)).

In general, we are not proposing to incorporate by reference the statutory provisions submitted by Alaska to avoid potential conflict with the EPA's independent authorities. However, we are proposing to continue to incorporate by reference updated AS 46.14.550 and the definitions in updated AS 46.14.990, where a definition in 18 AAC 50.990 states that it has the meaning given in AS 46.14.990, and where it relates to attainment or maintenance of the NAAQS or other specific requirements of section 110 of the CAA. These incorporated by reference definitions are AS 46.14.990 (4) ''building, structure, facility, or installation,'' (5) ''commissioner,'' (8) ''department,'' (15) ''local air quality control program,'' (16) ''major modification,'' (17) ''major stationary source,'' (18) ''operating permit,'' and (27) ''tank vessel.''

III. Proposed Action

Provisions the EPA Is Proposing To Approve and Incorporation by Reference

Consistent with the discussion and analysis above, the EPA is proposing to approve into the SIP at 40 CFR part 52, subpart C, the Alaska laws and regulations listed in the table below. Note that in those instances where ADEC submitted multiple revisions to a single section of 18 AAC 50, the most recent version of that section (based on state effective date) is proposed to be incorporated into the SIP as it supersedes all previous revisions.

ALASKA PROVISIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE

State citation	Title/subject	State effective date	Explanation
18 AAC 50.010	Ambient Air Quality Standards	1/4/2013	Except (7) and (8).
18 AAC 50.015	Air Quality Designations, Classifications, and Control Regions.	12/9/2010	
18 AAC 50.020	Baseline Dates and Maximum Allowable Increases.	1/4/2013	
18 AAC 50.035	Documents, Procedures, and Methods Adopted by Reference.	1/4/2013	Except (a)(6) and (b)(4).
18 AAC 50.040	Federal Standards Adopted by Reference	1/4/2013	Except (a), (b), (c), (d), (e), (g), (h)(7), (h)(9), (h)(17), (h)(18), (h)(19), (h)(21), (i), (j), and (k).
18 AAC 50.050	Incinerator Emission Standards	7/25/2008	
18 AAC 50.055	Industrial Processes and Fuel-Burning Equipment	12/9/2010	Except (d)(2)(B).
18 AAC 50.215	Ambient Air Quality Analysis Methods	1/4/2013	Except (a)(4) and (d).
18 AAC 50.220	Enforceable Test Methods	9/14/2012	Except (c)(1)(A), (B) (C), and (c)(2).
18 AAC 50.225	Owner-Requested Limits	9/14/2012	
18 AAC 50.302	Construction Permits	9/14/2012	Except (a)(3).
18 AAC 50.306	Prevention of Significant Deterioration (PSD) Permits.	1/4/2013	
18 AAC 50.345	Construction, Minor and Operating Permits: Standard Permit Conditions.	9/14/2012	Except (b), (c)(3), and (l).
18 AAC 50.400	Permit Administration Fees	9/14/2012	Except (a), (b), (c), (d), (f), (j)(1) through (j)(18), (j)(21) through (j)(23), and (k).
18 AAC 50.502	Minor Permits for Air Quality Protection	1/4/2013	
18 AAC 50.508	Minor Permits Requested by the Owner or Operator.	12/9/2010	
18 AAC 50.510	Minor Permit: 18 AAC 50.510 Minor Permit—Title V Permit Interface.	12/9/2010	
18 AAC 50.540	Minor Permit: Application	1/4/2013	
18 AAC 50.542	Minor Permit: Review and Issuance	1/4/2013	Except (b)(2).
18 AAC 50.544	Minor Permits: Content	12/9/2010	
18 AAC 50.546	Minor Permits: Revisions	7/15/2008	Except (b).
18 AAC 50.990	Definitions	9/14/2012	Except (92) as it relates to 18 AAC 50.040(i).
AS 46.14.550	Responsibilities of Owner and Operator; Agent for Service.	1/4/2013	
AS 46.14.990	Definitions	1/4/2013	Except (1)–(3), (6), (7), (9)–(14), (19)–(26), and (28).

As discussed above, EPA proposes to find that the statutes submitted by ADEC in its SIP revisions, with the exceptions discussed above, continue to provide Alaska with adequate legal authority to carry out the requirements of the Alaska SIP. In general, the EPA is not proposing to incorporate by reference the statutory provisions submitted by Alaska to avoid potential conflict with the EPA's independent authorities.

Provisions the EPA Is Proposing To Not Approve

We are proposing to not approve the following provisions for the reasons explained above and in the TSD:

- 18 AAC 50.010 ''Ambient Air Quality Standards,'' paragraphs (7) and (8).
- 18 AAC 50.030 ''State Air Quality Control Plan.''
- 18 AAC 50.035 ''Documents, Procedures, and Methods Adopted by Reference,'' subparagraphs (a)(6) and (b)(4).
- 18 AAC 50.040 ''Federal Standards Adopted by Reference,'' paragraphs (a), (b), (c), (d), (e), (g), (j) and (k), and subparagraph (h)(21).
- 18 AAC 50.055 ''Industrial Processes and Fuel-Burning Equipment,'' subparagraph (d)(2)(B).
- 18 AAC 50.215 ''Ambient Air Quality Analysis Methods,'' subparagraph (a)(4).

• 18 AAC 50.220 ''Enforceable Test Methods,'' subparagraph (c)(2).
• 18 AAC 50.326 ''Title V Operating Permits, paragraph (e).
• 18 AAC 50.345 ''Construction and Operating Permits: Standard Permit Conditions,'' paragraph (l).
• 18 AAC 50.346 ''Construction and operating permits: Other permit conditions,'' paragraphs (a), (b) and (c).
• 18 AAC 50.400 ''Permit Administration Fees,'' paragraph (a).
• 18 AAC 50.542 ''Minor Permit: Review and Issuance,'' subparagraph (b)(2).
• 18 AAC 50.546 ''Minor Permits: Revisions,'' paragraph (b).
• AS 46.14.540 ''Authority of Department in Cases of Emergency.''

Provisions the EPA Is Removing From the SIP or From Incorporation by Reference

Under the authority of CAA section 110(k)(6), we are removing the following provisions from the SIP because they implement other requirements of the CAA and the State has not relied on these provisions to demonstrate attainment or maintenance of the NAAQS or to meet other specific requirements of section 110 of the CAA: 18 AAC 50.220(c)(1)(A), (B), (C) and 18 AAC 50.302(a)(3). We are also removing AS 46.14.510(b), which was incorporated by reference on November 18, 1998 (63 FR 63983). However, we have determined that the provision is addressed by incorporation by reference elsewhere in the Federally-approved SIP.

Provisions the EPA Is Taking No Action On

Finally, as detailed above and in the TSD, we are taking no action on the following Alaska provisions: 18 AAC 50.040 ''Federal Standards Adopted by Reference'' paragraph (i) (adoption by reference of Federal nonattainment NSR regulations at 40 CFR 51.165); 18 AAC 50 Article 7 ''Conformity;'' and AS 46.14.560 ''Unavoidable Malfunctions and Emergencies.'' We intend to address these changes in a separate action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this 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 the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

• does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: April 23, 2014.

Dennis J. McLerran,

Regional Administrator Region 10.

[FR Doc. 2014–10204 Filed 5–2–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2013–0690; FRL–9910–36–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia's Redesignation Request and the Associated Maintenance Plan of the West Virginia Portion of the Martinsburg-Hagerstown, WV-MD Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State of West Virginia's request to redesignate to attainment the West Virginia portion of the Martinsburg-Hagerstown, WV-MD nonattainment area (Martinsburg Area or Area) for the 1997 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). EPA is also proposing to determine that the Martinsburg Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. In addition, EPA is proposing to approve as a revision to the West Virginia State Implementation Plan (SIP), the associated maintenance plan to show maintenance of the 1997 annual $PM_{2.5}$ NAAQS through 2025 for the Area. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and nitrogen oxides (NO_X) mobile vehicle emissions budgets (MVEBs) for Berkeley County, West Virginia for the 1997 annual $PM_{2.5}$ NAAQS which EPA is proposing to approve for transportation conformity purposes. Furthermore, EPA is proposing to approve as a revision to the West Virginia SIP, the 2007 base year emissions inventory for the Area for the 1997 annual $PM_{2.5}$ NAAQS. These actions are being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before June 4, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0690 by one of the following methods:

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

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

C. *Mail:* EPA–R03–OAR–2013–0690, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0690. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 24304.

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

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I. Background

The first air quality standards for $PM_{2.5}$ were established on July 18, 1997 (62 FR 38652). EPA promulgated an annual standard at a level of 15 micrograms per cubic meter (μg/m³), based on a three-year average of annual mean $PM_{2.5}$ concentrations (the 1997 annual $PM_{2.5}$ standard). In the same rulemaking, EPA promulgated a 24-hour standard of 65 μg/m³ based on a three-year average of the 98th percentile of 24-hour concentrations.

On January 5, 2005 (70 FR 944, 1014), EPA published air quality area designations for the 1997 $PM_{2.5}$ NAAQS. In that rulemaking action, EPA designated the Martinsburg Area as nonattainment for the 1997 annual $PM_{2.5}$ NAAQS. The Martinsburg Area is comprised of Berkeley County in West Virginia (the West Virginia portion of the Area) and Washington County in Maryland. *See* 40 CFR 81.321 (Maryland) and 40 CFR 81.349 (West Virginia).

On October 17, 2006 (71 FR 61144), EPA retained the annual average standard at 15 μg/m³ but revised the 24-hour standard to 35 μg/m³, based again on the three-year average of the 98th percentile of the 24-hour concentrations (the 2006 annual $PM_{2.5}$ standard). On November 13, 2009 (74 FR 58688), EPA published designations for the 2006 24-hour $PM_{2.5}$ standard, which became effective on December 14, 2009. In that rulemaking action, EPA designated the Martinsburg Area as attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. *See* 74 FR 58737 and 40 CFR 81.321 (Maryland) and also *see* 74 FR 58775 and 40 CFR 81.349 (West Virginia).

In response to legal challenges of the annual standard promulgated in 2006, the D.C. Circuit Court remanded the 2006 annual standard to EPA for further consideration. *See American Farm Bureau Federation and National Pork Producers Council, et. al.* v. *EPA,* 559 F.3d 512 (D.C. Cir. 2009). However, given that the 1997 annual and the 2006 annual $PM_{2.5}$ standards are essentially identical, attainment of the 1997 annual $PM_{2.5}$ standard would also indicate attainment of the remanded 2006 annual $PM_{2.5}$ standard. Since the Martinsburg Area is designated nonattainment for the annual NAAQS promulgated in 1997, today's proposed rulemaking action addresses the redesignation to attainment only for this standard.

On November 20, 2009 (74 FR 60199), EPA determined that the Martinsburg Area had attained the 1997 annual $PM_{2.5}$ NAAQS. Pursuant to 40 CFR 51.1004(c) and based on this determination, the requirements for the Martinsburg Area to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning SIP revisions related to the attainment of the 1997 annual $PM_{2.5}$ NAAQS were suspended until such time as: (1) The Area is redesignated to attainment for the standard, at which time the requirements no longer apply; or (2) EPA determines that the Area has again violated the standard, at which time such plans are required to be submitted. On January 20, 2012 (77 FR 1411), EPA also determined that the Martinsburg Area had attained the 1997 annual $PM_{2.5}$ NAAQS by the applicable date of April 5, 2010.

On August 5, 2013, the State of West Virginia through the West Virginia Department of Environmental Protection (WVDEP) formally submitted a request to redesignate the West Virginia portion of the Martinsburg Area from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. Concurrently, WVDEP submitted a maintenance plan for the Area as a SIP revision to ensure continued attainment throughout the Area over the next 10

years. The maintenance plan also includes a 2007 base year emissions inventory for $PM_{2.5}$, NO_X, sulfur dioxide (SO_2), volatile organic compounds (VOC) and ammonia (NH_3) for the1997 annual $PM_{2.5}$ NAAQS in order to meet the emissions inventory requirement of section 172(c)(3) of the CAA. In addition, the maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs used for transportation conformity purposes for Berkeley County, West Virginia for the 1997 annual $PM_{2.5}$ NAAQS.

In this proposed rulemaking action, EPA takes into account two decisions of the United States Court of Appeals for the District of Columbia (D.C. Circuit Court). In the first of the two D.C. Circuit Court decisions, the D.C. Circuit Court, on August 21, 2012, issued *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), which vacated and remanded the Cross-State Air Pollution Control Rule (CSAPR) and ordered EPA to continue administering the Clean Air Interstate Rule (CAIR) ''pending . . . development of a valid replacement.'' *EME Homer City* at 38. The D.C. Circuit Court denied all petitions for rehearing on January 24, 2013. EPA and other parties filed for certiorari to the Supreme Court, and on June 24, 2013, the Supreme Court granted certiorari on EPA's petition for appeal of *EME Homer City Generation. See EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *cert. granted,* 570 U.S.—(2013). Nonetheless, EPA intends to continue to act in accordance with the *EME Homer City* opinion. In the second decision, on January 4, 2013, in *Natural Resources Defense Council (NRDC)* v. *EPA,* the D.C. Circuit Court remanded to EPA the ''Final Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule (73 FR 28321, May 16, 2008). 706 F.3d 428 (D.C. Cir. 2013).

II. EPA's Requirements

A. Criteria for Redesignation to Attainment

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;

(4) EPA has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of the CAA. Each of these requirements are discussed in section V. of today's proposed rulemaking action.

EPA has provided guidance on redesignation in the ''SIPs; General Preamble for the Implementation of Title I of the CAA Amendments of 1990,'' (57 FR 13498, April 16, 1992) (the ''General Preamble'') and has provided further guidance on processing redesignation requests in the following documents: (1) ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the ''1992 Calcagni Memorandum''); (2) ''SIP Actions Submitted in Response to CAA Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and (3) ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994.

B. Requirements of a Maintenance Plan

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A of the CAA, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after approval of a redesignation of an area to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures, with a schedule for implementation, as EPA deems necessary to assure prompt correction of any future $PM_{2.5}$ violations.

The 1992 Calcagni Memorandum provides additional guidance on the content of a maintenance plan. The memorandum states that a maintenance plan should address the following provisions: (1) An attainment emissions inventory; (2) a maintenance demonstration showing maintenance for 10 years; (3) a commitment to maintain the existing monitoring network; (4) verification of continued attainment; and (5) a contingency plan to prevent or correct future violations of the NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIP revisions and maintenance plans for nonattainment areas and for areas seeking redesignation to attainment for a given NAAQS. These emission control strategy SIP revisions (e.g., RFP and attainment demonstration SIP revisions) and maintenance plans create MVEBs based on onroad mobile source emissions for the relevant criteria pollutants and/or their precursors, where appropriate, to address pollution from onroad transportation sources. The MVEBs are the portions of the total allowable emissions that are allocated to onroad vehicle use that, together with emissions from all other sources in the area, will provide attainment, RFP, or maintenance, as applicable. The budget serves as a ceiling on emissions from an area's planned transportation system. Under 40 CFR part 93, a MVEB for an area seeking a redesignation to attainment is established for the last year of the maintenance plan.

The maintenance plan for the West Virginia portion of the Martinsburg Area, that comprises Berkeley County in West Virginia, includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for transportation conformity purposes. The transportation conformity determination for the Area is further discussed in section V.C. of today's proposed rulemaking action and a technical support document (TSD) dated January 28, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–OAR–R03–2013–0690.

III. Summary of Proposed Actions

EPA is proposing to take several rulemaking actions related to the redesignation of the West Virginia portion of the Martinsburg Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS. EPA is proposing to find that the Area meets the requirements for redesignation for the 1997 annual $PM_{2.5}$ NAAQS under section 107(d)(3)(E) of the CAA. EPA is thus proposing to approve West Virginia's request to change the legal definition for the West Virginia portion of the Martinsburg Area from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. This action does not impact the legal definition of the Maryland portion of

the Area. EPA is taking separate action to redesignate the Maryland portion.

EPA is also proposing to approve the associated maintenance plan for the West Virginia portion of the Martinsburg Area as a revision to the West Virginia SIP for the 1997 annual $PM_{2.5}$ NAAQS, including the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs of the Area. The approval of the maintenance plan is one of the CAA criteria for redesignation of the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS. West Virginia's maintenance plan is designed to ensure continued attainment in the West Virginia portion of the Martinsburg Area for 10 years after redesignation for the 1997 annual $PM_{2.5}$ NAAQS.

EPA previously determined that the Martinsburg Area has attained the 1997 annual $PM_{2.5}$ NAAQS. Therefore, EPA is proposing to find that the Area continues to attain the standard. *See* 74 FR 60199, November 20, 2009 and 77 FR 1411, January 10, 2012. EPA is also proposing to approve the 2007 comprehensive emissions inventory that includes $PM_{2.5}$, SO_2, NO_X, VOC, and NH_3 for the West Virginia portion of the Area as a revision to the West Virginia SIP for the 1997 annual $PM_{2.5}$ NAAQS in order to meet the requirements of section 172(c)(3) of the CAA. EPA's analysis of the proposed actions is provided in section V. of today's proposed rulemaking action.

IV. Effects of Recent Court Decisions on Proposed Actions

A. Effect of the August 21, 2012 D.C. Circuit Court Decision Regarding EPA's CSAPR

1. Background

EPA promulgated CSAPR (76 FR 48208, August 8, 2011), to replace CAIR, which has been in place since 2005. *See* 76 FR 59517. CAIR requires significant reductions in emissions of SO_2 and NO_X from electric generating units (EGUs) to limit the interstate transport of these pollutants and the ozone and fine particulate matter they form in the atmosphere. *See* 76 FR 70093. The D.C. Circuit Court initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008).

On December 30, 2011, the D.C. Circuit Court issued an order addressing the status of CSAPR and CAIR in response to motions filed by numerous parties seeking a stay of CSAPR pending judicial review. In that order, the D.C. Circuit Court stayed CSAPR pending resolution of the petitions for review of that rule in *EME Homer City Generation, L.P.* v. *EPA* (No. 11–1302 and consolidated cases). The D.C. Circuit Court also indicated that EPA was expected to continue to administer CAIR in the interim until judicial review of CSAPR was completed.

On August 21, 2012, the D.C. Circuit Court issued a decision to vacate CSAPR. In that decision, it also ordered EPA to continue administering CAIR ''pending the promulgation of a valid replacement.'' *EME Homer City,* 696 F.3d at 38 *(D.C. Circ. 2012).* The D.C. Circuit Court denied all petitions for rehearing on January 24, 2013. EPA and other parties have filed petitions for certiorari to the U.S. Supreme Court. On June 24, 2013 the Supreme Court granted EPA's petition for certiorari. Nonetheless, EPA intends to continue to act in accordance with the *EME Homer City* opinion.

2. Proposal on This Issue

In light of these unique circumstances and for the reasons explained subsequently, to the extent that attainment is due to emission reductions associated with CAIR, EPA is here proposing to determine that those reductions are sufficiently permanent and enforceable for purposes of sections 107(d)(3)(E)(iii) and 175A of the CAA. EPA, therefore, proposes to approve the redesignation request and the related SIP revisions for the West Virginia portion of the Martinsburg Area (Berkeley County, West Virginia), including West Virginia's plan for maintaining attainment of the 1997 annual $PM_{2.5}$ NAAQS in the Area.

As directed by the D.C. Circuit Court, CAIR remains in place and enforceable until substituted by a valid replacement rule. West Virginia's SIP revision lists CAIR as a control measure that was approved by EPA on August 6, 2009 (74 FR 38536) and became state-effective on May 1, 2008 for the purpose of reducing SO_2 and NO_X emissions. CAIR was thus in place and getting emission reductions when the Martinsburg Area monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS. The quality-assured, quality-controlled, certified monitoring data used to demonstrate the Area's attainment of the 1997 annual $PM_{2.5}$ NAAQS was also impacted by CAIR.

To the extent that West Virginia is relying on CAIR in its maintenance plan, the recent directive from the D.C. Circuit Court in *EME Homer City* ensures that the reductions associated with CAIR will be permanent and enforceable for the necessary time period. EPA has been ordered by the D.C. Circuit Court to develop a new rule to address interstate transport to replace CSAPR, and the opinion makes clear that after promulgating that new rule, EPA must provide states an opportunity to draft and submit SIPs to implement that rule. Thus, CAIR will remain in place until: (1) EPA has promulgated a final rule through a notice-and-comment rulemaking process; (2) states have had an opportunity to draft and submit SIPs; (3) EPA has reviewed the SIPs to determine if they can be approved; and (4) EPA has taken action on the SIPs, including promulgating a Federal Implementation Plan (FIP) if appropriate. The D.C. Circuit Court's clear instruction to EPA that it must continue to administer CAIR until a valid replacement exists provides an additional backstop. By definition, any rule that replaces CAIR and meets the D.C. Circuit Court's direction would require upwind states to have SIPs that eliminate significant contributions to downwind nonattainment and prevent interference with maintenance in downwind areas.

Further, in vacating CSAPR and requiring EPA to continue administering CAIR, the D.C. Circuit Court emphasized that the consequences of vacating CAIR ''might be more severe now in light of the reliance interests accumulated over the intervening four years.'' *EME Homer City,* 696 F.3d at 38. The accumulated reliance interests include the interests of states who reasonably assumed they could rely on reductions associated with CAIR which brought certain nonattainment areas into attainment with the NAAQS. If EPA were prevented from relying on reductions associated with CAIR in redesignation actions, states would be forced to impose additional, redundant reductions on top of those achieved by CAIR. EPA believes this is precisely the type of irrational result the D.C. Circuit Court sought to avoid by ordering EPA to continue administering CAIR. For these reasons also, EPA believes it is appropriate to allow states to rely on CAIR, and the existing emissions reductions achieved by CAIR, as sufficiently permanent and enforceable for purposes such as redesignation. Following promulgation of the replacement rule, EPA will review SIP revisions as appropriate to identify whether there are any issues that need to be addressed.

B. Effect of the January 4, 2013 D.C. Circuit Court Decision Regarding $PM_{2.5}$ Implementation Under Subpart 4 of Part D of Title I of the CAA

1. Background

On January 4, 2013, in *NRDC* v. *EPA,* the D.C. Circuit Court remanded to EPA the ''Final Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the NSR Program for $PM_{2.5}$'' final rule (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule''). 706 F.3d 428 (D.C. Cir. 2013). The D.C. Circuit Court found that EPA erred in implementing the 1997 annual $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of Part D of Title I of the CAA (subpart 1), rather than the particulate-matter-specific provisions of subpart 4 of Part D of Title I (subpart 4).

Prior to the January 4, 2013 decision, the states had worked towards meeting the air quality goals of the 1997 $PM_{2.5}$ NAAQS in accordance with EPA regulations and guidance derived from subpart 1 of Part D of Title I of the CAA. Subsequent to this decision, EPA took this history into account and responded to the D.C. Circuit Court's remand by proposing to set a new deadline for any remaining submissions that may be required for a moderate nonattainment area that are due to the applicability of subpart 4 of Part D of Title I of the CAA.

On November 21, 2013 (78 FR 69806), EPA issued a proposed rule, Identification of Nonattainment Classification and Deadlines for Submission of SIP Provisions for the 1997 $PM_{2.5}$ NAAQS (the $PM_{2.5}$ Subpart 4 Classification and Deadline Rule) identifying the classification under subpart 4 for areas currently designated nonattainment for the 1997 $PM_{2.5}$ standards, the deadlines for states to submit NSR and attainment-related SIP elements required for these areas pursuant to subpart 4, and the EPA guidance that is currently available regarding subpart 4 requirements. If finalized, this rule will set a deadline for states to submit attainment plans and meet other subpart 4 requirements. The proposed rule identified December 31, 2014 as the deadline for the states to submit any additional attainment-related SIP elements that may be needed to meet the applicable requirements of subpart 4 for areas currently designated nonattainment for the 1997 $PM_{2.5}$ NAAQS and to submit SIPs addressing the nonattainment NSR requirements in subpart 4. Since West Virginia submitted a request to redesignate the West Virginia portion of the Martinsburg Area from nonattainment to attainment on August 5, 2013 and the proposed $PM_{2.5}$ Subpart 4 Classification and Deadline Rule identifies a December 31, 2014 deadline, West Virginia is not required at this time to meet the applicable requirements of subpart 4.

2. Proposal on This Issue

EPA is proposing to determine that the D.C. Circuit Court's January 4, 2013 decision does not prevent EPA from redesignating the West Virginia portion of the Martinsburg Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS. Even in light of the D.C. Circuit Court's decision, redesignation for this Area is appropriate under the CAA and EPA's longstanding interpretations of the CAA's provisions regarding redesignation. EPA first explains its longstanding interpretation that requirements that are imposed, or that become due, after a complete redesignation request is submitted for an area that is attaining the standard, are not applicable for purposes of evaluating a redesignation request. Second, EPA then shows that, even if EPA applies the subpart 4 requirements to the West Virginia redesignation request and disregards the provisions of its 1997 $PM_{2.5}$ Implementation Rule recently remanded by the D.C. Circuit Court, the State's request for redesignation of the Area still qualifies for approval. EPA's discussion takes into account the effect of the D.C. Circuit Court's ruling and EPA's proposed $PM_{2.5}$ Subpart 4 Classification and Deadline Rule on the Area's maintenance plan, which EPA views as approvable when subpart 4 requirements are considered.

a. Applicable Requirements for Purposes of Evaluating the Redesignation Request

With respect to the 1997 $PM_{2.5}$ Implementation Rule, the D.C. Circuit Court's January 4, 2013 ruling rejected EPA's reasons for implementing the $PM_{2.5}$ NAAQS solely in accordance with the provisions of subpart 1, and remanded that matter to EPA, so that it could address implementation of the 1997 annual $PM_{2.5}$ NAAQS under subpart 4 of Part D of the CAA, in addition to subpart 1. For the purposes of evaluating West Virginia's redesignation request for the West Virginia portion of the Martinsburg Area, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of section 107(d)(3)(E) of the CAA, and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the West Virginia portion of the Martinsburg Area. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* 1992 Calcagni Memorandum. *See also* ''SIP Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) NAAQS on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in the plan and already implemented or due at the time of attainment'').[1] In this case, at the time that West Virginia submitted its redesignation request for the 1997 $PM_{2.5}$ NAAQS, the requirements under subpart 4 were not due.

EPA's view that, for purposes of evaluating the redesignation of the West Virginia portion of the Martinsburg Area, the subpart 4 requirements were not due at the time West Virginia submitted the redesignation request is in keeping with the EPA's interpretation of subpart 2 requirements for subpart 1 ozone areas redesignated subsequent to the D.C. Circuit Court's decision in *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006). In *South Coast,* the D.C. Circuit Court found that EPA was not permitted to implement the 1997 8-hour ozone standard solely under subpart 1, and held that EPA was required under the statute to implement the standard under the ozone-specific requirements of subpart 2 as well. Subsequent to the

[1] Applicable requirements of the CAA that come due subsequent to the area's submittal of a complete redesignation request remain applicable until a redesignation is approved, but are not required as a prerequisite to redesignation. Section 175A(c) of the CAA.

South Coast decision, in evaluating and acting upon redesignation requests for the 1997 8-hour ozone standard that were submitted to EPA for areas under subpart 1, EPA applied its longstanding interpretation of the CAA that ''applicable requirements,'' for purposes of evaluating a redesignation, are those that had been due at the time the redesignation request was submitted. *See, e.g.,* Proposed Redesignation of Manitowoc County and Door County Nonattainment Areas (75 FR 22047, 22050, April 27, 2010). In those rulemaking actions, EPA therefore, did not consider subpart 2 requirements to be ''applicable'' for the purposes of evaluating whether the area should be redesignated under section 107(d)(3)(E) of the CAA.

EPA's interpretation derives from the provisions of section 107(d)(3) of the CAA. Section 107(d)(3)(E)(v) states that, for an area to be redesignated, a state must meet ''all requirements 'applicable' to the area under section 110 and part D.'' Section 107(d)(3)(E)(ii) provides that EPA must have fully approved the ''applicable'' SIP for the area seeking redesignation. These two sections read together support EPA's interpretation of ''applicable'' as only those requirements that came due prior to submission of a complete redesignation request.

First, holding states to an ongoing obligation to adopt new CAA requirements that arose after the state submitted its redesignation request, in order to be redesignated, would make it problematic or impossible for EPA to act on redesignation requests in accordance with the 18-month deadline Congress set for EPA action in section 107(d)(3)(D). If ''applicable requirements'' were interpreted to be a continuing flow of requirements with no reasonable limitation, states, after submitting a redesignation request, would be forced continuously to make additional SIP submissions that in turn would require EPA to undertake further notice-and-comment rulemaking actions to act on those submissions. This would create a regime of unceasing rulemaking that would delay action on the redesignation request beyond the 18-month timeframe provided by the CAA for this purpose.

Second, a fundamental premise for redesignating a nonattainment area to attainment is that the area has attained the relevant NAAQS due to emission reductions from existing controls. Thus, an area for which a redesignation request has been submitted would have already attained the NAAQS as a result of satisfying statutory requirements that came due prior to the submission of the request. Absent a showing that unadopted and unimplemented requirements are necessary for future maintenance, it is reasonable to view the requirements applicable for purposes of evaluating the redesignation request as including only those SIP requirements that have already come due. These are the requirements that led to attainment of the NAAQS. To require, for redesignation approval, that a state also satisfy additional SIP requirements coming due after the state submits its complete redesignation request, and while EPA is reviewing it, would compel the state to do more than is necessary to attain the NAAQS, without a showing that the additional requirements are necessary for maintenance.

In the context of this redesignation, the timing and nature of the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* and EPA's November 21, 2013 proposed $PM_{2.5}$ Subpart 4 Classification and Deadline Rule, compound the consequences of imposing requirements that come due after the redesignation request is submitted. West Virginia submitted its redesignation request for the 1997 annual $PM_{2.5}$ NAAQS on August 5, 2013 for the West Virginia portion of the Martinsburg Area, which is prior to the deadline by which the Area is required to meet the applicable requirements pursuant to subpart 4.

To require West Virginia's fully-completed and pending redesignation request for the 1997 annual $PM_{2.5}$ NAAQS to comply now with requirements of subpart 4 that the D.C. Circuit Court announced only in January 2013 and for which the deadline to comply has not yet come, would be to give retroactive effect to such requirements and provide West Virginia a unique and earlier deadline for compliance solely on the basis of submitting a redesignation request for the West Virginia portion of the Martinsburg Area. The D.C. Circuit Court recognized the inequity of this type of retroactive impact in *Sierra Club* v. *Whitman,* 285 F.3d 63 (D.C. Cir. 2002),[2] where it upheld the D.C. Circuit Court's ruling refusing to make retroactive EPA's determination that the Area did not meet its attainment deadline. In that case, petitioners urged the D.C. Circuit Court to make EPA's nonattainment determination effective as of the date that the statute required, rather than the later date on which EPA actually made the determination. The D.C. Circuit Court rejected this view, stating that applying it ''would likely impose large costs on States, which would face fines and suits for not implementing air pollution prevention plans . . . even though they were not on notice at the time.'' *Id.* at 68. Similarly, it would be unreasonable to penalize the State of West Virginia by rejecting its redesignation request for an area that is already attaining the 1997 annual $PM_{2.5}$ NAAQS and that met all applicable requirements known to be in effect at the time of the requests. For EPA now to reject the redesignation request solely because West Virginia did not expressly address subpart 4 requirements which have not yet come due and for which it had little to no notice, would inflict the same unfairness condemned by the D.C. Circuit Court in *Sierra Club* v. *Whitman.*

b. Subpart 4 Requirements and West Virginia Redesignation Request

Even if EPA were to take the view that the D.C. Circuit Court's January 4, 2013 decision requires that, in the context of pending redesignations for the 1997 annual $PM_{2.5}$ NAAQS, subpart 4 requirements were due and in effect at the time West Virginia submitted its redesignation request, EPA proposes to determine that the West Virginia portion of the Martinsburg Area still qualifies for redesignation to attainment for the 1997 annual $PM_{2.5}$ NAAQS. As explained subsequently, EPA believes that the redesignation request for the West Virginia portion of the Martinsburg Area, though not expressed in terms of subpart 4 requirements, substantively meets the requirements of that subpart for purposes of redesignating the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS.

With respect to evaluating the relevant substantive requirements of subpart 4 for purposes of redesignating the West Virginia portion of the Martinsburg Area, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for coarse particulate matter (PM_{10})[3] nonattainment areas, and under the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory

[2] *Sierra Club* v. *Whitman* was discussed and distinguished in a recent D.C. Circuit Court decision that addressed retroactivity in a quite different context, where, unlike the situation here, EPA sought to give its regulations retroactive effect. *National Petrochemical and Refiners Ass'n* v. *EPA.* 630 F.3d 145, 163 (D.C. Cir. 2010), rehearing denied 643 F.3d 958 (D.C. Cir. 2011), cert denied 132 S. Ct. 571 (2011).

[3] PM_{10} refers to particulates nominally 10 micrometers in diameter or smaller.

requirements also apply for $PM_{2.5}$ nonattainment areas. EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See,* the General Preamble. In the General Preamble, EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements'' (57 FR 13538, April 16, 1992). The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

For the purposes of this redesignation request, in order to identify any additional requirements which would apply under subpart 4, consistent with EPA's November 21, 2013 proposed $PM_{2.5}$ Subpart 4 Classification and Deadline Rule, EPA is considering the Martinsburg Area to be a ''moderate'' $PM_{2.5}$ nonattainment area. As EPA explained in its November 21, 2013 proposed rule, section 188 of the CAA provides that all areas designated nonattainment areas under subpart 4 are initially classified by operation of law as ''moderate'' nonattainment areas, and remain moderate nonattainment areas unless and until EPA reclassifies the area as a ''serious'' nonattainment area. Accordingly, EPA believes that it is appropriate to limit the evaluation of the potential impact of subpart 4 requirements to those that would be applicable to moderate nonattainment areas. Sections 189(a) and (c) of subpart 4 apply to moderate nonattainment areas and include the following: (1) An approved permit program for construction of new and modified major stationary sources (section 189(a)(1)(A)); (2) an attainment demonstration (section 189(a)(1)(B)); (3) provisions for RACM (section 189(a)(1)(C)); and (4) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)).

The permit requirements of subpart 4, as contained in section 189(a)(1)(A), refer to and apply the subpart 1 permit provisions requirements of sections 172 and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart 1.[4] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment NSR program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a prevention of significant deterioration (PSD) program after redesignation. A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' *See also* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

With respect to the specific attainment planning requirements under subpart 4,[5] when EPA evaluates a redesignation request under either subpart 1 and/or 4, any area that is attaining the $PM_{2.5}$ NAAQS is viewed as having satisfied the attainment planning requirements for these subparts. For redesignations, EPA has for many years interpreted attainment-linked requirements as not applicable for areas attaining the standard. In the General Preamble, EPA stated that: ''The requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.''

The General Preamble also explained that: ''[t]he section 172(c)(9) requirements are directed at ensuring RFP and attainment by the applicable date. These requirements no longer apply when an area has attained the standard and is eligible for redesignation. Furthermore, section 175A for maintenance plans . . . provides specific requirements for contingency measures that effectively supersede the requirements of section 172(c)(9) for these areas.'' *Id.* EPA similarly stated in its 1992 Calcagni Memorandum that, ''The requirements for reasonable further progress and other measures needed for attainment will not apply for redesignations because they only have meaning for areas not attaining the standard.''

It is evident that even if we were to consider the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* to mean that attainment-related requirements specific to subpart 4 should be imposed retroactively[6] or prior to December 13, 2014 and thus, were due prior to West Virginia's redesignation request, those requirements do not apply to an area that is attaining the 1997 annual $PM_{2.5}$ NAAQS, for the purpose of evaluating a pending request to redesignate the area to attainment. EPA has consistently enunciated this interpretation of applicable requirements under section 107(d)(3)(E) since the General Preamble was published more than twenty years ago. Courts have recognized the scope of EPA's authority to interpret ''applicable requirements'' in the redesignation context. *See Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004).

Moreover, even outside the context of redesignations, EPA has viewed the obligations to submit attainment-related SIP planning requirements of subpart 4 as inapplicable for areas that EPA determines are attaining the1997 annual $PM_{2.5}$ NAAQS. EPA's prior ''Clean Data Policy'' rulemakings for the PM_{10} NAAQS, also governed by the requirements of subpart 4, explain EPA's reasoning. They describe the effects of a determination of attainment on the attainment-related SIP planning requirements of subpart 4. *See* ''Determination of Attainment for Coso Junction Nonattainment Area,'' (75 FR 27944, May 19, 2010). *See also* Coso Junction Proposed PM_{10} Redesignation, (75 FR 36023, 36027, June 24, 2010); Proposed and Final Determinations of Attainment for San Joaquin Nonattainment Area (71 FR 40952, 40954–55, July 19, 2006; and 71 FR 63641, 63643–47, October 30, 2006). In short, EPA in this context has also long concluded that to require states to meet superfluous SIP planning requirements is not necessary and not required by the CAA, so long as those areas continue to attain the relevant NAAQS. Elsewhere in this notice, EPA determined that the Martinsburg Area has attained the 1997 annual $PM_{2.5}$ NAAQS. Under its longstanding interpretation, EPA is proposing to determine here that the West Virginia portion of the Area meets the attainment-related plan requirements of subparts 1 and 4 for the 1997 annual $PM_{2.5}$ NAAQS. Thus, EPA

[4] The potential effect of section 189(e) on section 189(a)(1)(A) for purposes of evaluating this redesignation is discussed in this rulemaking action.

[5] I.e., attainment demonstration, RFP, RACM, milestone requirements, contingency measures.

[6] As EPA has explained above, we do not believe that the D.C. Circuit Court's January 4, 2013 decision should be interpreted so as to impose these requirements on the states retroactively. *Sierra Club* v. *Whitman, supra.*

is proposing to conclude that the requirements to submit an attainment demonstration under 189(a)(1)(B), a RACM determination under section 172(c)(1) and section 189(a)(1)(c), a RFP demonstration under 189(c)(1), and contingency measure requirements under section 172(c)(9) are satisfied for purposes of evaluating this redesignation request.

c. Subpart 4 and Control of $PM_{2.5}$ Precursors

The D.C. Circuit Court in *NRDC* v. *EPA* remanded to EPA the two rules at issue in the case with instructions to EPA to re-promulgate them consistent with the requirements of subpart 4. EPA in this section addresses the D.C. Circuit Court's opinion with respect to $PM_{2.5}$ precursors. While past implementation of subpart 4 for PM_{10} has allowed for control of PM_{10} precursors such as NO_X from major stationary, mobile, and area sources in order to attain the standard as expeditiously as practicable, section 189(e) of the CAA specifically provides that control requirements for major stationary sources of direct PM_{10} shall also apply to PM_{10} precursors from those sources, except where EPA determines that major stationary sources of such precursors ''do not contribute significantly to PM_{10} levels which exceed the standard in the area.''

EPA's 1997 $PM_{2.5}$ Implementation Rule, remanded by the D.C. Circuit Court, contained rebuttable presumptions concerning certain $PM_{2.5}$ precursors applicable to attainment plans and control measures related to those plans. Specifically, in 40 CFR 51.1002, EPA provided, among other things, that a state was ''not required to address VOC [and NH_3] as . . . $PM_{2.5}$ attainment plan precursor[s] and to evaluate sources of VOC [and NH_3] emissions in the State for control measures.'' EPA intended these to be rebuttable presumptions. EPA established these presumptions at the time because of uncertainties regarding the emission inventories for these pollutants and the effectiveness of specific control measures in various regions of the country in reducing $PM_{2.5}$ concentrations. EPA also left open the possibility for such regulation of VOC and NH_3 in specific areas where that was necessary.

The D.C. Circuit Court in its January 4, 2013 decision made reference to both section 189(e) and 40 CFR 51.1002, and stated that, ''In light of our disposition, we need not address the petitioners' challenge to the presumptions in [40 CFR 51.1002] that VOCs and NH_3 are not $PM_{2.5}$ precursors, as subpart 4 expressly governs precursor presumptions.'' *NRDC* v. *EPA,* at 27, n.10.

Elsewhere in the D.C. Circuit Court's opinion, however, the D.C. Circuit Court observed: ''NH_3 is a precursor to fine particulate matter, making it a precursor to both $PM_{2.5}$ and PM_{10}. For a PM_{10} nonattainment area governed by subpart 4, a precursor is presumptively regulated. *See* 42 U.S.C. 7513a(e) [section 189(e)].'' *Id.* at 21, n.7.

For a number of reasons, EPA believes that its proposed redesignation of the West Virginia portion of the Martinsburg Area for the 1997 annual $PM_{2.5}$ NAAQS are consistent with the D.C. Circuit Court's decision on this aspect of subpart 4. First, while the D.C. Circuit Court, citing section 189(e), stated that ''for a PM_{10} area governed by subpart 4, a precursor is 'presumptively' regulated,'' the D.C. Circuit Court expressly declined to decide the specific challenge to EPA's 1997 $PM_{2.5}$ Implementation Rule provisions regarding NH_3 and VOC as precursors. The D.C. Circuit Court had no occasion to reach whether and how it was substantively necessary to regulate any specific precursor in a particular $PM_{2.5}$ nonattainment area, and did not address what might be necessary for purposes of acting upon a redesignation request.

However, even if EPA takes the view that the requirements of subpart 4 were deemed applicable at the time the state submitted the redesignation request, and disregards the 1997 $PM_{2.5}$ Implementation Rule's rebuttable presumptions regarding NH_3 and VOC as $PM_{2.5}$ precursors, the regulatory consequence would be to consider the need for regulation of all precursors from any sources in the Area to demonstrate attainment and to apply the section 189(e) provisions to major stationary sources of precursors. In the case of the West Virginia portion of the Martinsburg Area, EPA believes that doing so is consistent with proposing redesignation of the West Virginia portion of the Area for the 1997 annual $PM_{2.5}$ NAAQS. The West Virginia portion of the Area has attained the 1997 annual $PM_{2.5}$ NAAQS without any specific additional controls of NH_3 and VOC and emissions from any sources in the Area.

Precursors in subpart 4 are specifically regulated under the provisions of section 189(e), which requires, with important exceptions, control requirements for major stationary sources of PM_{10} precursors.[7] Under subpart 1 and EPA's prior implementation rule, all major stationary sources of $PM_{2.5}$ precursors were subject to regulation, with the exception of NH_3 and VOC. Thus we must address here whether additional controls of NH_3 and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the Area for the 1997 annual $PM_{2.5}$ NAAQS. As explained subsequently, we do not believe that any additional controls of NH_3 and VOC are required in the context of this redesignation.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538–13542. With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOC under other CAA requirements may suffice to relieve a state from the need to adopt precursor controls under section 189(e). *See* 57 FR 13542. EPA in this rulemaking action, proposes to determine that West Virginia's SIP has met the provisions of section 189(e) with respect to NH_3 and VOC as precursors. This proposed determination is based on our findings that: (1) The Martinsburg Area contains no major stationary sources of NH_3, and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[8] In the alternative, EPA proposes to determine that, under the express exception provisions of section 189(e), and in the context of the redesignation of the West Virginia portion of the Martinsburg Area, which is attaining the 1997 annual $PM_{2.5}$ NAAQS, at present NH_3 and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 1997 annual $PM_{2.5}$ NAAQS in the Area. *See* 57 FR 13539–42.

EPA notes that its 1997 $PM_{2.5}$ Implementation Rule provisions in 40 CFR 51.1002 were not directed at evaluation of $PM_{2.5}$ precursors in the context of redesignation, but at SIP plans and control measures required to bring a nonattainment area into attainment of the 1997 annual $PM_{2.5}$ NAAQS. By contrast, redesignation to attainment primarily requires the nonattainment area to have already

[7] Under either subpart 1 or subpart 4, for purposes of demonstrating attainment as expeditiously as practicable, a state is required to evaluate all economically and technologically feasible control measures for direct PM emissions and precursor emissions, and adopt those measures that are deemed reasonably available.

[8] The Martinsburg Area has reduced VOC emissions through the implementation of various control programs including VOC Reasonably Available Control Technology (RACT) regulations and various on-road and non-road motor vehicle control programs.

attained due to permanent and enforceable emission reductions, and to demonstrate that controls in place can continue to maintain the standard. Thus, even if we regard the D.C. Circuit Court's January 4, 2013 decision as calling for ''presumptive regulation'' of NH_3 and VOC for $PM_{2.5}$ under the attainment planning provisions of subpart 4, those provisions in and of themselves do not require additional controls of these precursors for an area that already qualifies for redesignation. Nor does EPA believe that requiring West Virginia to address precursors differently than it has already would result in a substantively different outcome.

Although, as EPA has emphasized, its consideration here of precursor requirements under subpart 4 is in the context of a redesignation to attainment, EPA's existing interpretation of subpart 4 requirements with respect to precursors in attainment plans for PM_{10} contemplates that states may develop attainment plans that regulate only those precursors that are necessary for purposes of attainment in the area in question, i.e., states may determine that only certain precursors need be regulated for attainment and control purposes.[9] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}.[10] EPA believes that application of this approach to $PM_{2.5}$ precursors under subpart 4 is reasonable. Because the Martinsburg Area has already attained the 1997 annual $PM_{2.5}$ NAAQS with its current approach to regulation of $PM_{2.5}$ precursors, EPA believes that it is reasonable to conclude in the context of this redesignation that there is no need to revisit the attainment control strategy with respect to the treatment of precursors. Even if the D.C. Circuit Court's decision is construed to impose an obligation, in evaluating this redesignation request, to consider additional precursors under subpart 4, it would not affect EPA's approval here of West Virginia's request for redesignation of the Martinsburg Area for the 1997 annual $PM_{2.5}$ NAAQS. In the context of a redesignation, the Area has shown that it has attained the standards. Moreover, West Virginia has shown and EPA has proposed to determine that attainment of the 1997 annual $PM_{2.5}$ NAAQS in this Area is due to permanent and enforceable emissions reductions on all precursors necessary to provide for continued attainment of the standards. It follows logically that no further control of additional precursors is necessary. Accordingly, EPA does not view the January 4, 2013 decision of the D.C. Circuit Court as precluding redesignation of the West Virginia portion of the Martinsburg Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS at this time.

In summary, even if, prior to the date of the redesignation request submittal, West Virginia was required to address precursors for the Martinsburg Area under subpart 4 rather than under subpart 1, as interpreted in EPA's remanded 1997 $PM_{2.5}$ Implementation Rule, EPA would still conclude that the West Virginia portion of the Martinsburg Area had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3)(E)(ii) and (v) of the CAA.

V. EPA's Analysis of West Virginia's SIP Submittal

EPA is proposing several rulemaking actions for the West Virginia portion of the Martinsburg Area: (1) To redesignate the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS; (2) to approve into the West Virginia SIP, the associated maintenance plan for the 1997 annual $PM_{2.5}$ NAAQS; and (3) to approve the 2007 comprehensive emissions inventory into the West Virginia SIP to satisfy section 172(c)(3) of the CAA requirement for the Area, one of the criteria for redesignation. EPA's proposed approvals of the redesignation request and maintenance plan for the 1997 annual $PM_{2.5}$ NAAQS are based upon EPA's determination that the Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS, which EPA is proposing in this rulemaking action, and that all other redesignation criteria have been met for the West Virginia portion of the Area. In addition, EPA is proposing to approve the 2017 and 2025 MVEBs for Berkeley County, West Virginia for transportation conformity purposes. The following is a description of how the West Virginia's August 5, 2013 submittal satisfies the requirements of section 107(d)(3)(E) of the CAA for the 1997 annual $PM_{2.5}$ NAAQS.

A. Redesignation Request

1. Attainment

As noted previously, in the final rulemaking action dated January 10, 2012 (77 FR 1411), EPA determined that the entire Martinsburg Area had attained the 1997 annual $PM_{2.5}$ NAAQS. This determination of attainment was based upon complete, quality-assured and certified ambient air quality monitoring data for the period of 2007–2009 showing that the Area had attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010. On November 20, 2009 (74 FR 60199), EPA determined that the Martinsburg Area had clean data for the 1997 annual $PM_{2.5}$ NAAQS. The determination was based upon complete, quality assured, and certified ambient air monitoring date showing that this Area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS based on the 2006–2008 data and data available to date for 2012 in EPA's Air Quality System (AQS) database. Further discussion of pertinent air quality issues underlying this determination was provided in the notice of proposed rulemaking for EPA's determination of attainment for this Area, published on September 29, 2009 (74 FR 49833) for the 1997 annual $PM_{2.5}$ NAAQS.

EPA has reviewed the ambient air quality $PM_{2.5}$ monitoring data in the Martinsburg Area consistent with the requirements contained at 40 CFR part 50, and recorded in EPA's AQS database. To support the previous determinations of attainment of the Area, EPA has also reviewed more recent data in its AQS database, including certified, quality-assured data for the period from 2008–2010, 2009–2011 and 2010–2012. This data, shown in Table 1, shows that the Martinsburg Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. In addition, as discussed subsequently with respect to the maintenance plan, WVDEP has committed to continue monitoring ambient $PM_{2.5}$ concentrations in accordance with 40 CFR part 58. Thus, EPA is proposing to determine that the Martinsburg Area continues to attain the 1997 $PM_{2.5}$ NAAQS.

[9] *See, e.g.,* ''Approval and Promulgation of Implementation Plans for California—San Joaquin Valley PM_{10} Nonattainment Area; Serious Area Plan for Nonattainment of the 24-Hour and Annual PM_{10} Standards,'' (69 FR 30006, May 26, 2004) (approving a PM_{10} attainment plan that impose controls on direct PM_{10} and NO_X emissions and did not impose controls on SO_2, VOC, or NH_3 emissions).

[10] *See, e.g., Assoc. of Irritated Residents* v. *EPA et al.,* 423 F.3d 989 (9th Cir. 2005).

TABLE 1—DESIGN VALUES FOR THE MARTINSBURG AREA FOR THE 1997 ANNUAL $PM_{2.5}$ NAAQS FOR 2008–2010, 2009–2011 AND 2010–2012 MONITORING PERIODS

[In µg/m³]

Monitor ID	Annual design values		
	2008–2010	2009–2011	2010–2012
54–003–0003	12.9	11.8	11.6
24–043–0009	11.0	10.9	11.0

2. The Area Has Met All Applicable Requirements Under Section 110 and Subpart 1 of the CAA and Has a Fully Approved SIP Under Section 110(k) of the CAA

In accordance with section 107(d)(3)(E)(v) of the CAA, the SIP revisions for the 1997 annual $PM_{2.5}$ NAAQS for the West Virginia portion of the Martinsburg Area must be fully approved under section 110(k) of the CAA and all the requirements applicable to the Area under section 110 of the CAA (general SIP requirements) and part D of Title I of the CAA (SIP requirements for nonattainment areas) must be met.

a. Section 110 General SIP Requirements

Section 110(a)(2) of Title I of the CAA delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means, or techniques, provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality, and programs to enforce the limitations. The general SIP elements and requirements set forth in section 110(a)(2) of the CAA include, but are not limited to the following: (1) Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; (2) provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; (3) implementation of a source permit program; provisions for the implementation of Part C requirements (PSD); (4) provisions for the implementation of Part D requirements for NSR permit programs; (5) provisions for air pollution modeling; and (6) provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) of the CAA requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants in accordance with the NO_X SIP Call (63 FR 57356, October 27, 1998), amendments to the NO_X SIP Call (64 FR 26298, May 14, 1999 and 65 FR 11222, March 2, 2000), and CAIR (70 FR 25162, May 12, 2005). However, the section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that these requirements are applicable requirements for purposes of redesignation.

In addition, EPA believes that the other section 110(a)(2) elements of the CAA not connected with nonattainment plan submissions and not linked with an area's attainment status are not applicable requirements for purposes of redesignation. The Martinsburg Area will still be subject to these requirements after it is redesignated. EPA concludes that section 110(a)(2) of the CAA and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request, and that section 110(a)(2) elements of the CAA not linked in the area's nonattainment status are not applicable for purposes of redesignation. This approach is consistent with EPA's existing policy on applicability of conformity (i.e., for redesignations) and oxygenated fuels requirement. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Lorain, Ohio final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida final rulemaking (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio redesignation (65 FR 37890, June 19, 2000) and in the Pittsburgh, Pennsylvania redesignation (66 FR 53099, October 19, 2001).

EPA has reviewed the West Virginia SIP and has concluded that it meets the general SIP requirements under section 110(a)(2) of the CAA to the extent they are applicable for purposes of redesignation. EPA has previously approved provisions of West Virginia's SIP addressing section 110(a)(2) requirements, including provisions addressing $PM_{2.5}$. *See* (76 FR 47062, August 4, 2011). These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Martinsburg Area. Therefore, EPA believes that these SIP elements are not applicable requirements for purposes of review of West Virginia's $PM_{2.5}$ redesignation request.

b. Subpart 4 Requirements

Subpart 1 sets forth the basic nonattainment plan requirements applicable to $PM_{2.5}$ nonattainment areas. Under section 172 of the CAA, states with nonattainment areas must submit plans providing for timely attainment and meet a variety of other requirements.

The General Preamble for Implementation of Title I discusses the evaluation of these requirements in the context of EPA's consideration of a redesignation request. The General Preamble sets forth EPA's view of applicable requirements for purposes of evaluating redesignation requests when an area is attaining the standard. *See* 57 FR 13498 (April 16, 1992).

As noted previously, EPA has determined that the Martinsburg Area has attained the 1997 annual $PM_{2.5}$ NAAQS. Pursuant to 40 CFR 51.2004(c), the requirement for West Virginia to submit for the West Virginia portion of the Martinsburg Area an attainment demonstration and associated RACM, an RFP plan, contingency measures, and other planning SIPs related to the attainment of the 1997 annual $PM_{2.5}$ NAAQS are suspended until the Area is redesignated to attainment for the standard, or EPA determines that the Area again violated the standard, at which time such plans are required to

be submitted. Since the Area has reached attainment for the 1997 annual $PM_{2.5}$ NAAQS and continues to attain the standard, no additional measures are needed to provide for attainment. Therefore, the requirements of sections 172(c)(1), 172(c)(2), 172(c)(6), and 172(c)(9) of the CAA are no longer considered to be applicable for purposes of redesignation of the Area for the 1997 annual $PM_{2.5}$ NAAQS.

Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate and current inventory of actual emissions. As a result of EPA's determination of attainment of the Area for the 1997 annual $PM_{2.5}$ NAAQS, in which certain planning requirements were suspended for the standard, the only remaining requirement under section 172 of the CAA to be considered for purposes of redesignation of the Area is the comprehensive emissions inventory required under section 172(c)(3) of the CAA. As part of West Virginia's August 5, 2013 submittal, the State submitted a 2007 base year emissions inventory for the West Virginia portion of the Martinsburg Area for the 1997 annual $PM_{2.5}$ NAAQS which includes emissions estimates that cover the general source categories of point sources, nonroad mobile sources, area sources and on-road mobile sources. The pollutants that comprise the inventory are NO_X, VOCs, $PM_{2.5}$, NH_3, and SO_2.

In this rulemaking action, EPA is proposing to approve West Virginia's 2007 base year emissions inventory in accordance with section 172(c)(3) of the CAA. Final approval of the 2007 base year emissions inventory will satisfy the emissions inventory requirement under section 172(c)(3) of the CAA. For more information on the evaluation and EPA's analysis of the 2007 base year emissions inventory, *see* Appendix B of the State submittal and the emissions inventory technical support document (TSD) dated January 14, 2014, available on line at *www.regulations.gov*, Docket ID No. EPA–OAR–R03–2013–0690. A summary of the 2007 base year emissions inventory is shown in Table 2.

TABLE 2—SUMMARY OF THE 2007 BASE YEAR EMISSIONS INVENTORY, BERKELEY COUNTY, WEST VIRGINIA IN TONS PER YEAR

[tpy]

	SO_2	NO_X	$PM_{2.5}$	VOC	NH_3
Point	1,444	1,967	277	231	91
Area	300	121	677	1,386	173
Locomotive & Marine (LM)	34	943	32	63	0.42
Nonroad	26	437	41	389	0.41
Fire	0.02	0.07	0.22	0.13	0.01
Onroad	30	5,005	176	1,378	52
Total	2,462	8,473	1,154	3,447	317

Section 172(c)(4) of the CAA requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and section 172(c)(5) of the CAA requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA has determined that, since the PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a nonattainment NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994 entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' Nevertheless, West Virginia currently has an approved NSR program, codified in 45 CSR 19. *See* 71 FR 64468 (November 2, 2006) (approving NSR program into the SIP). *See also* 77 FR 63736 (October 17, 2012) (approving revisions to West Virginia's PSD program). However, West Virginia's PSD program for the 1997 annual $PM_{2.5}$ NAAQS will become effective in the Martinsburg Area upon redesignation to attainment.

Section 172(c)(7) of the CAA requires the SIP to meet the applicable provisions of section 110(a)(2) of the CAA. As noted previously, EPA believes the West Virginia SIP meets the requirements of section 110(a)(2) of the CAA that are applicable for purposes of redesignation.

Section 175A of the CAA requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' In conjunction with its request to redesignate the West Virginia portion of the Martinsburg Area to attainment status, West Virginia submitted SIP revisions to provide for maintenance of the 1997 annual $PM_{2.5}$ NAAQS in the Area for at least 10 years after redesignation, throughout 2025. West Virginia is requesting that EPA approve this SIP revision as meeting the requirement of section 175A of the CAA. Once approved, the maintenance plan for the West Virginia portion of the Martinsburg Area will ensure that the SIP for West Virginia meets the requirements of the CAA regarding maintenance of the 1997 annual $PM_{2.5}$ NAAQS for the Area. EPA's analysis of the maintenance plan is provided in section V.B. of today's proposed rulemaking action.

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded or approved under Title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other Federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability which EPA promulgated pursuant to its authority under the CAA. EPA interprets the conformity SIP requirements as not applying for purposes of evaluating the redesignation request under section 107(d) of the CAA because state conformity rules are still required after redesignation and Federal conformity rules apply where state rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426, (6th Cir. 2001)

(upholding this interpretation). *See also* 60 FR 62748 (December 7, 1995) (discussing Tampa, Florida).

Thus, for purposes of redesignating to attainment the Martinsburg Area for the 1997 annual $PM_{2.5}$ NAAQS, EPA determines that the Area has met all applicable SIP requirements under part D of Title I of the CAA. EPA also determines that upon final approval of the 2007 comprehensive emissions inventory as proposed in this rulemaking action, the Martinsburg Area will also meet all applicable SIP requirements under part D of Title I of the CAA for purposes of redesignating the Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS.

c. The West Virginia Portion of the Martinsburg Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

For purposes of redesignation to attainment for the 1997 annual $PM_{2.5}$ NAAQS, EPA has fully approved all applicable requirements of the West Virginia SIP for the Area in accordance with section 110(k) of the CAA. Upon final approval of the 2007 comprehensive emissions inventory proposed in this rulemaking action, EPA will have fully SIP-approved all applicable requirements of the West Virginia SIP for the Area for purposes of redesignaton to attainment for the 1997 annual $PM_{2.5}$ NAAQS in accordance with section 110(k) of the CAA.

3. Permanent and Enforceable Reductions in Emissions

For redesignating a nonattainment area to attainment, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions.

In making this demonstration, West Virginia has calculated the change in emissions between 2005, one of the years used to designate the Area as nonattainment, and 2007, one of the years the Area monitored attainment as provided in Table 3. Sectors included in Table 3 are point, including airports; area; locomotive and marine (LM); nonroad; fire; and onroad. There are no EGUs located in Berkeley County. The reduction in emissions and the corresponding improvement in air quality from 2005 to 2007 in the Martinsburg Area can be attributed to a number of regulatory control measures that have been implemented in the Area and contributing areas in recent years. For more information on EPA's analysis of the 2005 and 2007 emissions inventory, see EPA's emissions inventory TSD dated January 14, 2014, available in the docket for this rulemaking action at *www.regulations.gov*. Docket ID No. EPA–OAR–RO3–2013–0690.

TABLE 3—COMPARISON OF 2005 NONATTAINMENT YEAR AND 2007 ATTAINMENT YEAR REDUCTIONS IN TPY IN THE MARTINSBURG AREA

	Sector	2005	2007	Decrease
$PM_{2.5}$	Point	361	227	134
	Area	1,430	677	753
	LM	25	32	-7
	Nonroad	45	41	4
	Fire	0.00	0.22	−0.22
	Onroad	199	176	23
	Total	2,059	1,154	905
NO_X	Point	3,402	1,967	1,435
	Area	636	121	515
	LM	849	943	−94
	Nonroad	469	437	32
	Fire	0.00	0.07	−0.07
	Onroad	5,520	5,005	515
	Total	10,875	8,473	2,402
SO_2	Point	1,978	1,444	534
	Area	575	300	275
	LM	51	34	17
	Nonroad	49	26	23
	Fire	0.00	0.02	−0.02
	Onroad	109	30	79
	Total	2,762	1,834	928
VOC	Point	298	231	67
	Area	2,505	1,386	1,119
	LM	52	63	−11
	Nonroad	404	389	15
	Fire	0.00	0.13	−0.13
	Onroad	1,473	1,378	95
	Total	4,732	3,447	1,285
NH_3	Point	67	91	−24
	Area	198	173	25
	LM	0.35	0.42	−0.07
	Nonroad	0.39	0.41	−0.02
	Fire	0.00	0.01	−0.01
	Onroad	52	52	0
	Total	318	317	1

a. Federal Measures Implemented

Reductions in $PM_{2.5}$ precursor emissions have occurred statewide and in upwind states as a result of Federal emission control measures, with additional emission reductions expected to occur in the future. The Tier 2 Emission Standards for Vehicles and Gasoline Sulfur Standards (Tier 2 Standards) have resulted in lower NO_X and SO_2 emissions from new cars and light duty trucks, including sport utility vehicles. The Federal rules were phased in between 2004 and 2009. EPA has estimated that, after phasing in the new requirements, new vehicles emit less NO_X in the following percentages: Passenger cars (light duty vehicles)—77 percent; light duty trucks, minivans, and sports utility vehicles—86 percent; and larger sports utility vehicles, vans, and heavier trucks—69–95 percent. EPA expects fleet wide average emissions to decline by similar percentages as new vehicles replace older vehicles. The Tier 2 standards also reduced the sulfur content of gasoline to 30 parts per million (ppm) beginning in January 2006, which reflects up to a 90 percent reduction in sulfur content.

EPA issued the Heavy-Duty Diesel Engine Rule in July 2000. This rule includes standards limiting the sulfur content of diesel fuel, which went into effect in 2004. A second phase took effect in 2007 which reduced $PM_{2.5}$ emissions from heavy-duty highway engines and further reduced the highway diesel fuel sulfur content to 15 ppm. The total program is estimated to achieve a 90 percent reduction in direct $PM_{2.5}$ emissions and a 95 percent reduction in NO_X emissions for these new engines using low sulfur diesel, compared to existing engines using higher sulfur diesel fuel. The reduction in fuel sulfur content also yielded an immediate reduction in particulate sulfate emissions from all diesel vehicles.

In May 2004, EPA promulgated the Nonroad Diesel Rule for large nonroad diesel engines, such as those used in construction, agriculture, and mining, to be phased in between 2008 and 2014. The rule also reduces the sulfur content in nonroad diesel fuel by over 99 percent. Prior to 2006, nonroad diesel fuel averaged approximately 3,400 ppm sulfur. This rule limited nonroad diesel sulfur content to 500 ppm by 2006, with a further reduction to 15 ppm by 2010.

As required by the CAA, EPA developed Maximum Available Control Technology (MACT) Standards to regulate emissions of toxic air pollutants from a published list of industrial sources referred to as ''source categories.'' The list of MACT source categories that must meet control technology requirements to reduce the emission of toxic air pollutants with compliance dates on or after 2005, is found in the West Virginia's August 5, 2013 submittal on page 48, available on line at *www.regulations.gov,* Docket ID No. EPA–OAR–R03–2013–0690.

b. State and Local Measures

EPA issued the NO_X SIP Call in 1998 pursuant to the CAA to require 22 states and the District of Columbia to reduce NO_X emissions from large EGUs and large non-EGUs such as industrial boilers, internal combustion engines, and cement kilns. *See* (63 FR 57356, October 27, 1998). EPA approved West Virginia's Phase I NO_X SIP Call rule on May 10, 2002 (67 FR 31733) and Phase II rule on September 28, 2006 (71 FR 56881). Emission reductions resulting from regulations developed in response to the NO_X SIP Call are permanent and enforceable.

On March 10, 2005, EPA issued CAIR, which applies to 27 states and the District of Columbia. CAIR relied on 3 separate cap-and-trade programs to reduce SO_2 and NO_X emissions. On August 4, 2009 (74 FR 38536), EPA approved West Virginia's CAIR rules into the West Virginia SIP. The maintenance plan for the Area for the 1997 annual $PM_{2.5}$ NAAQS, thus, list CAIR as a control measure for the purpose of reducing SO_2 and NO_X emissions. On August 8, 2011 (76 FR 48208), EPA promulgated CSAPR to replace CAIR, which has been in place since 2005. The D.C. Circuit Court initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 21, 2012, the D.C. Circuit Court issued a decision to vacate CSAPR. In that decision, it also ordered EPA to continue administering CAIR ''pending the promulgation of a valid replacement.'' *EME Homer City,* 696 F.3d at 38. EPA and other parties have filed petitions for certiorari to the U.S. Supreme Court, and on June 24, 2013, the Supreme Court granted certiorari on EPA's petition for appeal of *EME Homer City Generation. See EME Homer City Generation, L.P.* v. *EPA, 696 F .3d 7* (D.C. Cir. 2012), *cert. granted,* 570 U.S.—(2013). Nonetheless, EPA intends to continue to act in accordance with the *EME Homer City* opinion.

As noted earlier, EPA believes it is appropriate to allow states to rely on the existing emissions reductions achieved by CAIR, as sufficiently permanent and enforceable pending a valid replacement rule, for purposes such as a redesignation. CAIR was in place and thus getting emission reductions when the Martinsburg Area monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS. The monitoring data used to demonstrate the Area's attainment of the 1997 annual $PM_{2.5}$ NAAQS was impacted by CAIR. EPA finds West Virginia appropriately included CAIR as a control measure in this SIP revision.

Furthermore, the air quality modeling analysis conducted for the Transport Rule demonstrates that the Area would be able to attain the 1997 annual $PM_{2.5}$ NAAQS even in the absence of either CAIR or the Transport Rule. EPA's modeling projections show that all ambient monitors in the Area are expected to continue to maintain compliance in the 2012 and 2014 ''no CAIR'' base cases. Therefore, none of the ambient monitoring sites in the Area are ''receptors'' that EPA projects will have future nonattainment problems or difficulty maintaining the NAAQS.

Based on the information summarized above, West Virginia has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emissions reductions. The reductions result from Federal requirements, regulation of precursors under the NO_X SIP Call, and CAIR, which are expected to continue into the future.

B. Maintenance Plan

On August 5, 2013, WVDEP submitted a maintenance plan for the West Virginia portion of the Martinsburg Area for the 1997 annual $PM_{2.5}$ NAAQS as required by section 175A of the CAA. EPA's analysis for proposing approval of the maintenance plan is provided in this section.

1. Attainment Emissions Inventory

An attainment inventory is comprised of the emissions during the time period associated with the monitoring data showing attainment. WVDEP developed emissions inventories for NO_X, $PM_{2.5}$, SO_2, VOC, and NH_3 for 2007, one of the years in the period during which the Martinsburg Area monitored attainment of the 1997 annual $PM_{2.5}$ standard, as described previously.

WVDEP used the 2007 annual emissions inventory submitted to EPA's National Emissions Inventory (NEI) database to compile their inventory. There are no EGU's in Berkeley County. For the 2007 area source emissions, WDEP used the Southern Modeling, Analysis, and Planning (SEMAP) project.

For the 2007 nonroad mobile sources, WVDEP generated the emissions using EPA's NONROAD model. The 2007 onroad mobile source inventory was developed using the most current version of EPA's highway mobile source emissions model MOVES2010a.

EPA has reviewed the documentation provided by WVDEP and found the emissions inventory to be acceptable. For more information on EPA's analysis of the 2007 emissions inventory, see Appendix B of the State submittal and the emissions inventory TSD dated January 14, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–OAR–R03–2013–0690.

2. Maintenance Demonstration

Section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' EPA has interpreted this as a showing of maintenance ''for a period of ten years following redesignation.'' Where the emissions inventory method of showing maintenance is used, its purpose is to show that emissions during the maintenance period will not increase over the attainment year inventory. *See* 1992 Calcagni Memorandum, pages 9–10.

For a demonstration of maintenance, emissions inventories are required to be projected to future dates to assess the influence of future growth and controls; however, the maintenance demonstration need not be based on modeling. *See Wall* v. *EPA, supra; Sierra Club* v. *EPA, supra. See also* 66 FR 53099–53100; 68 FR 25430–32. WVDEP uses projection inventories to show that the Area will remain in attainment and developed projection inventories for an interim year of 2017 and a maintenance plan end year of 2025 to show that future emissions of NO_X, SO_2, VOC, NH_3, and $PM_{2.5}$ will remain at or below the attainment year 2007 emissions levels throughout the Martinsburg Area through the year 2025.

The projection inventories for the 2017 and 2025 point, area, and nonroad sources were developed by the SEMAP contractors. Detailed discussion of how projections were developed are contained in the document ''*SESARM Projection Year Final Report_Rev Jan 20 2013.pdf.*'' Onroad mobile source projection inventories for Berkeley County were prepared by Michael Baker Jr., Inc. and onroad mobile source emissions for 2017 and 2025 were calculated from emission factors from MOVES2010 model runs. *See* Appendix C of the State submittal. EPA has reviewed the documentation provided by WVDEP and found the methodologies acceptable.

EPA has determined that the emissions inventories that the 2017 and 2025 projected emissions inventories provided by WVDEP are approvable. For more information on EPA's analysis of the emissions inventory, *see* Appendix B of the State submittal and EPA's TSD dated January 14, 2014, available on line at *www.regulations.gov.,* Docket ID No. EPA–OAR–R03–2013–0690. Table 4 provides the inventories for the 2007 attainment year, the 2017 interim year, and the 2025 maintenance plan end year for the Area.

TABLE 4—COMPARISON OF 2007 ATTAINMENT YEAR AND 2017 AND 2025 PROJECTED EMISSION ESTIMATES FOR THE MARTINSBURG AREA IN TPY

	SO_2	NO_X	$PM_{2.5}$	NH_3	VOC
2007 (attainment)	9,016	19,254	2,455	1,522	8,109
2017 (interim)	7,629	12,086	2,188	1,485	5,668
2017 (projected decrease)	1,387	7,168	267	37	2,441
2025 (maintenance)	7,743	10,030	2,154	1,500	5,308
2025 (projected decrease)	1,273	9,224	301	23	2,802

Table 4 shows that between 2007 and 2017, the Area is projected to reduce SO_2 emissions by 1,387 tpy, NO_X emissions by 7,168 tpy, $PM_{2.5}$ emissions by 267 tpy, NH_3 by 37 tpy, and VOC by 2,441 tpy. Between 2007 and 2025, the Area is projected to reduce SO_2 emissions by 1,273 tpy, NO_X emissions by 9,224 tpy, $PM_{2.5}$ emissions by 301 tpy, NH_3 by 23 tpy, and VOC by 2,802 tpy. Thus, the projected emissions inventories show that the Area will continue to maintain the 1997 annual $PM_{2.5}$ NAAQS during the 10 year maintenance period.

3. Monitoring Network

EPA has determined that West Virginia's maintenance plan includes a commitment to continue to operate its EPA-approved monitoring network, as necessary to demonstrate ongoing compliance with the NAAQS. There are two $PM_{2.5}$ monitors in the Martinsburg Area. One is located in West Virginia operated by the West Virginia Division of Air Quality, and the other one is located in Maryland operated by the Maryland Department of the Environment. In its August 5, 2013 submittal, West Virginia stated that it will consult with EPA prior to making any necessary changes to the network and will continue to quality assure the monitoring data in accordance with the requirements of 40 CFR part 58.

4. Verification of Continued Attainment

To provide for tracking of the emission levels in the Area, WVDEP requires major point sources to submit air emissions information annually and prepares a new periodic inventory for all $PM_{2.5}$ precursors every three years in accordance with EPA's Air Emissions Reporting Requirements (AERR). EPA has determined that WVDEP will continue to compare emissions information to the attainment year inventory to assure continued attainment with the 1997 annual $PM_{2.5}$ NAAQS and that WVDEP will use this information to assess emissions trends, as necessary.

5. Contingency Measures

The contingency plan provisions for maintenance plans are designed to promptly correct a violation of the NAAQS that occurs after redesignation. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to ensure that a state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the events that would ''trigger'' the adoption and implementation of a contingency measure(s), the contingency measure(s) that would be adopted and implemented, and the schedule indicating the time frame by which the state would adopt and implement the measure(s).

West Virginia's maintenance plan outlines the procedures for the adoption and implementation of contingency measures to further reduce emissions should a violation occur. West Virginia's contingency measures include a warning level response and an action

level response. An initial warning level response is triggered when the average weighted annual mean for a single calendar year exceeds 15.5 μg/m³ within the maintenance area. In that case, a study will be conducted to determine if the emissions trends show increases; if action is necessary to reverse emissions increases, West Virginia will follow the same procedures for control selection and implementation as for an action level response, and implementation of necessary controls will take place as expeditiously as possible, but no later than 12 months from the end of the most recent calendar year.

The action level response will be prompted by any one of the following: (1) A warning level response study that shows emissions increases; (2) a weighted annual mean over a two-year average that exceeds the standard; or (3) a violation of the standard in the maintenance area. If an action level response is triggered, West Virginia will adopt and implement appropriate control measures within 18 months from the end of the year in which monitored air quality triggering a response occurs. West Virginia will also consider whether additional regulations that are not a part of the maintenance plan can be implemented in a timely manner to respond to the trigger.

West Virginia's candidate contingency measures include the following: (1) Diesel reduction emission strategies; (2) alternative fuels and diesel retrofit programs for fleet vehicle operations; (3) $PM_{2.5}$, SO_2, and NO_X emissions offsets for new and modified major sources; (4) concrete manufacturing controls; and (5) additional NO_X reductions. Additionally, West Virginia has identified a list of sources that could potentially be controlled. These include: Industrial, commercial and institutional (ICI) Boilers for SO_2 and NO_X controls, EGUs, process heaters, internal combustion engines, combustion turbines, other sources greater than 100 tpy, fleet vehicles, concrete manufacturers, and aggregate processing plants. EPA finds that the West Virginia maintenance plan for the Martinsburg Area includes appropriate contingency measures as necessary to ensure West Virginia will promptly correct any violation of the NAAQS that occurs after redesignation. For all of the reasons discussed above, EPA is proposing to approve West Virginia's 1997 annual $PM_{2.5}$ maintenance plan for the Martinsburg Area as meeting the requirements of section 175A of the CAA.

C. Transportation Conformity

Section 176(c) of the CAA requires Federal actions in nonattainment and maintenance areas to ''conform to'' the goals of SIPs. This means that such actions will not cause or contribute to violations of a NAAQS, worsen the severity of an existing violation, or delay timely attainment of any NAAQS or any interim milestone. Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the transportation conformity rule (40 CFR Part 93, subpart A). Under this rule, metropolitan planning organizations (MPOs) in nonattainment and maintenance areas coordinate with state air quality and transportation agencies, EPA, and the FHWA and FTA to demonstrate that their long range transportation plans and transportation improvement programs (TIP) conform to applicable SIPs. This is typically determined by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the MVEBs contained in the SIP.

On August 5, 2013, West Virginia submitted a SIP revision that contains the 2017 and 2025 $PM_{2.5}$ and NO_X onroad mobile source budgets for the Martinsburg Area that comprises Berkeley County, West Virginia. West Virginia did not provide emission budgets for SO_2, VOC, and NH_3 because it concluded, consistent with the presumptions regarding these precursors in the Transportation Conformity Rule at 40 CFR 93.102(b)(2)(v), which predated and was not disturbed by the litigation on the 1997 $PM_{2.5}$ Implementation Rule, that emissions of these precursors from motor vehicles are not significant contributors to the Area's $PM_{2.5}$ air quality problem. EPA issued conformity regulations to implement the 1997 annual $PM_{2.5}$ NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005). Those actions were not part of the final rule recently remanded to EPA by the D.C. Circuit Court in *NRDC* v. *EPA,* No. 08–1250 (January 4, 2013), in which the D.C. Circuit Court remanded to EPA the 1997 $PM_{2.5}$ Implementation Rule because it concluded that EPA must implement that NAAQS pursuant to the PM-specific implementation provisions of subpart 4, rather than solely under the general provisions of subpart 1. That decision does not affect EPA's proposed approval of the MVEBs for the Martinsburg Area. The MVEBs are presented in Table 5.

TABLE 5—MVEBS FOR BERKELEY COUNTY, WEST VIRGINIA FOR THE 1997 $PM_{2.5}$ NAAQS IN TPY

Year	$PM_{2.5}$	NO_X
2017	83	2,621
2015	50	1,660

EPA's substantive criteria for determining adequacy of MVEBs are set out in 40 CFR 93.118(e)(4). Additionally, to approve the MVEBs, EPA must complete a thorough review of the SIP, in this case the $PM_{2.5}$ maintenance plan, and conclude that with the projected level of motor vehicle and all other emissions, the SIP will achieve its overall purpose, in this case providing for maintenance of the 1997 annual $PM_{2.5}$ NAAQS. EPA's process for determining adequacy of a MVEB consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the MVEB during a public comment period; and (3) EPA taking action on the MVEB.

On December 20, 2013, EPA initiated an adequacy review of the MVEBs for the 1997 annual $PM_{2.5}$ NAAQS that West Virginia included in its redesignation request submittal. As such, a notice of the submission of these MVEBs were posted on the adequacy Web site (*http://www.epa.gov/otaq/stateresources/transconf/currsips.htm*). The public comment period closed on January 21, 2014. There were no public comments received. EPA is acting on making the adequacy finding final through a separate notice of adequacy. EPA has reviewed the MVEBs and found them consistent with the maintenance plan and that the budgets meet the criteria for adequacy and approval.

Therefore, EPA is proposing to approve the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for Berkeley County for transportation conformity purposes. Additional information pertaining to the review of the MVEBs can be found in the TSD dated January 28, 2014, available on line at *www.regulations.gov*, Docket ID No. EPA–R03–OAR–2013–0690.

VI. Proposed Actions

EPA is proposing to approve the redesignation of the West Virginia portion of the Martinsburg Area from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. EPA has evaluated West Virginia's redesignation request and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the monitoring data demonstrate

that the Martinsburg Area has attained the 1997 annual $PM_{2.5}$ NAAQS and will continue to attain the standard. Final approval of this redesignation request would change the designation of the West Virginia portion of the Martinsburg Area from nonattainment to attainment for the 1997 $PM_{2.5}$ annual NAAQS. EPA is also proposing to approve the associated maintenance plan for the Area submitted on August 5, 2013, as a revision to the West Virginia SIP because it meets the requirements of section 175A of the CAA as described previously in this rulemaking notice. In addition, EPA is proposing to approve the 2007 base year emissions inventory as meeting the requirement of section 172(a)(3) of the CAA. Furthermore, EPA is proposing to approve the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs submitted by West Virginia for Berkeley County for transportation purposes. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VII. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to 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 proposing to approve West Virginia's redesignation request, maintenance plan, 2007 base year emissions inventory, and MVEBs for transportation conformity purposes for the West Virginia portion of the Martinsburg Area for the 1997 annual $PM_{2.5}$ NAAQS, 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.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, $PM_{2.5}$, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: April 16, 2014.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–10212 Filed 5–2–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2013–0802; FRL 9909–23–OAR]

RIN 2060–AS15

Technical Amendments to Inadvertent Errors in Air Quality Designations for Fine Particles, Ozone, Lead, Nitrogen Dioxide and Sulfur Dioxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text establishing the air quality designations for certain areas in fourteen states for the 1997 Fine Particles ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS), the 2008 Ozone NAAQS, the 2008 Lead NAAQS, the 2010 Nitrogen Dioxide (NO_2) NAAQS and the 2010 Sulfur Dioxide (SO_2) NAAQS. The states are: Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Minnesota, Missouri, North Carolina, Ohio, Oregon, Tennessee, Washington and Wisconsin. This action does not propose to change the designation for any area. In the ''Rules'' section of this **Federal Register**, we are making the same technical amendments as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Comments must be received on or before June 4, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0802, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-Docket@epamail.epa.gov,* Attention Docket ID No. EPA–HQ–OAR–2013–0802.
- *Fax:* (202) 566–1541, Attention Docket ID No. EPA–HQ–OAR–2013–0802.
- *Mail:* Docket ID No. EPA–HQ–OAR–2013–0802, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room: 3334, Mail Code: 6102T, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2013–0802. Such

deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0802. The Environmental Protection Agency (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 the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), U.S. EPA, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2013–0802.

For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the index at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA's Docket Center, Public Reading Room, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. This Docket Center 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 Air Docket is (202) 566–1742.

Documents related to the affected designations are available in the following dockets:

Designations for the 1997 $PM_{2.5}$ NAAQS: Docket ID No. EPA–HQ–OAR–2003–0061;

Designations for the 2008 Ozone NAAQS: Docket ID No. EPA–HQ–OAR–2008–0476;

Designations for the 2008 Lead NAAQS: Docket ID No. EPA–HQ–OAR–2009–0443;

Designations for the 2010 NO_2 NAAQS: Docket ID No. EPA–HQ–OAR–2011–0572; and

Designations for the 2010 SO_2 NAAQS: Docket ID No. EPA–HQ–OAR–2012–0233.

In addition, the EPA has established Web sites for the designation rulemakings at: *http://www.epa.gov/pmdesignations/, http://www.epa.gov/ozonedesignations, http://www.epa.gov/leaddesignations/, http://www.epa.gov/no2designations/* and *http://www.epa.gov/so2designations.*

FOR FURTHER INFORMATION CONTACT: Carla Oldham, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539–04, Research Triangle Park, NC 27711, phone number (919) 541–3347 or by email at: *oldham.carla@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Why is the EPA issuing this proposed rule?

Whenever the EPA establishes a new NAAQS, section 107(d) of the Clean Air Act requires the EPA to designate all areas of the country as meeting or not meeting the new NAAQS, or as unclassifiable where available information does not support a determination whether an area is meeting the NAAQS. The area designations and boundaries for each NAAQS are set forth in tables in the Code of Federal Regulations (CFR) at 40 CFR part 81. This action proposes technical amendments to minor, inadvertent and nonsubstantive errors in the 40 CFR part 81 regulatory text concerning the air quality designations for certain areas in fourteen states for the 1997 $PM_{2.5}$ NAAQS, the 2008 Ozone NAAQS, the 2008 Lead NAAQS, the 2010 NO_2 NAAQS and the 2010 SO_2 NAAQS. These states are: Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Minnesota, Missouri, North Carolina, Ohio, Oregon, Tennessee, Washington and Wisconsin. This action does not propose to change the designation for any area.

We are publishing a direct final rule in the ''Rules'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We explain our reasons for this action in the preamble to the direct final rule. The regulatory text for the proposal is identical to that for the direct final rule published in ''Rules'' section of this **Federal Register**.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will publish a timely notice in the **Federal Register** to withdraw the direct final rule or portions thereof. The portions that are not withdrawn will become effective on the date identified in the direct final rule, notwithstanding adverse comment on any other portion. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to provide a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSEES** section of this document.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this proposal will be available on the World Wide Web. Following signature by the EPA Administrator, a copy of this action will be posted on the EPA's Web site *www.epa.gov/ttn/oarpg/new.html.*

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

Submitting CBI: Do not submit this information to the 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 the 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. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), U.S. EPA, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2013–0802.

Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a CFR part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

II. Statutory and Executive Order Reviews

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

This action proposes technical amendments to minor, inadvertent and nonsubstantive errors in prior area designations. This type of action is exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not propose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This action proposes to correct minor, inadvertent and nonsubstantive errors in prior area designations and does not require any party to perform an information collection.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201;'' (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action proposes technical amendments to address several minor, inadvertent and nonsubstantive errors in the regulatory text concerning the air quality designations for certain areas in prior designation actions and does not impose any requirements on small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action contains no federal mandate under the provisions of Title II of the UMRA of 1995, 2 U.S.C. 1531–1538 for state, local or tribal governments or the private sector. The action does not propose an enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action corrects minor, inadvertent and nonsubstantive errors in prior area designations

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action proposes technical amendments to minor, inadvertent and nonsubstantive errors in prior area designations. Thus, Executive Order 13132 does not apply to this action. In spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA specifically solicits comment on this proposed action from state and local officials.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action only proposes technical amendments to minor, inadvertent and nonsubstantive errors in prior area designations. Thus, Executive Order 13175 does not apply to this action.

The EPA specifically solicits additional comment on this proposed action from tribal officials.

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

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA of 1995, Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impracticable. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress,

through the Office of Management and Budget, explanations when the agency decides not to use available and applicable VCS. This action does not involve technical standards. Therefore, the EPA did not consider the use of any VCS.

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the U.S.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action proposes technical amendments to minor, inadvertent, nonsubstantive errors in the designations for certain areas.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 15, 2014.

Gina McCarthy,

Administrator.

[FR Doc. 2014–09271 Filed 5–2–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–54; RM–11698; DA 14–460]

Radio Broadcasting Services; Toquerville, Utah

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by JER Licenses, LLC, winning bidder in Auction 93 for Channel 281C3 at Peach Spring, Arizona. The petition proposes the substitution of Channel 246C for vacant Channel 280C at Toquerville, Utah to accommodate the hybrid application requesting the downgrade of the new FM station, from Channel 281C3 to Chanel 280A at Peach Springs, Arizona. A staff engineering analysis indicates that Channel 246C can be allotted to Toquerville, Utah consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction located 46.7 kilometers (29 miles) northeast of Toquerville. The reference coordinates are 37–34–28 NL and 112–56–33 WL.

DATES: Comments must be filed on or before May 26, 2014, and reply comments on or before June 10, 2014.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: A. Wray Fitch III, Esq, Gammon & Grange, P.C., 8280 Greensboro Drive, 7th Floor, McLean, Virginia 22102–3807.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 14–54, adopted April 3, 2014, and released April 4, 2014. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing, Channel 280C at Toquerville; and by adding Channel 246C at Toquerville.

[FR Doc. 2014–10124 Filed 5–2–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648–BD98

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands

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

ACTION: Notice of availability of fishery management plan amendments; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted Amendment 100 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 91 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA

FMP). If approved, these amendments would add grenadiers to the ecosystem component category in the BSAI FMP and GOA FMP. This proposed action is necessary to limit and monitor the incidental catch of grenadiers in the groundfish fisheries. This proposed action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMPs, and other applicable law.

DATES: Comments must be received no later than July 7, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0023, by any of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0023,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of Amendment 100 to the BSAI FMP, Amendment 91 to the GOA FMP, and the Environmental Assessment, the Regulatory Impact Review, and the Initial Regulatory Flexibility Analysis (collectively, Analysis) prepared for this action are available from *www.regulations.gov* or from the NMFS Alaska Region Web site at *alaskafisheries.noaa.gov.*

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

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This notice announces that proposed Amendment 100 to the BSAI FMP and Amendment 91 to the GOA FMP are available for public review and comment.

NMFS manages the groundfish fisheries in the exclusive economic zone of the GOA and BSAI under the GOA FMP and BSAI FMP (collectively, the FMPs). The Council prepared these FMPs under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The groundfish fisheries in the BSAI and GOA incidentally catch grenadiers (family Macrouridae) while harvesting target groundfish. For many years, the Council has considered how best to classify grenadiers in the FMPs. From 1980 to 2010, grenadiers were included in the FMPs in the nonspecified species category. Nonspecified species were defined as a residual category of species and species groups of no current or foreseeable economic value or ecological importance, which are taken in the groundfish fishery as incidental catch and are in no apparent danger of depletion, and for which virtually no data exists that would allow population assessments.

In 2010, the Council recommended and NMFS removed the nonspecified species category from the FMPs when the FMPs were revised to meet Magnuson-Stevens Act requirements for annual catch limits (ACLs) and accountability measures (AMs) under Amendment 96 to the BSAI FMP and Amendment 87 to the GOA FMP (Amendments 96/87, 75 FR 38454, July 2, 2010). The nonspecified species, including grenadiers, were removed from the FMPs because these species were too poorly understood to set ACLs and AMs or to develop a management regime.

Amendments 96/87 also amended the FMPs to organize the species remaining in the FMPs according to the National Standard 1 guidelines (50 CFR 600.310). In the National Standard 1 guidelines, NMFS recommends two categories for species in an FMP: ''Stocks in the fishery'' and ''ecosystem component (EC) species.''

''Stocks in the fishery'' are defined in the National Standard 1 guidelines (§ 600.310(d)(2)). ''Stocks in the fishery'' include (1) stocks that are targeted, and retained for sale or personal use; (2) stocks that are not directly targeted but are taken incidentally in other directed fisheries, and are retained for sale or personal use; or (3) stocks not targeted or retained but are taken as incidental catch and for which overfishing or overfished status may be a concern.

NMFS created the EC species category to encourage ecosystem approaches to management and to incorporate ecosystem considerations for species that are not ''stocks in the fishery'' (74 FR 3178, January 16, 2009). EC species are defined in the National Standard 1 guidelines (§ 600.310(d)(5)). In order to be designated an EC, the species or species group should be (1) a non-targeted species or species group; (2) not subject to overfishing, overfished, or approaching an overfished condition; (3) not likely to become subject to overfishing or overfished in the absence of conservation and management measures; and (4) not generally retained for sale or personal use.

Amendments 96/87 established the EC category and designated prohibited species (which include salmon, steelhead trout, crab, halibut, and herring) and forage fish (as defined in Table 2c to part 679 and § 679.20(i)) as EC species in the FMPs. For EC species, NMFS maintained conservation regulations applicable to the specific EC species. These include prohibiting the retention of prohibited species, prohibiting directed fishing for forage fish, and establishing a limit on the incidental harvest of forage fish while directed fishing for other groundfish species, known as a maximum retainable amount, of 2 percent. Regulations at 50 CFR 679.2 define the term ''directed fishing.'' Regulations at § 679.20(e) describe the application and calculation of maximum retainable amounts.

When the Council recommended Amendments 96/87, it recognized that as information on a nonspecified species improves, it would consider moving that species back into the FMP, either as a ''stock in the fishery'' or as

an EC species. In 2010, the Council initiated an analysis to consider moving grenadiers back into the FMPs. The Council determined that sufficient information exists for grenadiers to address them in the FMPs, as reflected in the Analysis prepared for this action (see **ADDRESSES**). The Analysis provides the best available information on grenadiers and considers two action alternatives: Include grenadiers in the FMP as an EC species, or include grenadiers in the FMP as a ''stock in the fishery.''

In February 2014, the Council voted unanimously to recommend Amendments 100/91 to the FMPs to add grenadiers to the EC category in the FMPs. The Council and NMFS recognized that adding grenadiers to the FMPs in the EC category would acknowledge their role in the ecosystem and limit the groundfish fisheries' impact on grenadiers. Adding grenadiers to the EC category allows for improved data collection and catch monitoring appropriate for grenadiers given their abundance, distribution, and catch. The Council and NMFS determined that grenadiers are not a ''stock in the fishery'' because (1) grenadiers are not a target stock; (2) they are not generally retained for sale or personal use; and (3) they are not overfished, subject to overfishing, or approaching overfished or overfishing. The following information describes why grenadiers would be appropriate to include in the FMPs as an EC species based on information summarized from the Analysis.

Grenadiers are not a targeted species group and are not generally retained for sale or personal use. Grenadiers have no current or foreseeable economic value. Section 3.3 of the Analysis explains that grenadiers are incidentally caught in deep water trawl and hook-and-line fisheries, but are not actively targeted or purposefully retained. In 2013, there was almost no reported retention of grenadiers in the BSAI (only 1 metric ton (t) or 2,205 pounds (lb)), and, in the GOA, only 55 t (121,254 lb) of grenadiers were retained. This represents a GOA fishery-wide retention rate of less than one half of one percent. Of this retention of grenadiers, 35 t (77,162 lb) was made into fish meal, 17 t (37,479 lb) was discarded at the dock, 3 t (6,614 lb) was retained for bait, and less than 1 t (2,205 lb) was sold. Thus, there is no evidence that grenadiers are presently being targeted or generally retained. It is likely that grenadiers are being retained only when mixed with other catch.

Grenadiers are not generally retained for sale or personal consumption. As explained in Section 3.3.4 of the Analysis, attempts to create a marketable product from giant grenadiers have been unsuccessful. Grenadiers have very low protein content, high moisture content, and are generally regarded as mushy and unpalatable. No current market exists for grenadiers, and it is unlikely that one will be developed in the foreseeable future.

Grenadiers are not generally retained for personal use. A small portion of the total catch of grenadiers is known to be retained for use as bait (e.g., 3 t (6,614 lb) in the GOA in 2013). Although grenadiers may be retained for use as bait in hook-and-line fisheries, there is no indication that this is a general practice throughout the hook-and-line fleets. NMFS notes that existing recordkeeping and reporting for the use of grenadiers is voluntary, and could underestimate the amount of grenadiers used for bait. However, the best available information indicates that grenadiers are not generally retained for bait.

At the current level of catch, grenadiers are not subject to overfishing, overfished, or approaching an overfished condition, and are not likely to become subject to overfishing or overfished in the absence of conservation and management measures. Section 3.2 of the Analysis explains that NMFS has been conducting a stock assessment for grenadiers since 2006. At present, stock assessment information for giant grenadier is relatively good compared to many other non-target species off Alaska. Since 2010, the stock assessment has been used to estimate an acceptable biological catch (ABC) and an overfishing level (OFL), using reliable estimates of biomass and natural mortality. Giant grenadiers served as a proxy for the grenadier species group, and the estimated ABC and estimated OFL are based on giant grenadier (*Albatrossia pectoralis*) because relatively few other grenadier species (family Macrouridae) are caught in the groundfish fisheries or are taken in NMFS surveys. NMFS estimates the incidental catch of grenadiers in the groundfish fisheries using observer data. In the BSAI, the estimated grenadier OFL is 135,236 t (298 million lb) and the estimated catch is 5,294 t (12 million lb, mean for 2003–2013). In the GOA, the estimated grenadier OFL is 46,635 t (103 million lb) and the estimated catch is 8,707 t (19 million lb, mean for 2003–2013).

Additionally, the Council recognized that adding grenadiers to the FMPs in the EC category would acknowledge their role in the ecosystem and limit the groundfish fisheries' impact on grenadiers. Section 3.6 of the Analysis describes the current state of research and understanding about the ecological importance of grenadiers. For example, giant grenadier have an important ecological role given its role as an apex predator. Apex predators reside at the top of their food chain and have few to no predators of their own. In bottom trawl surveys conducted by NMFS in the Bering Sea and the GOA, giant grenadiers are the most abundant fish, in terms of weight, in depths from 600 to 3,000 feet (183–914 meters). Giant grenadiers extend much deeper than 3,000 feet (914 meters). There are reports that they have been caught deeper than 6,000 feet (1,829 meters), but little is known about their abundance in waters deeper than 3,000 feet because neither the NMFS surveys nor fishing effort presently extend below this depth.

NMFS is soliciting public comments on proposed Amendments 100/91 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendments 100/91, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act. All comments received by the end of the comment period on Amendments 100/91, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the approval/disapproval decision on Amendments 100/91. Comments received after that date will not be considered in the approval/disapproval decision on Amendments 100/91. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period.

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

Dated: April 30, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–10210 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 86

Monday, May 5, 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

Office of the Secretary

Collaborative Forest Restoration Program Technical Advisory Panel

AGENCY: Forest Service, USDA.

ACTION: Call for nominations.

SUMMARY: The Department of Agriculture is seeking nominations for the Collaborative Forest Restoration Program (CFRP) Technical Advisory Panel (Panel) pursuant to Section 606 of the Community Forest Restoration Act (Act) (Pub. L. 106–393), and the Federal Advisory Committee Act (FACA), (5 U.S.C. App. 2). Additional information on the Panel can be found by visiting the CFRP Web site at: *http://www.fs.usda.gov/goto/r3/cfrp.*

DATES: Written nominations must be received by June 4, 2014. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed Form AD–755 (Advisory Committee or Research and Promotion Background Information). The package must be sent to the address below.

ADDRESSES: Walter Dunn, Collaborative Forest Restoration Program, USDA Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Walter Dunn, Designated Federal Official (DFO), Collaborative Forest Restoration Program Technical Advisory Panel, (505) 842–3425, *wdunn@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of FACA, the Secretary of Agriculture is seeking nominations to fill two positions representing Conservation Interests on the Panel. The purpose of the Panel is to provide recommendations to the Secretary of Agriculture on which grant proposals submitted pursuant to Act best meet the CFRP objectives. The CFRP provides cost-share grants to community and stakeholder groups for forest restoration projects that are designed through a collaborative process. The projects must be in New Mexico, and may be entirely on, or on any combination of, Federal, tribal, State, county, or municipal forest lands. The CFRP supports the development of cost effective restoration activities; empowers diverse organizations to implement activities that value local and traditional knowledge; builds ownership and civic price; and contributes to the restoration of healthy, diverse, and productive forests and watersheds.

Vacancy

Two representatives for Conservation Interests will be appointed by the Secretary to a 2-year term. Vacancies will be filled in the manner in which the original appointment was made.

Nomination and Application Instructions

To be considered for membership on the Panel nominees for the Conservation Interests positions must be United States citizens and be at least 18 years of age. The public is invited to submit nominations for membership on the Panel, either as a self-nomination or a nomination of any qualified and interested person. The appointment of members to the Panel is made by the Secretary of Agriculture. Any individual or organization may nominate one or more qualified persons to represent the above Panel vacancies. Candidates who wish to be considered for membership on the Panel must submit an AD–755 application form and resume to the USDA Forest Service. The AD–755, including the enclosed continuation sheets, and resume should address the following evaluation criteria:

1. Knowledge of forest management issues in New Mexico;
2. Experience working with government planning process;
3. Knowledge and understanding of the various cultures and communities in New Mexico;
4. Ability to actively participate in diverse team settings; and
5. Demonstrated skill in working toward mutually beneficial solutions to complex issues.

Cover letters should be addressed to the Secretary of Agriculture. The form AD–755 may be obtained on the CFRP Web site *http://www.fs.usda.gov/goto/r3/cfrp,* or from the following Web site: *http://www.usda.gov/documents/OCIO_AD_755_Master_2012.pdf.*

All nominations will be vetted by USDA. A list of qualified applicants from which the Secretary of Agriculture shall appoint members to the Panel will be prepared. Members of the Panel will serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the Panel, subject to approval by the DFO.

Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Panel. To ensure that the recommendations of the Panel have been taken into account the needs of the diverse groups served by the Departments, membership should include, to the extent practicable, individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: April 29, 2014.

Gregory Parham,

Assistant Secretary of Administration.

[FR Doc. 2014–10194 Filed 5–2–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection; Certified State Mediation Program

AGENCY: Farm Service Agency, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on an extension with a revision of a currently approved information collection that supports the Certified State Mediation Program. The information collection is necessary to ensure that the grant program is administered properly. The collection of information is used to determine whether participants meet the eligibility requirements to be a recipient of grant funds. Lack of

adequate information to make the determination could result in the improper administration of Federal grant funds.

DATES: We will consider comments we receive by July 7, 2014.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include date, volume and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- Federal eRulemaking Portal: Go to: *www.regulations.gov.* Follow the online instructions for submitting comments.
- Mail: Gene Christie, Senior Loan Officer, USDA, FSA, Stop 0521, 1400 Independence Avenue SW., Washington, DC 20250.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Gene Christie at the above address.

FOR FURTHER INFORMATION CONTACT: Gene Christie; (202) 690–2517.

SUPPLEMENTARY INFORMATION:

Title: Certified State Mediation Program.

OMB Control Number: 0560–0165.

Expiration Date of Approval: August 31, 2014.

Type of Request: Extension with revision.

Abstract: FSA administers the Certified State Mediation Program according to Subtitles A and B of Title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5106). The number of state-certified mediation programs has remained stable for several years, and the current submission eliminates collections that are no longer applicable. In particular, requests to add a new state-certified mediation program have not been received in several years and are therefore removed from the time calculation.

To effectively administer the Program, FSA requires an application for recertification, which includes submission of a letter from the State, and completion of a letter from the grantee, SF–424, SF–424A, SF–424B, and SF–425. In addition, approved grantees provide a mid-year report as well as an annual report that includes information on mediation services provided during the preceding Federal fiscal year, assessment of the performance and effectiveness of the State's Program, and any other matters related to the Program as the State elects to include. In addition, program participants complete SF–270 to request either advance funding or reimbursement of expenses already paid. The information requested is necessary for FSA to determine participants' eligibility and administer the Program efficiently and effectively. Lastly, the times included in previous requests were excessive; they have been adjusted accordingly to reflect current use.

The formula used to calculate the total burden hours is estimated average time per response (includes travel times) hours/minutes times total annual responses. The estimated annual burden per respondent is different from the estimated average time per response because one or more forms are filed more than once a year.

Estimated Annual Burden: The public reporting burden for this information collection is estimated to average 10 hours per unduplicated respondent.

Respondents: State agencies, Universities, and Non-Profit Organizations.

Estimated Number of Respondents: 37.

Estimated Number of Responses per Respondent: 6.

Estimated Total Annual Responses: 222.

Estimated Average Time per Response: 1.66.

Estimated Total Annual Burden Hours: 370.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of FSA's estimate of burden, 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.

All responses to this notice, including name and addresses, when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed on April 25, 2014.

Juan M. Garcia,

Administrator, Farm Service Agency.

[FR Doc. 2014–10161 Filed 5–2–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to re-establish the Black Hills National Forest Advisory Board and call for nominations.

SUMMARY: The U. S. Department of Agriculture, Forest Service intends to re-establish the Black Hills National Forest Advisory Board (Board). The purpose is to obtain advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, forest health including fire management and mountain pine beetle infestations, travel management, forest monitoring and evaluation, recreation fees, and site-specific projects having forest wide implications. The Forest Service is also seeking nominations for individuals to be considered as committee members. The public is invited to submit nominations for membership.

DATES: Written nominations must be received by June 4, 2014. Instructions for submitting a nomination package may be found in the section below entitled, ''Advisory Committee Organization''.

ADDRESSES: Send nominations and applications to Frances Reynolds, USDA Forest Service, Rocky Mountain Region, 720 Simms Street, Golden, Colorado 80401.

FOR FURTHER INFORMATION CONTACT: Craig Bobzien, Forest Supervisor, USDA, Forest Service, Rocky Mountain Region, telephone: 605–673–9201, fax: 605–673–9208, or email: *cbobzien@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: USDA 16565—Black Hills National Forest Advisory Board is a non-scientific program advisory Board established by the Secretary of Agriculture in 2003 to provide advice and counsel to the U.S. Forest Service, Black Hills National Forest, in the wake of increasingly severe and intense wild fires and mountain pine beetle epidemics.

The purpose of the Board is to provide advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, travel management, forest monitoring

and evaluation, and site-specific projects having forest-wide implications. The Board also serves to meet the needs of the Recreation Enhancement Act of 2005 as a recreation resource advisory board (RRAC) for the Black Hills of South Dakota. The Board provides timely advice and recommendations to the Secretary through the forest supervisor regarding programmatic forest issues and project-level issues that have forest-wide implications for the Black Hills National Forest.

The Board meets approximately ten times a year, with one month being a field trip, held in August and focusing on both current issues and the educational value of seeing management strategies and outcomes on the ground. This Board has been established as a truly credible entity and a trusted voice on forest management issues and is doing often astonishing work in helping to develop informed consent for forest management.

For years, the demands made on the Black Hills National Forest have resulted in conflicts among interest groups resulting in both forest-wide and site-specific programs being delayed due to appeals and litigation. The Board provides a forum to resolve these issues to allow for the Black Hills National Forest to move forward in its management activities. The Board is believed to be one of the few groups with broad enough scope to address all of the issues and include all of the jurisdictional boundaries.

Significant Contributions

The Board's most significant accomplishments include:

1. A 2004 report on the Black Hills Fuels Reduction Plan, a priority following the major fires including the 86,000 acre Jasper Fire in 2000;
2. A 2004 initial Off-Highway Vehicle Travel Management Subcommittee report;
3. A report on their findings regarding the thesis, direction, and assumptions of Phase II of our Forest Plan produced in 2005;
4. The Invasive Species Subcommittee Report in 2005 covering recommendations to better stop invasive species from infiltrating the Forest;
5. A final Travel Management Subcommittee Report in 2006 in which the Board made 11 recommendations regarding characteristics of a designated motor vehicle trail system, the basis for our initial work to prepare our Motor Vehicle Use Map in 2010–2011;
6. The Board's annual work to attract funding through grants based on the Collaborative Landscape Forest Restoration Program (CFLRP), a program of the Secretary of Agriculture *CFLR Program* to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes;
7. A letter to the Secretary and the Chief of the Forest Service to work, restore and maintain open space for wildlife habitat and recreation needs like snowmobile trails; and
8. The annual reports to the Secretary detailing the Board's activities, issues, and accomplishments.

The Board is deemed to be among the most effective public involvement strategies in the Forest Service and continues to lead by example for Federal, State, and local government agencies working to coordinate and cooperate in the Black Hills of South Dakota and Wyoming.

Background

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. II); notice is hereby given that the Secretary of Agriculture intends to re-establish the charter of the Black Hills National Forest Advisory Board. The Board provides advice and recommendations on a broad range of forest planning issues and, in accordance with the Federal Lands Recreation Enhancement Act (Pub. L. 108–447 (REA)), more specifically will provide advice and recommendations on Black Hills National Forest recreation fee issues (serving as the RRAC for the Black Hills National Forest). The Board membership consists of individuals representing commodity interests, amenity interests, and State and local government.

The Board has been determined to be in the public interest in connection with the duties and responsibilities of the Black Hills National Forest. National forest management requires improved coordination among the interests and governmental entities responsible for land management decisions and the public that the agency serves.

Advisory Committee Organization

The Board consists of 16 members that are representative of the following interests (this membership is similar to the membership outlined by the Secure Rural Schools and Community Self Determination Act for Resource Advisory Committees (16 U.S.C. 500, et seq.)):

1. Economic development;
2. Developed outdoor recreation, off-highway vehicle users, or commercial recreation;
3. Energy and mineral development;
4. Commercial timber industry;
5. Permittee (grazing or other land use within the Black Hills area);
6. Nationally recognized environmental organizations;
7. Regionally or locally recognized environmental organizations;
8. Dispersed recreation;
9. Archeology or history;
10. Nationally or regionally recognized sportsmen's groups, such as anglers or hunters;
11. South Dakota State-elected offices;
12. Wyoming State-elected offices;
13. South Dakota or Wyoming county- or local-elected officials;
14. Tribal government elected or-appointed officials;
15. South Dakota State natural resource agency official; and
16. Wyoming State natural resource agency officials.

No individual who is currently registered as a Federal lobbyist is eligible to serve as a member of the Committee. The Committee will meet approximately nine times, and will attend at least one summer field tour as designated by the Designated Federal Officer (DFO).

The appointment of members to the Board will be made by the Secretary of Agriculture. Any individual or organization may nominate one or more qualified persons to serve on the Board. Individuals may also nominate themselves. To be considered for membership, nominees must submit a:

1. Resume describing qualifications for membership to the Committee;
2. Cover letter with rationale for serving on the committee and what you can contribute; and
3. Complete form AD–755, Advisory Committee Membership Background Information.

Letters of recommendations are welcome. The AD–755 may be obtained from Forest Service contact person or from the following Web site: *http://www.fsa.usda.gov/Internet/FSA_File/ad755.pdf.* All nominations will be vetted by USDA. The Secretary of Agriculture will appoint committee members to the Board from the list of qualified applicants.

The members of the Board will elect and determine the responsibilities of the Chairperson and the Vice-Chairperson. In absence of the Chairperson, the Vice-Chairperson will act in the Chairperson's stead. The Forest Supervisor of the Black Hills National Forest serves as the Designated Federal Official under sections 10(e) and (f) of the Federal Advisory Committee Act (5 U.S.C. App. II).

Members will serve without compensation, but may be reimbursed for travel expenses while performing

duties on behalf of the Board, subject to approval by the DFO.

Equal opportunity practices are followed in all appointments to the Board in accordance with USDA policies. To ensure that the recommendations of the Board have been taken into account the needs of diverse groups, served by the Black Hills National Forest, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Dated: April 29, 2014.

Gregory Parham,

Assistant Secretary of Administration.

[FR Doc. 2014–10188 Filed 5–2–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sabine-Angelina Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Solicitation of nominees.

SUMMARY: In accordance with the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and the Federal Advisory Committee Act (FACA) (5 U.S.C., App. 2), the Sabine-Angelina Resource Advisory Committee (RAC) announces the solicitation of nominees to fill vacancies. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The RAC covers the Angelina and Sabine National Forests.

DATES: Nominations must be received on or before September 30, 2014. Nominations must contain a completed application package that includes the following:

(1) Nominee's name,

(2) Resume, and

(3) Completed Form AD–755 (Advisory Committee or Research and Promotion Background Information).

The package must be sent to the address listed below.

ADDRESSES: Send nominations and applications to Kimpton M. Cooper, District Ranger or Becky Nix, RAC Coordinator, Sabine Ranger District, 5050 State Hwy 21 East, Hemphill, Texas 75948.

FOR FURTHER INFORMATION CONTACT: Kimpton M. Cooper by phone at 409–625–1940 or 936–897–1068 or via email at *kmcooper@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 2013, the Helium Stewardship Act of 2013 (Pub. L. 113–40) reauthorized the Act. The purpose of the RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The duties of the RAC include monitoring projects, advising the Secretary on the progress and results of the monitoring efforts, and making recommendations to the Forest Service for any appropriate changes or adjustments to the projects being monitored by the RACs.

RAC Membership

The RAC will be comprised of 15 members approved by the Secretary of Agriculture. RAC membership will be fairly balanced in terms of the points of view represented and functions to be performed. The RAC members will serve 4-year terms. The RAC shall include representation from the following interest areas:

(1) Five persons who represent:

(a) Organized Labor or Non-Timber Forest Product Harvester Groups,

(b) Developed Outdoor Recreation, Off-Highway Vehicle Users, or Commercial Recreation Activities,

(c) Energy and Mineral Development, or Commercial or Recreational Fishing Groups,

(d) Commercial Timber Industry, or

(e) Federal Grazing Permit or Other Land Use Permit Holders, or Representative of Non-Industrial Private Forest Land Owners, within the area for which the committee is organized.

(2) Five persons who represent:

(a) Nationally or Regionally Recognized Environmental Organizations,

(b) Regionally or Locally Recognized Environmental Organizations,

(c) Dispersed Recreational Activities,

(d) Archaeology and History, or

(e) Nationally or Regionally Recognized Wild Horse and Burro Interest, Wildlife Hunting Organizaitons, or Watershed Associations.

(3) Five persons who represent:

(a) Hold State-Elected Office,

(b) Hold County or Local-Elected Office,

(c) American Indian Tribes within or adjacent to the area for which the committee is organized,

(d) Area School Officials or Teachers, or

(e) Affected Public at Large.

In the event that a vacancy arises, the DFO may fill the vacancy with a replacement member appointed by the Secretary, if an appropriate replacement member is available.

Nominations and Applications Information

The appointment of members to the RAC will be made by the Secretary of Agriculture. Any individual or organization may nominate one or more qualified persons to represent the interest areas listed above. To be considered for membership, nominees must:

1. Be a resident of Texas;

2. Identify what interest group they would represent and how they are qualified to represent that interest group;

3. State why they want to serve on the RAC and what they can contribute;

4. Show their past experience in working successfully as part of a working group on forest management activities; and

5. Complete Form AD–755, Advisory Committee or Research and Promotion Background Information.

You may contact the person listed above to receive the Form AD–755. All nominations will be vetted by the Agency.

Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the RACs. To ensure that the recommendations of the RACs have taken into account the needs of the diverse groups served by the Department, membeship should include, to the extent practicable, individuals with demonstrated ability to represent the needs of all racial and ethnic groups, women and men, and persons with disabilities.

Dated: April 25, 2014.

Gregory Parham,

Assistant Secretary of Administration.

[FR Doc. 2014–10232 Filed 5–2–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Funding Availability for the Rural Energy for America Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice of Funding Availability (NOFA) announces the acceptance of applications under the Rural Energy for America Program (REAP) for Fiscal Year 2014 for financial assistance as follows: grants, guaranteed loans, and combined grants and guaranteed loans for the development and construction of renewable energy systems and for energy efficiency improvement projects. The Notice also announces the availability of mandatory budget authority carried over from Fiscal Year 2013 of approximately $24.7 million and $3.5 million of discretionary budget authority made available by Fiscal Year 2014 appropriations. The budget authority will support the above referenced REAP activities, for approximately $12.38 million in grant program level and approximately $57.8 million in guaranteed loan program level. The funding being announced does not include mandatory funding provided by the Agricultural Act of 2014 (2014 Farm Bill). The Rural Business-Cooperative Service (Agency) intends to publish a final rule for REAP later this fiscal year. The final rule will modify the interim rule for REAP based on comments received on the interim rule, which was published in the **Federal Register** on April 14, 2011 (76 FR 21110), and the proposed rule, which was published on April 12, 2013 (78 FR 22044). The Agency will publish a subsequent notice announcing the mandatory funds for fiscal year 2014 provided by the 2014 Farm Bill simultaneously with the final rule.

The 2014 Farm Bill repealed the authority for the feasibility study component of REAP and also removed the ability to provide assistance for flexible fuel pumps. Therefore applications for flexible fuel pumps and feasibility studies will not be determined eligible or awarded funds in Fiscal Year 2014 under REAP.

DATES: In order to be considered for Fiscal Year 2014 funds, complete applications under this Notice must be received by the appropriate USDA Rural Development State Office no later than 4:30 p.m. local time of the dates as follows:

For renewable energy system and energy efficiency improvement grant applications and combination grant and guaranteed loan applications: July 7, 2014.

For renewable energy system and energy efficiency improvement guaranteed loan only applications: On a continuous basis up to July 31, 2014.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** for addresses concerning applications for REAP for Fiscal Year 2014 funds.

FOR FURTHER INFORMATION CONTACT: For information about this Notice, please contact Mr. Kelley Oehler, Branch Chief, USDA Rural Development, Energy Division, 1400 Independence Avenue SW., Washington, DC 20250. Telephone: (202) 720–6819. Email: *kelley.oehler@wdc.usda.gov*.

For further information on this program, please contact the applicable USDA Rural Development Energy Coordinator for your respective State, as identified via the following link: *http://www.rurdev.usda.gov/BCP_Energy_CoordinatorList.html*.

SUPPLEMENTARY INFORMATION:

Fiscal Year 2014 Applications for the Rural Energy for America Program

Applications. Application materials may be obtained by contacting one of Rural Development's Energy Coordinators, as identified via the following link: *http://www.rurdev.usda.gov/BCP_Energy_CoordinatorList.html.* In addition, for grant applications, applicants may obtain electronic grant applications for REAP from *http://www.Grants.gov.*

Application Submittal. Submit complete paper applications to the Rural Development State Office in the State in which the applicant's proposed project is located.

Submit electronic grant only applications at *http://www.Grants.gov,* following the instructions found on this Web site.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with renewable energy system and energy efficiency improvement grants and guaranteed loans, as covered in this Notice, has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0050.

Overview

Federal Agency Name: Rural Business-Cooperative Service.

Contract Proposal Title: Rural Energy for America Program.

Announcement Type: Initial announcement.

Catalog of Federal Domestic Assistance (CFDA) Number. 10.868.

Dates: Grant applications and combined grant and guaranteed loan applications for renewable energy systems and energy efficiency improvement projects under this Notice will be accepted up to July 7, 2014. Guaranteed loan only applications for renewable energy system and energy efficiency improvement projects will be accepted on a continuous basis, but to compete for Fiscal Year 2014 funding, complete applications must be submitted to the Agency by July 31, 2014.

For all applications submitted under this Notice, complete applications must be received by the appropriate USDA Rural Development State Office no later than 4:30 p.m. local time of the applicable application deadline date in order to be considered for Fiscal Year 2014 funds. Any application received after its applicable date and time, regardless of the postmark on the application, will not be considered for Fiscal Year 2014 funds.

Availability of Notice. This Notice is available through the USDA Rural Development Web site at *http://www.rurdev.usda.gov/Energy.html.*

I. Funding Opportunity Description

A. *Purpose of the Rural Energy for America Program.* The program is designed to help agricultural producers and rural small businesses reduce energy costs and consumption and help meet the Nation's critical energy needs.

B. *Statutory Authority.* This program is authorized under 7 U.S.C. 8107.

C. *Definition of Terms.* The definitions applicable to this Notice are published at 7 CFR 4280.103. In addition, the following definition applies to this Notice.

Hybrid. A combination of two or more renewable energy technologies that are incorporated into a unified system to support a single project.

II. Award Information

A. *Available Funds.* The amount of funds available for renewable energy systems and energy efficiency improvements in Fiscal Year 2014 will be approximately $12.38 million in mandatory grant program level and approximately $57.8 million in guaranteed loan program level. For renewable energy system and energy efficiency improvement grant projects only, there will be an allocation of funds to each State, and the Rural Development's National Office will maintain a reserve of funds. To ensure compliance with 7 U.S.C. 8107–(e), the Agency will use not less than 20 percent of the funds made available to REAP in Fiscal Year 2014 to fund grants of $20,000 or less.

B. *Approximate Number of Awards.* The number of awards will depend on amount of funds made available and on the number of eligible applicants participating in this program.

C. *State and National Competitions.* Renewable energy system and energy efficiency improvement applications for Fiscal Year 2014 funds will compete for funds allocated to their State for competition. Separate competitions will be held for (1) grant only and grant and guaranteed loan combination applications; and (2) guaranteed loan only applications. Grant only and grant and guaranteed loan combination applications will have one State competition. All unfunded eligible grant only and grant and guaranteed loan combination applications received by July 7, 2014, will be competed against other grant only and grant and guaranteed loan combination applications from other States at a final national competition. National competitions will be held monthly for guaranteed loan only applications. A minimum score of 50 is required for guaranteed loan only applications to compete in the National competitions. Finally, all unfunded eligible guaranteed loan only applications received by July 31, 2014, will be competed against other guaranteed loan only applications from other States at a final national competition if the guaranteed loan reserves have not been completely depleted. If funds remain after the final guaranteed loan only national competition, the Agency may elect to utilize budget authority to fund additional grant only and grant and guaranteed loan combination applications that competed in the national competition.

D. *Type of Instrument.* Grant, guaranteed loan, and grant/guaranteed loan combinations.

E. *Funding Limitations.* The following funding limitations apply to applications submitted under this Notice.

(1) *Maximum grant assistance to an entity.* For the purposes of this Notice, the maximum amount of grant assistance to an entity will not exceed $750,000 for Fiscal Year 2014 based on the total amount of renewable energy system and energy efficiency improvement grants awarded to an entity under REAP.

(2) *Maximum percentage of Agency funding.* The Food, Conservation, and Energy Act of 2008, Public Law 110–234, 122 Stat. 93 (May 22, 2008) (2008 Farm Bill) mandates the maximum percentages of funding that USDA Rural Development will provide. Within the maximum funding amounts specified in this Notice, renewable energy system and energy efficiency improvement funding approved for guaranteed loan only requests and for combination guaranteed loan and grant requests will not exceed 75 percent of eligible project costs, with the grant portion not to exceed 25 percent of total eligible project costs, whether the grant is part of a combination request or is a stand-alone grant.

(3) *Renewable energy system and energy efficiency improvement grant-only applications.* For renewable energy system grants, the minimum grant is $2,500 and the maximum is $500,000. For energy efficiency improvement grants, the minimum grant is $1,500 and the maximum grant is $250,000.

(4) *Renewable energy system and energy efficiency improvement loan guarantee-only applications.* For renewable energy system and energy efficiency improvement loan guarantees, the minimum guaranteed loan amount is $5,000 and the maximum amount of a guaranteed loan to be provided to a borrower is $25 million.

(5) *Renewable energy system and energy efficiency improvement guaranteed loan and grant combination applications.* Funding for grant and loan combination packages for renewable energy systems and energy efficiency improvement projects are subject to the funding limitations specified in Section II.E.(2). The maximum amount for the grant portion is $500,000 for renewable energy systems and $250,000 for energy efficiency improvements. The minimum amount of the grant portion is $1,500 for either renewable energy systems or energy efficiency improvements. For the guarantee portion, the maximum amount is $25 million and the minimum amount is $5,000.

F. *Universal Identifier and System for Awards Management (SAM).* Unless exempt under 2 CFR 25.110, all applicants must:

(1) Be registered in the SAM prior to submitting an application or plan;

(2) Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by the Agency; and

(3) Provide its Dun and Bradstreet Data Universal Numbering System (DUNS) number in each application or plan it submits to the Agency.

(4) At the time the Agency is ready to make an award, if the applicant has not complied with paragraph F(1) through F(3) of this section, the Agency may determine the applicant is not eligible to receive the award.

G. *Transparency Act Reporting.* All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation in accordance with 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR 170.200(b).

III. Eligibility Information

A. *Eligible Applicants.* To be eligible for this program, an applicant must meet the eligibility requirements specified in 7 CFR 4280.109, 7 CFR 4280.110(c), and, as applicable, 7 CFR 4280.112, or 7 CFR 4280.122.

For the purpose of this Notice, and in addition to meeting the small business size determination as defined under small business in 7 CFR 4280.103, rural small business applicants must demonstrate that the majority (i.e., 51 percent or more) of their past 3 years' annual receipts from their business operation are derived from a rural area. If the rural small business applicant has not engaged in business operations for the past 3 years, then information for as long as the rural small business applicant has been in business must be submitted. To ensure that there is sufficient information for the Agency to make this determination, rural small business applicants, as part of their application requirements in 7 CFR 4280.116(b)(3)(v)(A), should list the physical address, total annual receipts, and number of employees for each urban or rural location. The Agency will make this determination for rural small business applicants that do not have any annual receipts (new businesses only) on the location of the rural small business applicant.

B. *Eligible Lenders.* To be eligible for this program, lenders must meet the eligibility requirements in 7 CFR 4280.130.

C. *Eligible Projects.* To be eligible for this program, a project must meet the eligibility requirements specified in 7 CFR 4280.113, and 7 CFR 4280.123, as applicable.

IV. Fiscal Year 2014 Application and Submission Information

Applicants seeking to participate in this program must submit applications in accordance with this Notice and 7 CFR part 4280, subpart B, as applicable. Applicants must submit complete applications containing all parts necessary for the Agency to determine applicant and project eligibility, to score the application, and to conduct the technical evaluation, as applicable in order to be considered. Due to the competitive nature of this program, information received by the Agency, that would impact the priority score and ranking of an application in Fiscal Year 2014 competitions cannot be considered

by the Agency if received after the dates published in the Dates section of this Notice.

A. Where To Obtain Applications

Applicants may obtain applications from any USDA Rural Development Energy Coordinator, as identified via the following link: *http://www.rurdev.usda.gov/BCP_Energy_CoordinatorList.html.* In addition, for grant applications, applicants may access the electronic grant application for REAP at *http://www.Grants.gov.* To locate the downloadable application package for this program, the applicant must use the program's CFDA Number 10.868 or FedGrants Funding Opportunity Number, which can be found at *http://www.Grants.gov.*

When you enter the Grants.gov site, you will find information about submitting an application electronically through the site. To use Grants.gov, all applicants must have a DUNS number (unless the applicant is an individual), which can be obtained at no cost via a toll-free request line at 1–866–705–5711 or online at *http://fedgov.dnb.com/webform.* USDA Rural Development strongly recommends that applicants do not wait until the application deadline date to begin the application process through Grants.gov.

B. When To Submit

Complete applications submitted under this Notice must be received by the appropriate USDA Rural Development State Office no later than 4:30 p.m. local time on the applicable date as identified in the **DATES** section of this Notice, in order to be considered for Fiscal Year 2014 funds. Any application received after 4:30 p.m. local time on the applicable date, regardless of the postmark on the application, will not be considered for Fiscal Year 2014 funds.

C. Where To Submit

All renewable energy system and energy efficiency improvement applications are to be submitted to the USDA Rural Development Energy Coordinator in the State in which the applicant's proposed project is located. A list of USDA Rural Development Energy Coordinators is available via the following link: *http://www.rurdev.usda.gov/BCP_Energy_CoordinatorList.html.* Alternatively, for grant only applications, applicants may submit their electronic applications to the Agency via the Grants.gov Web site.

D. How To Submit

Applicants may submit their applications either as hard copy or electronically as specified in the following paragraphs. When submitting an application as hard copy, applicants must submit one original.

(1) *Grant applications.* All grant applications may be submitted either as hard copy to the appropriate Rural Development Energy Coordinator or electronically using the Government-wide Grants.gov Web site. Users of Grants.gov who download a copy of the application package may complete it off line and then upload and submit the application via the Grants.gov site, including all information typically included on the application, and all necessary assurances and certifications. After electronically submitting an application through the Web site, the applicant will receive an automated acknowledgement from Grants.gov that contains a Grants.gov tracking number.

(2) *Guaranteed loan applications.* Guaranteed loan only applications (i.e., those that are not part of a guaranteed loan/grant combination request) must be submitted as hard copy.

(3) *Guaranteed loan/grant combination applications.* Applications for guaranteed loans/grants (combination applications) must be submitted as hard copy.

E. Other Submission Requirements and Information

(1) *Application restrictions.* Applicants may apply for only one renewable energy system project and one energy efficiency improvement project in Fiscal Year 2014.

(2) *Environmental information.* For the Agency to consider an application, the application must include all environmental review documents with supporting documentation in accordance with 7 CFR part 1940, subpart G. Any required environmental review must be completed in full prior to obligation of funds or the approval of the application.

(3) *Original signatures.* USDA Rural Development may request that the applicant provide original signatures on forms submitted through Grants.gov at a later date.

(4) *Form AD 2106.* Each applicant is requested to submit Form AD 2106, ''Form to Assist in Assessment of USDA Compliance with Civil Rights Laws,'' with their application. This form requests information on the applicant's race, ethnicity, and gender. The information contained in this form will allow the Agency to evaluate its outreach efforts to under-served and under-represented populations. Applicants are encouraged to furnish this form and the information requested with their application, but are not required to do so. Not furnishing this information will neither affect an applicant's eligibility nor the likelihood of an applicant receiving an award.

This form is available from any USDA Rural Development Energy Coordinator, as identified via the following link: *http://www.rurdev.usda.gov/BCP_Energy_CoordinatorList.html,* and from *http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home.*

(5) *Award considerations.* In determining the amount of a renewable energy system or energy efficiency improvement grant or loan guarantee, the Agency will consider the six criteria specified in 7 CFR 4280.115(g) or 7 CFR 4280.124(f), as applicable.

(6) *Hybrid projects.* If the application is for a hybrid project, technical reports, as required under 7 CFR 4280.116(b)(7), must be prepared for each technology that comprises the hybrid project.

(7) *Multiple facilities.* Applicants may submit a single application that proposes to apply the same renewable energy system (including the same hybrid project) or energy efficiency improvement across multiple facilities. For example, a rural small business owner owns five retail stores and wishes to install solar panels on each store. The rural small business owner may submit a single application for installing the solar panels on the five stores. However, if this same owner wishes to install solar panels on three of the five stores and wind turbines for the other two stores, the owner can only submit an application for either the solar panels or for the wind turbines in the same fiscal year.

V. Program Provisions

This section of the Notice identifies the provisions of 7 CFR 4280, subpart B applicable to each type of funding available under REAP.

A. General

The provisions specified in 7 CFR 4280.101 through 4280.111 apply to this Notice.

B. Renewable Energy System and Energy Efficiency Improvement Project Grants

In addition to the other provisions of this Notice, the requirements specified in 7 CFR 4280.112 through 4280.121 apply to renewable energy system and energy efficiency improvement projects grants.

C. Renewable Energy System and Energy Efficiency Improvement Project Guaranteed Loans

In addition to the other provisions of this Notice, the requirements specified in 7 CFR 4280.122 through 4280.160

apply to guaranteed loans for renewable energy system and energy efficiency improvement projects. For Fiscal Year 2014, the guarantee fee amount is 1 percent of the guaranteed portion of the loan and the annual renewal fee is 0.250 percent (one-quarter of 1 percent) of the guaranteed portion of the loan.

D. Renewable Energy System and Energy Efficiency Improvement Project Grant and Guaranteed Loan Combined Requests

In addition to the other provisions of this Notice, the requirements specified in 7 CFR 4280.165 apply to a combined grant and guaranteed loan for renewable energy system and energy efficiency improvement projects. Any applicant that submits a combined grant and guaranteed loan application will not be allowed to modify their application to a grant only or guaranteed loan only application after the applicable submission date and time, as identified in the **DATES** section of this Notice, and remain eligible for Fiscal Year 2014 funds.

E. Resubmittal of Fiscal Year 2013 Renewable Energy System and Energy Efficiency Improvement Applications

If an application for a project was submitted for the first time in Fiscal Year 2013 and that initial application was determined eligible but was not funded, the Agency will consider that initial Fiscal Year 2013 application for funding in Fiscal Year 2014 as provided in this section. If an applicant has already re-submitted in an earlier fiscal year (i.e. initial application was submitted in Fiscal Year 2012 or earlier), the applicant must submit a new application meeting the requirements of this Notice in order to be considered for Fiscal Year 2014 funds for that project and a new submission date of record will be established.

(1) *Written request.* An applicant must submit a written request for the Agency to consider its Fiscal Year 2013 application for Fiscal Year 2014 funds.

(i) For a guaranteed loan and grant combination application, both the lender and applicant must submit the written request to the Agency in order to be considered for Fiscal Year 2014 funds.

(ii) Except for simplified applications, the applicant must provide, with the written request, the applicant's current balance sheet and income statement that meets the program requirements outlined in 7 CFR 4280.116(b)(4). Notwithstanding the requirements outlined in 7 CFR 4280.116(b)(4), the current balance sheet and income statement must not be more than 90 days old relative to the date the applicant submits the written request.

(iii) The Agency is requesting that each applicant submit Form AD 2106, ''Form to Assist in Assessment of USDA Compliance with Civil Rights Laws,'' with their written request. This form requests information on the applicant's race, ethnicity, and gender. The information contained in this form will allow the Agency to evaluate its outreach efforts to under-served and under-represented populations. Applicants are encouraged to furnish this form and the information requested with their application, but are not required to do so. An applicant's eligibility or the likelihood of receiving an award will not be impacted by furnishing or not furnishing this information. This form is available from any USDA Rural Development Energy Coordinator, as provided in the **SUPPLEMENTARY INFORMATION** section of this Notice, and from *http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home.*

(iv) Written requests to consider Fiscal Year 2013 applications for Fiscal Year 2014 funds may be submitted at any time during Fiscal Year 2014, by the applicable submission date and time, identified in the **DATES** section of this Notice. Written requests received after the identified time and date will not be accepted by the Agency and the applicant's Fiscal Year 2013 application will not be considered for Fiscal Year 2014 funds and be withdrawn.

(2) *Balance sheet and income statements.* Upon receipt of the balance sheet and income statements required under paragraph E(1)(ii) of this Notice, the Agency will determine whether there is any change to the application's score. If there is a change to the application's score, then the provisions specified in paragraph E(3) apply. If there is no change to the application's score, then the provisions of either paragraph E(3) or E(4) apply as applicable.

(3) *Revisions/change in score to Fiscal Year 2013 applications.* If an applicant plans to make any revisions to its Fiscal Year 2013 application or if the current balance sheet and income statement submitted under paragraph E(1)(ii) of this Notice results in a change to the application's score (even if no other revisions to the Fiscal Year 2013 application are planned), a new application meeting the requirements of this Notice must be submitted in order to be considered for Fiscal Year 2014 funds and a new submission date of record will be established.

(4) *No revisions/changes in score to Fiscal Year 2013 applications.* If an applicant does not plan to make any revisions to its Fiscal Year 2013 application and the current balance and income statement submitted under paragraph E(1)(ii) of this Notice does not result in a change to the application's score, a new application is not required and the submission date of record remains unchanged from its original Fiscal Year 2013 submittal date.

F. Award Process

In addition to the process for awarding funding under 7 CFR 4280, subpart B, the Agency will make awards using the following considerations:

(1) *Funding renewable energy system and energy efficiency improvement grant and grant/guaranteed loan awards.* Considering the availability of funds, the Agency will fund those grant only applications and grant/guaranteed loan applications that score the highest based on the grant score of the application; that is, the grant score an application receives will be compared to the grant scores of other applications, with higher scoring applications receiving first consideration for funding.

(2) *Guaranteed loan only awards.* Considering the availability of funds, the Agency will fund those guaranteed loan only applications that score the highest compared to the scores of other applications, with higher scoring applications receiving first consideration for funding.

(3) *Evaluation criteria.* Agency personnel will score each application based on the evaluation criteria specified in 7 CFR 4280.117(c), or 7 CFR 4280.129(c), as applicable.

For hybrid applications, each technical report will be evaluated and scored based on its own merit. The scores for the technologies will be consolidated using a weighted average approach based on the percentage of the cost for each system to the total eligible project cost.

Example: A hybrid project contains a wind and solar photovoltaic components. The wind system will cost $30,000 (75 percent of total eligible project cost) and the solar will cost $10,000 (25 percent of total eligible project cost). The wind technical report was evaluated and assigned a total score of 22 points, while the solar report was evaluated and assigned a total score of 31 points. In this scenario, the final technical score would be assigned as follows: (22 × 75 percent) + (31 × 25 percent) = 24.25.

(4) *Applications that receive the same score.* If applications score the same and if remaining funds are insufficient to fund each such application, the Agency may distribute the remaining funds to a

lower scoring application. Before this occurs, the Agency will provide the applicants of the higher scoring applications the opportunity to reduce the amount of the applicants' request to the amount of funds available. If the applicant(s) agrees to lower their request, the applicant(s) must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project. At its discretion, the Agency may also elect to allow the remaining funds to be carried over to the next fiscal year rather than selecting a lower scoring application or distributing funds on a pro-rata basis.

VI. Administration Information

A. Notifications

(1) *Applicants.* The notification provisions of 7 CFR 4280.111 apply to this Notice.

(2) *Lenders.* The notification provisions of 7 CFR 4280.129(a) apply to this Notice.

B. Administrative and National Policy Requirements

(1) *Exception authority.* The provisions of 7 CFR 4280.104 apply to this Notice.

(2) *Appeals.* A person may seek a review of an Agency decision or appeal to the National Appeals Division in accordance with 7 CFR 4280.105.

(3) *Conflict of interest.* The provisions of 7 CFR 4280.106 apply to this Notice.

(4) *USDA Departmental Regulations and other laws that contains other compliance requirements.* The provisions of 7 CFR 4280.107 and 7 CFR 4280.108 apply to this Notice.

VII. Agency Contacts

For assistance on this program, please contact a USDA Rural Development Energy Coordinator, as identified via the following link: *http://www.rurdev.usda.gov/BCP_Energy_CoordinatorList.html.*

VIII. Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, 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.)

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/complaint_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.*

Individuals who are deaf, hard of hearing or have speech disabilities and you 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 18, 2014.

Andrew Jermolowicz,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2014–10054 Filed 5–2–14; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: Monthly Wholesale Trade Survey.

OMB Control Number: 0607–0190.

Form Number(s): SM4212–A, SM–4212–E.

Type of Request: Extension of a currently approved collection.

Burden Hours: 5,880.

Number of Respondents: 4,200.

Average Hours per Response: 7 minutes.

Needs and Uses: The Monthly Wholesale Trade Survey (MWTS) canvasses firms primarily engaged in merchant wholesale trade that are located in the United States, excluding manufacturers' sales branches and offices (MSBOs). This survey provides the only continuous measure of monthly wholesale sales, end-of-month inventories, and inventories-to-sales ratios. The sales and inventories estimates produced from the MWTS provide current trends of economic activity by kind of business for the United States. Also, the estimates compiled from this survey provide valuable information for economic policy decisions by the government and are widely used by private businesses, trade organizations, professional associations, and other business research and analysis organizations.

As one of the U.S. Census Bureau's principal economic indicators, the estimates produced by the MWTS are critical to the accurate measurement of total economic activity of the United States. The estimates of sales made by wholesale locations represent only merchant wholesalers, excluding MSBOs, who typically take title to goods bought for resale to other companies. Wholesalers normally sell to industrial distributors, retail operations, cooperatives, and other businesses. The sales estimates include sales made on credit as well as on a cash basis, but exclude receipts from sales taxes and interest charges from credit sales.

The estimates of inventories represent all merchandise held in wholesale locations, warehouses, and offices, as well as goods held by others for sale on consignment or in transit for distribution to wholesale establishments. The estimates of inventories exclude fixtures and supplies not for resale, as well as merchandise held on consignment, which are owned by others. Inventories are an important component in the Bureau of Economic Analysis' (BEA) calculation of the investment portion of the Gross Domestic Product (GDP).

We publish wholesale sales and inventories estimates based on the North American Industry Classification System (NAICS), which has been widely adopted throughout both the public and private sectors.

The Census Bureau tabulates the collected data to provide, with measurable reliability, statistics on sales, end-of-month inventories, and inventories-to-sales ratios for merchant wholesalers, excluding MSBOs.

The BEA is the primary Federal user of data collected in the MWTS. The BEA uses estimates from this survey to prepare the national income and product accounts (NIPA), input-output

accounts (I–O), and GDP by industry. End-of-month inventories are used to prepare the change in private inventories component of GDP. Sales are used to prepare estimates of real inventories-to-sales ratios in the NIPAs, extrapolate proprietors' income for wholesalers (until tax return data become available) in the NIPAs, and extrapolate annual current-dollar gross output for the most recent year in annual I–O tables, GDP-by-industry, and advance GDP-by-industry estimates.

The Bureau of Labor Statistics uses the data as input to its Producer Price Indexes and in developing productivity measurements. Private businesses use the wholesale sales and inventories data in computing business activity indexes. Other government agencies and businesses use this information for market research, product development, and business planning to gauge the current trends of the economy.

Affected Public: Business or other for-profit organizations.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

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

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

Dated: April 29, 2014

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–10172 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–35–2014]

Foreign-Trade Zone (FTZ) 177—Indianapolis, Indiana; Notification of Proposed Production Activity; Best Chair, Inc. d/b/a Best Home Furnishings (Upholstered Furniture); Ferdinand, Cannelton, and Paoli, Indiana

The Ports of Indiana, grantee of FTZ 177, submitted a notification of proposed production activity on behalf of Best Chair, Inc. d/b/a Best Home Furnishings (Best Home), located in Ferdinand, Cannelton, and Paoli, Indiana. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 22, 2014.

The Best Home facilities are located within Sites 5, 6, and 7 of FTZ 177 and currently have authority to conduct cut-and-sew activity using certain foreign micro-denier suede upholstery fabrics to produce upholstered furniture and related parts (upholstery cover sets) on a restricted basis (see, Board Order 1807, 77 FR 6536, 2–8–2012). Board Order 1807 authorized the production of upholstered furniture (sofas, sectionals, loveseats, chairs, and recliners) for a five-year period, with a scope of authority that only provides FTZ savings on a limited quantity (2.28 million square yards/year) of foreign origin, micro-denier suede upholstery fabric finished with a hot caustic soda solution process. All foreign upholstery fabric other than micro-denier suede fabric used in Best Home's production within FTZ 177 is subject to full customs duties.

The current request would add certain foreign status micro-denier suede fabrics finished with hot caustic soda and certain polyurethane fabrics to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Best Home from customs duty payments on the additional fabrics used in export production. On its domestic sales, Best Home would be able to apply the finished upholstery cover set (*i.e.,* furniture part) or finished furniture duty rate (free) for the additional fabrics (indicated below). Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The expanded scope of authority under FTZ procedures would only involve micro-denier suede upholstery fabrics finished with a hot caustic soda solution process (classified within HTSUS Headings 5407, 5512, 5515, 5516, 5801, and 5903), polyurethane fabrics backed with ground leather (5903.20.2500), and wet coagulation process, 100 percent polyurethane coated fabrics (5903.20.2500), as detailed in the notification (duty rate ranges from 7.5 to 14.9%). All other foreign upholstery fabrics used in the production activity would continue to be admitted to the zone in domestic (duty paid) status.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is June 16, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact *Pierre Duy at Pierre.Duy@trade.gov,* or (202) 482–1378.

Dated: April 28, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–10243 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–008]

Calcium Hypochlorite From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation

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

DATES: May 5, 2014.

FOR FURTHER INFORMATION CONTACT: Alexis Polovina or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3927, or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Postponement of Preliminary Determination

On January 14, 2014, the Department of Commerce (''Department'') published a notice initiating an antidumping duty investigation of calcium hypochlorite from the People's Republic of China.[1] The notice of initiation inadvertently stated that the Department, in accordance with section 733(b)(1)(A) of the Tariff Act of 1930, as amended (''the

[1] *See Calcium Hypochlorite from the People's Republic of China: Initiation of Antidumping Duty Investigation,* 79 FR 2410 (January 14, 2014).

Act'') and 19 CFR 351.205(b)(1), unless postponed, will issue its preliminary determination no later than 140 days after the publication date of this initiation, instead of the date of initiation. Section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1) states that the Department will make a preliminary determination no later than 140 days after the date of the initiation (*i.e.,* January 7, 2014), not 140 days after the publication date of the initiation. Accordingly, the preliminary determination of this antidumping duty investigation is currently due no later than May 27, 2014.

Pursuant to section 733(c)(1)(B) of the Act and 19 CFR 351.205(b)(2), the Department concludes that the parties involved in this investigation are cooperating and determines that this case is extraordinarily complicated by reason of the number and complexity of the transactions to be investigated and adjustments to be considered and the number of firms whose activities must be investigated. The Department determines that a 50-day postponement of the preliminary determination is needed in order to provide the Department with sufficient time to review and analyze questionnaire responses and issue appropriate requests for clarification and additional information.

For the reasons stated above, the Department, in accordance with section 733(c)(1)(B) of the Act, is postponing the deadline for the preliminary determination to no later than 190 days after the date on which the Department initiated this investigation. Therefore, the new deadline for the preliminary determination is July 16, 2014. In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–10252 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–843]

Prestressed Concrete Steel Rail Tie Wire From Mexico: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) determines that imports of prestressed concrete steel rail tie wire (PC tie wire) from Mexico are likely to be sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins are listed below in the section entitled ''Final Determination Margins.''

DATES: *Effective Date:* May 5, 2014.

FOR FURTHER INFORMATION CONTACT: Brandon Custard or Rebecca Trainor, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1823 or (202) 482–4007, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2013, the Department published in the **Federal Register** the preliminary determination of sales at less than fair value in the antidumping duty investigation of PC tie wire from Mexico.[1] The following events occurred since the preliminary determination was issued.

We issued a supplemental cost questionnaire to Aceros Camesa, S.A. de C.V. (Camesa) on December 16, 2013, and received a response to this supplemental questionnaire on December 23, 2013. Between December 11, 2013, and January 24, 2014, the Department conducted sales and cost verifications of Camesa, in accordance with section 782(i) of the Act.[2] On January 13, 2014, Camesa requested that the Department hold a hearing in this investigation. On February 26, 2014, Camesa withdrew its hearing request. On February 27, 2014, the petitioners[3] and Camesa submitted case briefs. On March 5, and March 6, 2014, the petitioners and Camesa submitted rebuttal briefs, respectively.

Period of Investigation

The period of investigation (POI) is April 1, 2012, through March 31, 2013.

Scope of the Investigation

The product covered by this investigation is high carbon steel wire; stress relieved or low relaxation; indented or otherwise deformed; meeting at a minimum the physical, mechanical, and chemical requirements of the American Society of Testing Materials (ASTM) A881/A881M specification; regardless of shape, size or alloy element levels; suitable for use as prestressed tendons in concrete railroad ties (PC tie wire). High carbon steel is defined as steel that contains 0.6 percent or more of carbon by weight.

PC tie wire is classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 7217.10.8045, but may also be classified under subheadings 7217.10.7000, 7217.10.8025, 7217.10.8030, 7217.10.8090, 7217.10.9000, 7229.90.1000, 7229.90.5016, 7229.90.5031, 7229.90.5051, 7229.90.9000, and 7312.10.3012. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum[4] which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix I. Based on our analysis of comments received, we made changes to the margin calculations which are described in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of

[1] *See Prestressed Concrete Steel Rail Tie Wire from Mexico: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 78 FR 75544 (December 12, 2013) (*Preliminary Determination*).

[2] *See* the ''Verification'' section, below.

[3] The petitioners in this investigation are Davis Wire Corporation and Insteel Wire Products Company.

[4] Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailng Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire From Mexico'' (April 28, 2014) (Issues and Decision Memorandum).

Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, see the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in December 2013 and January 2014, we verified the sales and cost information submitted by Camesa for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by Camesa.[5]

Continuation of Suspension of Liquidation

Pursuant to 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise from Mexico, entered, or withdrawn from warehouse, for consumption on or after December 12, 2013, the date of publication of the preliminary determination in the **Federal Register**. CBP shall require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. These instructions suspending liquidation will remain in effect until further notice.

Final Determination Margins

The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Aceros Camesa S.A. de C.V	9.99
All Others	9.99

The ''All Others'' rate is based on the weighted-average dumping margin calculated for Camesa, the only company individually examined and for which the Department calculated a rate.[6]

Disclosure

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

ITC Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of our final determination. As our final determination is affirmative, the ITC will determine within 45 days whether imports of the subject merchandise are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

Dated: April 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

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2. Calculation of the Constructed Value (CV) Selling Expense Ratio
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4. Preliminary Determination Unreconciled Difference
5. Cost Verification Findings
6. General and Administrative (G&A) Offsets
7. CV Profit

[FR Doc. 2014–10241 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–990]

Final Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Rail Tie Wire From the People's Republic of China

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

DATES: *Effective Date:* May 5, 2014.

SUMMARY: The Department of Commerce (the Department) determines that imports of prestressed concrete steel rail tie wire (PC tie wire) from the People's Republic of China (PRC) are being, or likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins for this investigation are listed in the ''Final Determination Margins'' section below.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Stephanie Arthur, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–2181.

SUPPLEMENTARY INFORMATION:

Background

The Department published the preliminary determination in the LTFV investigation of PC tie wire from the

[5] *See* Memorandum to the File, ''Verification of the Sales Response of WireCo World Group Inc. (WireCo) in the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from Mexico'' (February 14, 2014); Memorandum to the File, ''Verification of the Sales Response of Aceros Camesa, SA. De C.V. (Camesa) in the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from Mexico'' (February 14, 2014); and Memorandum to the File, ''Verification of the Cost Response of Aceros Camesa S.A. de C.V. in the Less-Than-Fair-Value Investigation of Prestressed Concrete Steel Rail Tie Wire from Thailand'' (February 18, 2014).

[6] *See* section 735(c)(5)(A) of the Act.

PRC on December 12, 2013.[1] The following events occurred since the preliminary determination was issued. Between January 8 and 14, 2014, the Department conducted verification of the mandatory respondent Silvery Dragon Group Technology and Trading Co., Ltd. Tianjin and its affiliated producers, Silvery Dragon Prestressed Materials Co., Ltd. Tianjin and Silvery Dragon Prestressed Materials Co., Ltd. Tianjin—Hejian Branch (collectively ''Silvery Dragon'').[2] On March 18, 2014, the petitioners[3] withdrew their January 3, 2014, request for a hearing.[4] As no other party in this proceeding requested a hearing, no hearing was held. On March 21, 2014, Silvery Dragon and the petitioners submitted case briefs.[5] On March 28, 2014, both interested parties submitted rebuttal briefs.[6]

Period of Investigation

The period of investigation (POI) is October 1, 2012, through March 31, 2013. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, which was April 2013.[7]

Scope of the Investigation

The product covered by the scope of this investigation is high carbon steel wire; stress relieved or low relaxation; indented or otherwise deformed; meeting at a minimum the physical, mechanical, and chemical requirements of the American Society of Testing Materials (ASTM) A881/A881M specification; regardless of shape, size or alloy element levels; suitable for use as prestressed tendons in concrete railroad ties (PC tie wire). High carbon steel is defined as steel that contains 0.6 percent or more of carbon by weight.

PC tie wire is classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 7217.10.8045, but may also be classified under subheadings 7217.10.7000, 7217.10.8025, 7217.10.8030, 7217.10.8090, 7217.10.9000, 7229.90.1000, 7229.90.5016, 7229.90.5031, 7229.90.5051, 7229.90.9000, and 7312.10.3012. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Issues and Decision Memorandum.[8] A list of the issues which the parties raised and to which the Department responded in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on the Department's analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, see the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act and 19 CFR 351.307(b)(1)(i), in January 2014, the Department verified the information submitted by Silvery Dragon for use in the final determination. The Department used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by Silvery Dragon.[9]

Final Determination Margins

The Department determines that the following weighted-average dumping margins exist for the period October 1, 2012, through March 31, 2013.

Exporter	Producer	Weighted-average dumping margin (percent)
Silvery Dragon Group Technology and Trading Co., Ltd. Tianjin	Silvery Dragon Prestressed Materials Co., Ltd. Tianjin.	31.40
PRC-wide Entity [10]		35.31

[1] *See Prestressed Concrete Steel Rail Tie Wire From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 78 FR 75545 (December 12, 2013) (*Preliminary Determination*).

[2] *See* the ''Verification'' section below.

[3] The petitioners are Davis Wire Corporation and Insteel Wire Products Company.

[4] *See* Letter from the petitioners to the Secretary of Commerce, ''Investigation of Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China—Request for Rebuttal Brief Extension and Withdrawal of Hearing Request,'' dated March 18, 2014.

[5] *See* Letter from Silvery Dragon to the Secretary of Commerce, ''Silvery Dragon Case Brief: Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China,'' dated March 21, 2014; *see also* Letter from the Petitioners to the Secretary of Commerce, ''Investigation of Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China: Petitioners' Case Brief,'' dated March 21, 2014.

[6] *See* Letter from Silvery Dragon to the Secretary of Commerce, ''Silvery Dragon Rebuttal Case Brief: Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China,'' dated March 28, 2014; *see also* Letter from the Petitioners to the Secretary of Commerce, ''Investigation of Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China: Petitioners' Rebuttal Case Brief,'' dated March 28, 2014.

[7] *See* 19 CFR 351.204(b)(1).

[8] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China: Issues and Decision Memorandum for the Final Determination of Sales at Less Than Fair Value,'' dated concurrently with this notice (Issues and Decision Memorandum).

[9] *See* Memorandum to the File through James Maeder, Office Director, AD/CVD Operations, Office 2 and Irene Darzenta Tzafolias, Program Manager, AD/CVD Operations, Office 2, from Brian Smith, Senior International Trade Analyst, AD/CVD Operations, Office 2 and Stephanie Arthur, Senior Accountant, Office of Accounting, ''Verification of the Sales and Factors Response of Silvery Dragon Group Technology and Trading Co., Ltd., Silvery Dragon Prestressed Materials Co., Ltd. Tianjin, and Silvery Dragon Prestressed Materials Co., Ltd. Tianjin—Hejian Branch in the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from the People's Republic of China (PRC),'' dated March 13, 2014 (Verification Report).

Disclosure

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

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of PC tie wire from the PRC as described in the ''Scope of the Investigation'' section, which were entered, or withdrawn from warehouse, for consumption on or after December 12, 2013, the date of publication of the *Preliminary Determination* in the **Federal Register**. Further, the Department will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price as follows: (1) For the exporter/producer combination listed in the table above, the cash deposit rate will be equal to the dumping margin which the Department determined in this final determination; (2) for all combinations of PRC exporters/producers of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the dumping margin established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension-of-liquidation instructions will remain in effect until further notice.

ITC Notification

In accordance with section 735(d) of the Act, we notified the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. As the Department's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise, or sales (or the likelihood of sales) for importation, of the subject merchandise. If the ITC determines that such injury does not exist, this proceeding with be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Return or Destruction of Proprietary Information

This notice also serves as a reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of propriety information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation,

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: April 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

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8. Electricity Surrogate Value
9. Electricity Consumption Factor Adjustment
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11. Treatment of Transportation Expenses in Surrogate Financial Ratio Calculations

[FR Doc. 2014–10240 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–DS–P

[10] The PRC-wide entity includes Wuxi Jinyang Metal Products Co., Ltd. and Shanxi New-Mile International Trade Co., Ltd. Each of these entities withheld necessary information within the meaning of section 776(a) of the Tariff Act of 1930, as amended (the Act), and failed to act to the best of its ability to comply with the Department's requests for information within the meaning of section 776(b) of the Act. Therefore, we applied adverse facts available, determining that these entities were part of the PRC-wide entity. *See* Issues and Decision Memorandum for further discussion.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–829]

Final Determination of Sales at Not Less Than Fair Value: Prestressed Concrete Steel Rail Tie Wire From Thailand

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

SUMMARY: The Department of Commerce (the Department) determines that imports of prestressed concrete steel rail tie wire (PC tie wire) from Thailand are not being, nor are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margin is listed below in the section entitled ''Final Determination Margins.''

DATES: *Effective Date:* May 5, 2014.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–1280, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2013, the Department published in the **Federal Register** the preliminary determination of sales at not less than fair value in the antidumping duty investigation of PC tie wire from Thailand.[1] The following events occurred since the preliminary determination was issued.

We issued supplemental sales and cost questionnaires to The Siam Industrial Wire Co., Ltd. (SIW) and received responses to these supplemental questionnaires in December 2013. Also, in December 2013, SIW submitted revised sales and cost databases pursuant to the Department's requests.

On December 15, 2013, we received an allegation from the petitioners that the Department made a ministerial error

[1] *See Prestressed Concrete Steel Rail Tie Wire from Thailand: Preliminary Determination of Sales at Not Less Than Fair Value and Postponement of Final Determination,* 78 FR 75547 (December 12, 2013) (*Preliminary Determination*).

in its preliminary determination dumping margin calculation with respect to the adjustment of SIW's raw material costs. On December 17, 2013, SIW submitted a letter objecting to the petitioners' allegation. On December 18, 2013, the Department determined that the petitioners' allegation did not involve a ministerial error as defined by 19 CFR 351.224(f). Accordingly, we made no changes to our preliminary margin calculation.

On January 6, 2014, and January 8, 2014, respectively, the petitioners and SIW requested that the Department hold a hearing in this investigation. On March 12, 2014, both parties withdrew their hearing requests.

Between January 20, 2014, and February 7, 2014, the Department conducted sales and cost verifications of SIW, in accordance with section 782(i) of the Act.[2] On March 14, 2014, the Department requested that SIW submit revised U.S. and third-country sales listings to reflect certain verification findings. SIW submitted the revised sales listings on March 21, 2014.

On March 20, 2014, and March 27, 2014, the petitioners and SIW submitted case and rebuttal briefs, respectively.

Period of Investigation

The period of investigation (POI) is April 1, 2012, through March 31, 2013.

Scope of the Investigation

The product covered by this investigation is high carbon steel wire; stress relieved or low relaxation; indented or otherwise deformed; meeting at a minimum the physical, mechanical, and chemical requirements of the American Society of Testing Materials (ASTM) A881/A881M specification; regardless of shape, size or alloy element levels; suitable for use as prestressed tendons in concrete railroad ties (PC tie wire). High carbon steel is defined as steel that contains 0.6 percent or more of carbon by weight.

PC tie wire is classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 7217.10.8045, but may also be classified under subheadings 7217.10.7000, 7217.10.8025, 7217.10.8030, 7217.10.8090, 7217.10.9000, 7229.90.1000, 7229.90.5016, 7229.90.5031, 7229.90.5051, 7229.90.9000, and 7312.10.3012. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

[2] *See* the ''Verification'' section, below.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum [3] which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, see the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Verification

As provided in section 782(i) of the Act, in January and February 2014, we verified the sales and cost information submitted by SIW for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by SIW.[4]

Final Determination Margins

The weighted-average dumping margin is as follows:

[3] Memorandum from Christian Marsh to Paul Piquado, ''Issues and Decision Memorandum for the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from Thailand'' (April 28, 2014) (Issues and Decision Memorandum).

[4] *See* the memoranda entitled: ''Verification of the Sales Responses of the Siam Industrial Wire Co., Ltd. and Tata Steel International (Americas) Inc. in the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wire from Thailand,'' dated March 5, 2014; and ''Verification of the Cost Response of Siam Industrial Wire Co., Ltd. in the Antidumping Duty Investigation of Prestressed Concrete Steel Rail Tie Wires from Thailand,'' dated March 6, 2014.

Exporter/manufacturer	Weighted-average dumping margin (percent)
The Siam Industrial Wire Co., Ltd	0.00

Consistent with section 735(c)(1) of the Act, the Department has not determined an estimated all-others rate because it has not made an affirmative final determination of sales at less than fair value.

Disclosure

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

Suspension of Liquidation

Because the estimated weighted-average dumping margin for the examined company is *de minimis,* we are not directing U.S. Customs and Border Protection to suspend liquidation of entries of PC tie wire from Thailand.

ITC Notification

In accordance with section 735(d) of the Act, we notified the ITC of our final determination. As our final determination is negative, this proceeding is terminated.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act.

Dated: April 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues in Decision Memorandum

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[FR Doc. 2014–10237 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Safety and Security Business Development Mission to Morocco, Algeria and Egypt; March 4–12, 2015

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The United States Department of Commerce, International Trade Administration is organizing an Executive-led Business Development Mission to Morocco, Algeria and Egypt with an optional stop in Lebanon, March 4–12, 2015. The purpose of this mission is to help U.S. firms in the safety and security industry find business partners and sell products and services in North Africa. The targeted sector for participation in this Business Development Mission is safety and security, including U.S.-based manufacturers of safety and security equipment, U.S. based providers of safety and security services, and U.S. trade associations promoting U.S. safety and security products and services.

The mission will include stops in Rabat and Casablanca, Morocco; Algiers, Algeria; and Cairo, Egypt, where participants will receive market briefings and participate in customized meetings with key officials and prospective partners. There will be an optional stop in Beirut, Lebanon. The mission supports President Obama's National Export Initiative (NEI) to strengthen the U.S. economy and U.S. competitiveness through meaningful job creation. The mission will help U.S. companies already doing business in Morocco, Algeria and Egypt increase their footprint and deepen their business interests.

The mission will help participating firms and associations gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of increasing U.S. exports of products and services to Morocco, Algeria and Egypt. The mission will include one-on-one business appointments with pre-screened potential buyers, agents, distributors and joint venture partners; meetings with state and local government officials and industry leaders; and networking events. Participating in an official U.S. industry delegation, rather than traveling to Morocco, Algeria and Egypt on their own, will enhance the companies' ability to secure meetings in Morocco, Algeria and Egypt.

All safety and security companies, including U.S.-based manufacturers of safety and security equipment, U.S. based providers of safety and security services, and U.S. trade associations promoting U.S. products and services in the safety and security sector, are encouraged to apply.

Commercial Overview

U.S. companies specializing in safety and security technologies and solutions will find burgeoning opportunities in North Africa, particularly in Morocco, Algeria, and Egypt. These countries represent the top three export markets for U.S. companies in North Africa. Morocco, Algeria and Egypt also have a wide variety of critical tourism, logistics, transportation, and energy infrastructure platforms and assets that are essential for ongoing economic growth and stability which must be protected. All three markets also maintain long, remote borders, where arms, illicit goods trading and terrorist and criminal elements have been known to pass with relative ease, which in light of ongoing instability in the region, have dramatically increased the need and interest by all three governments in a wide variety of U.S. border monitoring and protection solutions, equipment, and expertise.

Long standing and close bilateral cooperation between the U.S. Government and the governments of Morocco, Algeria and Egypt in a number of areas including drug trafficking, terrorism, international crime, and defense set a positive tone and provide a strong foundation upon which U.S. safety and security sector firms can find commercial success.

The Government of Morocco, for instance, works closely with the U.S. Government in customs and port security, defense cooperation, and drug trafficking. As the country aspires to become the region's leading manufacturing and re-export hub between Europe and West Africa, Moroccan agencies increasingly seek protection solutions for the Tanger Med port, railways, and ports. As a major international tourism destination, Morocco's economy greatly depends on hard currency derived from the tourism industry and therefore the government is constantly seeking upgrades to immigration processing, luggage handling, bomb detection and intrusion prevention solutions for tourism facilities throughout the country.

Algeria, a country which is all too familiar with internal unrest and terrorism, is ever vigilant in controlling internal terrorist elements and cross border security threats, and in light of the deadly In Amenas terrorist attack on a remote drilling site in the south of the country in January 2013, the country is extremely cognizant of the ongoing threats to its extensive oil and gas field infrastructure. U.S. safety and security firms have historically done very well in the Algerian market despite the country's overall gravitation towards Europe, and Algeria is keen on procuring new, cutting edge U.S. solutions.

Egypt likewise expects to witness an increase in demand for safety and security products and services over the next few years. The Egyptian government has set an objective to dramatically enhance its safety measures, which will require security upgrades of all the airports, seaports, and public facilities. The Ministry of Interior is doing its best to create new horizons for investment in security technology within the Egyptian market and companies with a reputation for cutting-edge technologies will have an advantage.

The Business Development Mission will include one-on-one business appointments with pre-screened potential buyers, agents, distributors and joint venture partners; meetings with national and regional government officials, chambers of commerce, and business groups; and networking receptions for companies interested in expansion into the North African markets. Meetings will be offered with government authorities that can address questions about policies, tariff rates, incentives, regulation, etc.

Commercial Setting in Morocco, Algeria and Egypt

Morocco

Strategically located along the Strait of Gibraltar just a seven-hour flight from JFK and three hours from Paris,

Morocco is seen more and more as a regional hub in North West Africa for transportation and business. Morocco's moderate Mediterranean climate and its developing infrastructure make it an attractive location for business and leisure. Morocco's Association Agreement and Advanced Status with the European Union (EU) have spurred manufacturing development in Morocco, an activity that has also been heightened by the U.S.-Morocco Free Trade Agreement (FTA). The U.S.-Morocco FTA is one of the most comprehensive free trade agreements that the U.S. has ever negotiated. The FTA provides U.S. exporters increased access to the Moroccan market by eliminating tariffs on more than 95% of consumer and industrial goods. It helps to level the playing field with European competition and provides enhanced protection for U.S. intellectual property. Moroccan officials have stated their view that the FTA is a catalyst to accelerate and reinforce the country's economic reform process by allowing greater competition and the formation of international partnerships in key sectors such as insurance and banking, and by greatly liberalizing the Moroccan textile and agricultural tariff structures.

U.S. safety and security firms will enjoy significant opportunities in Morocco. The country has successfully maintained internal security in a region where Arab Spring revolts have resulted in unprecedented instability, and the government's highest priority is protecting its people, economy and political system from terrorist and criminal elements in the wider neighborhood. Morocco's geographic location as a gateway to Europe also requires the protection of borders and checkpoints against illegal immigration, human trafficking and narcotics. Customs and ports agreements with the United States and other countries require Morocco to implement major upgrades at airports, seaports, border crossings, and government buildings.

The Moroccan market for safety and security equipment and services is expected to increase by 20% in the next five years. Local production is nonexistent and therefore imported safety and security products supply nearly 95% of the entire market, which until recently, was dominated by European firms. Morocco's implementation of an ambitious infrastructure development plan that includes ports, airports, hospitals, power plants, and new logistics platforms increases sales opportunities for U.S. safety and security equipment and expertise. In addition, as Morocco depends on international tourism for economic growth, hotels and various tourism facilities provide constant opportunities for U.S. firms in this sector, and the current Open Skies Agreements with European Union and U.S. air space require continuous upgrades of safety and security equipment and procedures in airports. Moreover, the U.S.-Morocco Strategic Dialogue, initiated in 2012, has a considerable security component that builds on a long history of U.S.-Morocco security and military cooperation.

Specific opportunities for U.S. companies in Morocco include but are not limited to: All security and safety equipment and related solutions for seaports, airports, border crossings, security and safety agencies such as the police, and buildings; integrated monitoring and surveillance solutions; luggage screening devices; fire prevention and control equipment, alarm equipment for building safety, emergency evacuation systems; radio communication systems; and inspection equipment for containers and seaport cargo.

Algeria

Algeria is the largest country in Africa and the Arab World with a total landmass of 2.38m sq. km. The country is rich in natural resources; an Organization of the Petroleum Exporting Countries member, Algeria has the tenth-largest reserves of natural gas in the world and is the sixth-largest gas exporter and ranks 16th in oil reserves. Thanks to strong hydrocarbon revenues, the government of Algeria has a cushion of $200 billion in foreign currency reserves and a large hydrocarbon stabilization fund. In addition, Algeria's external debt is extremely low at about 2% of GDP. Algeria is still largely unexplored and foreign firms are increasingly investing in joint ventures.

The government is making efforts to diversify the economy by attracting foreign and domestic investment outside the energy sector. Public spending has increased by 27% annually during the past five years. Long-term economic challenges include diversification from hydrocarbons, relaxing state control of the economy, reducing bureaucracy and improving transparency, and providing adequate jobs for younger Algerians. The government launched an investment plan (2010–14), and a $286 billion program for major infrastructure programs not only in safety & security equipment, but also transport, telecommunications, energy, and healthcare.

Safety and security solutions have long constituted a pillar of U.S.-Algerian commercial ties. The Algerian government and society at large have witnessed major upheaval, revolt and instability over the past 25 years, most notably the black years of the 1990's when 200,000 people were killed in government insurrection, reprisals and infighting. While the government has emerged mostly unscathed from regional Arab Spring revolts, elements exist in Algeria that could undermine the country's security situation. The In Amenas hostage crisis in southern Algeria in January 2013 where 39 foreign workers were killed is a case in point. The Algerian government is determined to combat terrorist and criminal forces throughout its expansive territory, and the U.S. Government enjoys a healthy working relationship with the Algerian Government in this effort.

Algeria is a rich country which highly prioritizes safety and security solutions, and U.S. firms have had considerable ongoing success in this sector. In addition, Algeria has recently demonstrated over the past 2–3 years a tangible affinity for American solutions across the board. Opportunities in the safety and security sector in Algeria fall into the following prime categories: (a) Monitoring and protecting its expansive borders with Morocco, Mauritania, Mali, Niger, Libya and Tunisia; (b) Protecting thousands of miles of oil and natural gas pipelines and facilities throughout remote desert areas; (c) Protecting government buildings, infrastructure and major entry points into the country such as airports and seaports; and (d) Cyber monitoring technologies which have also become of significant interest to a variety of Algerian Government agencies.

Opportunities for U.S. safety and security companies in Algeria include but are not limited to: Infrastructure protection solutions for seaports, airports, border crossings, security and safety agencies such as the police, and buildings; cyber security monitoring; fire prevention and control equipment, alarm equipment for building safety, emergency evacuation systems; radio communication systems; border surveillance and inspection technologies; forensic solutions; unmanned air vehicles (UAVs); and oil and gas pipeline security solutions.

Egypt

With a population of over 85 million and a GDP of $219 billion the Egyptian economy is one of the largest in the Arab World, and the second largest in the Middle East and North Africa. The United States is Egypt's largest bilateral trading partner, and Egypt is the fourth

largest export market for U.S. products and services in the Middle East. In 2013, bilateral trade was $6.8 billion, reflecting a drop from 2012 as a result of a decline in Egyptian exports. Egypt is a significant importer of American agricultural commodities, machinery, and equipment. U.S. firms will find business opportunities in energy, transportation, healthcare, IT & telecommunications, and agribusiness. The GOE has also announced the construction of new water plants in Upper Egypt has part of the upgrading of this region. Tourism, as the largest earner of foreign exchange and employer of more than 10% of Egyptian workers, also offers strong possibilities. Expansions among the Red Sea resorts provide increasing opportunities for exporters of hotel equipment and environmental management services. Airports and other infrastructure being built to serve the new resorts also offer excellent prospects for U.S. exporters and investors. Tourism along the Red Sea coast continues to grow, and the government is advocating development along the Mediterranean coast as well. These opportunities continue to attract U.S. project management expertise, building systems and equipment.

Egypt possesses the fundamentals to become a business hub in North Africa and the Middle East: Great geographic location linking two continents, and abundance in young skilled human resources. In January 2014, Egypt's constitution was ratified by a majority through a referendum. Presidential elections are expected by early summer 2014 and parliamentary elections will follow shortly thereafter. Public and private sector representatives believe that a permanent government will serve as a catalyst for economic activity.

The safety and security industry is booming throughout Egypt as the country deals with increased security issues ranging from private citizen safety to transaction fraud. Safety and security imports to Egypt have increased 10–15% annually for the past few years and U.S. brands are well received. This is primarily a government market, dominated by the Ministry of Interior and Ministry of Defense, though both government and the private sector are reevaluating and upgrading security systems and technologies at all sites. The government of Egypt has set an objective to dramatically enhance its safety measures, which will require security upgrades of all the airports, seaports, and public facilities. The overall imports required were estimated at about $305 million in 2013. The U.S. market share is about 25% (non-governmental).

As the country works to increase tourism over the next few years, airports and seaports will need upgraded security systems. Police and customs authorities will also have an increased need for such systems. Egypt has eight major ports and three cross-country borders that require significant security measures. In its fight against drug smuggling and counterfeit products, Egypt requires container scanning and shipment tracking devices. Egypt is also looking at container scanning upgrades and seafarer identification cards for more secure identification and synchronizing systems to coordinate security measures and responses. Accordingly, opportunities exist for U.S firms providing short-range radar systems, surveillance cameras, infrared and radiological detectors, vessel tracking MIS, biometric scanners, personnel databases, computer peripherals, and systems integration equipment.

Specific opportunities for U.S. companies in Egypt include but are not limited to: Search and rescue equipment, access control & alarm systems, CCTV and electronic surveillance equipment, walk through and handheld metal detectors, border and perimeter control, bomb detection equipment, uniforms, protective apparel & accessories (industrial) and x-ray and scanning equipment.

Optional Stop—Lebanon

Lebanon has a population of 4.2 million and it was the 77th largest U.S. export market in 2013. Around 5% ($1 billion) of Lebanon's total imports came from the United States in 2013. Lebanon's economy follows a laissez-faire model; generally the economy is dollarized and capital moves freely across borders. However, Lebanon is challenged by a high level of public debt and large external financing needs. Impediments to foreign investment include arbitrary licensing decisions, complex customs procedures, an ineffectual judicial system, high taxes & fees, unreliable internet services, and a lack of adequate intellectual property protection. Moreover, domestic tension and political and security instability, largely due to spillover effects from the Syrian crisis, are expected to continue.

With the ongoing political and security instability in Lebanon and the increasing security threats as a result of the spillover from Syria, the country's demand for safety and security equipment remains high and is expected to grow steadily in the coming years. The safety and security market in Lebanon is very much dominated by government agencies which are represented by the Ministry of Interior, Ministry of Defense, Lebanese Armed Forces, Internal Security Forces, Surete Generale, Civil Defense Directorate, Lebanese Customs Authority, Beirut International Airport, Central Bank of Lebanon, Beirut Port and Civil Aviation Authority. The Ministry of Interior, which includes the Internal Security Forces and Surete Generale, is tasked with internal and border security responsibilities ranging from internal safety to drugs and weapons smuggling and illegal entry of foreigners to Lebanon. It is expected to launch a tender in the near future for an international bid for the production of biometric passports.

Demand for safety and security equipment and services within the private sector is also high. Private sector entities include shopping malls, hotels, banks, universities and private security companies. They are always looking for the latest technology available in financial and network security, surveillance systems, robbery and burglary systems, alarm signaling equipment, safes and vaults, metal detectors, x-ray and handheld scanners and fire protection systems.

Although Lebanon is a price sensitive market, quality is an important factor, particularly in safety and security equipment. U.S. products face strong competition from Chinese, Japanese, British, German, Italian and French products. East Asian products also compete strongly in the commercial and household sectors. However, the increasing demand for high-quality security equipment and services gives a big advantage to American companies, which enjoy an excellent reputation in Lebanon due to their high reliability.

Other Products and Services

The foregoing analysis of the safety and security opportunities in Morocco, Algeria and Egypt is not intended to be exhaustive, but illustrative of the many opportunities available to U.S. businesses. Applications from companies selling products or services within the scope of this mission, but not specifically identified, will be considered and evaluated by the U.S. Department of Commerce. Companies whose products or services do not fit the scope of the mission may contact their local U.S. Export Assistance Center (USEAC) to learn about other business development missions and services that may provide more targeted export opportunities. Companies may call 1–800–872–8723, or go to *http://help.export.gov/* to obtain such information. This information also may

be found on the Web site: *http://www.export.gov.*

Mission Goals

The purpose of this trade mission is to introduce U.S. firms to the rapidly expanding market for safety and security products and services in Morocco, Algeria and Egypt. The mission will help participating firms and trade associations gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of increasing U.S. exports to Morocco, Algeria and Egypt.

PROPOSED TIMETABLE

Date	Day	Activity
March 3, 2015	Tuesday—Rabat	Suggested Arrival Rabat.
March 4, 2015	Wednesday—Rabat	Mission Meetings Officially Start; Country briefing with U.S. Embassy staff; Networking Reception.
March 5, 2015	Thursday—Rabat/Casablanca	Government meetings; Late afternoon travel to Casablanca; Networking Reception.
March 6, 2015	Friday—Casablanca	Business meetings.
March 7, 2015	Saturday—Casablanca/Algiers	Travel to Algeria.
March 8, 2015	Sunday—Algiers	Country briefing with U.S. Embassy staff; Government meetings; Networking Reception.
March 9, 2015	Monday—Algiers	Business meetings.
March 10, 2015	Tuesday—Algiers/Cairo	Travel to Cairo.
March 11, 2015	Wednesday—Cairo	Country briefing with U.S. Embassy staff; Business meetings; Networking Reception.
March 12, 2015	Thursday—Cairo/Lebanon (optional)	Government Meetings; Mission ends; Dinner on the Nile River (optional); Travel to Lebanon (optional).
March 13, 2015	Friday—Beirut (optional)	Country briefing with U.S. Embassy staff; Business and Government meetings; Networking Event; Lebanon add-on concludes.

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the DOC. All applicants will be evaluated, on a rolling basis, on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 15 and maximum of 20 firms and/or trade associations will be selected to participate in the mission from the applicant pool.

Fees and Expenses

After a firm or trade association has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee for the Business Development Mission will be $3,300.00 for small or medium-sized enterprises (SME) [1] and trade associations; and $5,000.00 for large firms or trade associations. The fee for each additional firm representative (large firm or SME/trade organization) is $750. A minimum of one company and a maximum of five companies can participate in the optional stop to Lebanon. The fee for the optional stop in Lebanon is $700 for an SME and $1300 for a large company. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each mission participant. Interpreter and driver services can be arranged for additional cost. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation, and air transportation from the U.S. to the mission sites, between mission sites, and return to the United States. Business visas may be required. Government fees and processing expenses to obtain such visas are also not included in the mission costs. However, the U.S. Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas.

Conditions for Participation

An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services primary market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.

Companies must provide certification of products and/or services being manufactured or produced in the United States or if manufactured/produced outside of the United States, the product and/or service is marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished good or service. In the case of a trade association or trade organization, the applicant must certify that, for each company to be represented by the trade association or trade organization, the products and services the represented company seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least fifty-one percent U.S. content.

The following criteria will be evaluated in selecting participants:

- Suitability of the company's (or in the case of a trade association/organization, represented companies') products or services to the mission goals and the markets to be visited as part of this trade mission.
- Company's (or in the case of a trade association/organization, represented companies') potential for business in each of the markets to be visited as part of this trade mission.
- Consistency of the applicant's (or in the case of a trade association/organization, represented companies') goals and objectives with the stated scope of the mission.

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see *http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

Diversity of company size and location may also be considered during the review process.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeline for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*http://export.gov/trademissions*) and other Internet Web sites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the mission will begin immediately and conclude on January 15, 2015. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis beginning September 1, 2014 until the maximum of 20 participants is selected. Applications received after January 15, 2015, will be considered only if space and scheduling constraints permit.

Contacts:

Frank Spector, Trade Missions Office, U.S. Department of Commerce, Washington, DC 20230, Tel: 202–482–2054, Fax: 202–482–9000, *Frank.Spector@trade.gov.*

Ann Bacher, Regional Senior Commercial Officer, U.S. Embassy, Cairo, Egypt, Tel: +20–2–2797–2298, Fax: + 20–2–2795–8368, *Ann.Bacher@trade.gov.*

Paul Matino, Senior International Trade Specialist, Baltimore U.S. Export Assistance Center, Tel: 410–962–4539 Ext. 108, *Paul.Matino@trade.gov.*

Frank Spector,

Lead International Trade Specialist.

[FR Doc. 2014–10205 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; NIST Summer Institute for Middle School Science Teachers and NIST Research Experience for Teachers Application Requirements

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 7, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Susan Heller-Zeisler, 301–975–3111, *Susan.Heller-Zeisler@nist.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request to extend the expiration date of this approved information collection.

The NIST Summer Institute for Middle School Science Teachers (NIST Summer Institute) and the NIST Research Experience for Teachers (NIST RET) are competitive financial assistance (cooperative agreement) programs designed to support middle school science teachers to participate in hands-on workshops, lectures, tours, visits, or in scientific research with scientists and engineers in NIST laboratories in Gaithersburg, Maryland. The workshops provide teachers with instructional information and ideas to use in their teaching, and emphasize the measurement science done at NIST. The Program provides a world-class opportunity for those teaching our nation's next generation of scientists to learn more about the subjects they teach and the research in those subjects at NIST, and to offer a platform from which teachers can inspire their students to pursue careers in science, technology, engineering, and mathematics (STEM).

To receive funding, nominated teachers must submit applications through their U.S. public schools districts or U.S. accredited private educational institutions for potential selection to participate in the NIST Summer Institute or the NIST RET. This request is for the information collection requirements associated with applying for funding. The information is used to perform the requisite reviews of the application to determine if an award should be granted.

II. Method of Collection

Applications may be submitted electronically via *http://www.grants.gov.*

III. Data

OMB Control Number: 0693–0059.

Form Number(s): NIST–1103.

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

Affected Public: Middle school (Grades 6–8) science teachers in a U.S. public school district or U.S. accredited private educational intuition.

Estimated Number of Respondents: 100.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 100.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 29, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–10173 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Greater Atlantic Region Vessel Identification Collection

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or July 7, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jason Berthiaume, (978) 281–9177 or *Jason.Berthiaume@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection. Regulations at 50 CFR 648.8 and § 697.8 require that owners of vessels over 25 ft (7.6 m) in registered length that have Federal permits to fish in the Greater Atlantic Region display the vessel's name and official number. The name and number must be of a specific size at specified locations: the vessel name must be affixed to the port and starboard sides of the bow and, if possible, on its stern. The official number must be displayed on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The display of the identifying characters aids in fishery law enforcement.

II. Method of Collection

No information is submitted to NOAA Fisheries as a result of this collection.

III. Data

OMB Control Number: 0648–0350.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals and households; business or other for-profit organizations.

Estimated Number of Respondents: 4,513.

Estimated Time per Response: 45 minutes to affix vessel name and registration number to the vessel.

Estimated Total Annual Burden Hours: 3,385.

Estimated Total Annual Cost to Public: $33,850 for paintbrushes, paint, and stencils.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 30, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–10198 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Weather Modification Activities Reports

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before July 7, 2014.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Karen Williams, (301) 734–1196 or *karen.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Section 6(b) of Public Law 92–205 requires that persons who engage in weather modification activities (e.g., cloud seeding) provide reports prior to and after the activity. They are also required to maintain certain records. The requirements are detailed in 15 CFR part 908. NOAA uses the data for scientific research, historical statistics, international reports and other purposes.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0025.

Form Number: NOAA Forms 17–4 and 17–4A.

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

Affected Public: Business or other non-profit organizations.

Estimated Number of Respondents: 55.

Estimated Time per Response: 30 minutes per report (2 reports each).

Estimated Total Annual Burden Hours: 55.

Estimated Total Annual Cost to Public: $275 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 29, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–10174 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD254

Greater Atlantic Regional Fisheries Office's Geographic Information Systems Program; Availability of Files

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

ACTION: Notice, process for making GIS files available; opportunity to comment

SUMMARY: This notice announces the process for making available Geographic Information System files representing fisheries and regulated areas that are managed by the National Marine Fisheries Service's Greater Atlantic Regional Fisheries Office.

DATES: Written comments must be received (see **ADDRESSES**) on or before May 5, 2014.

ADDRESSES: You may submit comments on this document, identified NOAA–NMFS–2014–0049, by any of the following methods:

• Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0049,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• Mail: Submit written comments to NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, ATTN: GIS Committee.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Additional information regarding the publication of the GIS files (i.e., shapefiles) and the shapefiles may be obtained at *www.nero.noaa.gov/gis* or by contacting Dean Szumylo, Geographic Information Specialist, (978) 281–9479, *dean.szumylo@noaa.gov;* Douglas Potts, Sustainable Fisheries Division, (978) 281–9341, *douglas.potts@noaa.gov;* or Ellen Keane, Protected Resources Division, (978) 282–8476, *ellen.keane@noaa.gov.* Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Background: GIS is designed to capture, store, analyze, manage, and present all types of geographic data. Over the past decade, the use of these systems in fisheries management has grown rapidly and requests for geospatial data have increased. To satisfy the need for geospatial data, NMFS's Greater Atlantic Regional Fisheries Office (GARFO) has developed standardized, high-quality geospatial data for areas managed by GARFO. This includes areas authorized under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Coastal Fisheries Cooperative Management Act, the Endangered Species Act, and the Marine Mammal Protection Act.

Creation of GIS Files: In developing these files, we implemented standards and policies to ensure that the files are of high, known quality and are accompanied by the metadata that are compliant with the Federal Geographic Data Committee's Standards. Metadata is information that captures the basic characteristics of the data, its creation, its usage, and any constraints. Data files are in an ESRI shapefile format. In developing the GIS files, we interpreted any regulatory area boundary intended to be a straight line on a chart in Mercator projection to be a rhumb line. GARFO regulations frequently define an area's boundary by coordinates that define the corners of the feature. In developing the GIS files, errors may be introduced into the boundary if only the endpoints of the boundary are used. This error may increase as the distance between coordinates increases. To ensure that the shapefiles developed accurately represent the boundaries, we held the lines to a constant bearing by adding vertices between coordinates using the Construct Loxodrome tool or by densifying the line every 10 nautical miles in a Mercator projection within ESRI's ARcGIS software.

Data Availability: The files are in the form of ESRI shapefiles packaged as zipped files for each regulated area. As the files for each regulated area are finalized, they will be made publicly available via our Web site. Files may be downloaded from *www.nero.noaa.gov/gis* or obtained by written request to the GARFO (see **ADDRESSES**). For each regulated area, we provide the shapefile, the metadata (within the shapefile and as a PDF), and a reference map image (pdf and jpg format). The purpose of the reference map image is to allow users to quickly locate files for managed areas that are of interest.

Request for Comments: We will accept public comments on this new service, including data creation, as described above.

Dated: April 30, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–10229 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD278

Fisheries of the Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 35 assessment process webinars for Caribbean Red Hind.

SUMMARY: The SEDAR 35 assessment of Caribbean Red Hind will consist of a series of webinars. This notice is for the webinars associated with the Assessment portion of the SEDAR process. See **SUPPLEMENTARY INFORMATION**.

DATES: The assessment webinars for SEDAR 35 will be held on Thursday, May 29, 2014, Thursday, June 12, 2014, Thursday, June 26, 2014, Thursday, July 17, 2014, and Thursday, July 31, 2014. All webinars will be held from 10 a.m. until 12 p.m.

ADDRESSES:

Meeting address: The meetings will be held via webinar. The webinar is open to the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; and (2) a series of assessment webinars; and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Webinar Process is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses; and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Panelists will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 30, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–10219 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD280

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, May 21, 2014 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Omni Providence Hotel, 1 West Exchange Street, Providence, RI 02048; telephone: (401) 598–8000; fax: (401) 598–8200.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will review and consider input from the Scallop Plan Development Team and Advisory Panel on all three issues described above: (1) Limited Access General Category Individual Fishing Quota performance report; (2) research priorities for the 2015/16 Scallop Research Set Aside program; and (3) initiation of Framework Adjustment 26. The Committee may discuss other items.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: April 30, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–10221 Filed 5–2–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Advisory Committee Meetings

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board will meet in closed session on May 21–22, 2014, from 8:00 a.m. to 5:00 p.m. at the Pentagon, Room 3E863, Washington, DC.

DATES: May 21–22, 2014, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: The Pentagon, Room 3E863, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via email at *debra.a.rose20.civ@mail.mil,* or via phone at (703) 571–0084.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Board will discuss interim finding and recommendations resulting from ongoing Task Force activities. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture and homeland security.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. 2) and 41 CFR 102–3.155, the Department of Defense has determined that the Defense Science Board meeting for May 21–22, 2014, will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology, and Logistics), in consultation with the DoD Office of General Counsel, has determined in writing that all sessions of meeting for May 21–22, 2014, will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1) and (4).

Interested persons may submit a written statement for consideration by the Defense Science Board. Individuals submitting a written statement must submit their statement to the Designated Federal Official at the address detailed in **FOR FURTHER INFORMATION CONTACT**, at any point; however, if a written statement is not received at least 10 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Science Board. The Designated Federal Official will review all timely submissions with the Defense Science Board Chairperson, and ensure they are provided to members of the Defense Science Board before the meeting that is the subject of this notice.

Dated: April 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–10213 Filed 5–2–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Independent Review Panel on Military Medical Construction Standards (''the Panel'').

DATES:

Thursday, May 22, 2014

8:00 a.m.–9:00 a.m. (Administrative Working Meeting)
9:00 a.m.–10:45 a.m. (Open Session)
10:45 a.m.–1:00 p.m. (Administrative Working Meeting)
1:00 p.m.–4:30 p.m. (Open Session)

ADDRESSES: Walter Reed National Military Medical Center, 8901 Rockville Pike, Bethesda, Maryland 20889, National Intrepid Center of Excellence Auditorium.

FOR FURTHER INFORMATION CONTACT: The Director is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *christine.bader@dha.mil,* (703) 681–6653, Fax: (703) 681–9539. For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *kendal.brown.ctr@dha.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting

At this meeting, the Panel will address the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year 2011 (Pub. L. 111–383), Section 2852(b) requirement to provide the Secretary of Defense independent advice and recommendations regarding a construction standard for military medical centers to provide a single standard of care, as set forth below:

a. Reviewing the unified military medical construction standards to determine the standards consistency with industry practices and benchmarks for world class medical construction;

b. Reviewing ongoing construction programs within the DoD to ensure medical construction standards are uniformly applied across applicable military centers;

c. Assessing the DoD approach to planning and programming facility improvements with specific emphasis on facility selection criteria and proportional assessment system; and

facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the Military Departments;

d. Assessing whether the Comprehensive Master Plan for the National Capital Region Medical (''the Master Plan''), dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Pub. L. 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the Master Plan result in world class military medical centers in the National Capital Region; and

e. Making recommendations regarding any adjustments of the Master Plan that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Panel meeting is open to the public from 9:00 a.m. to 10:45 a.m. and 1:00 p.m. to 4:30 p.m. on May 22, 2014. The Panel will receive briefings on Walter Reed National Military Medical Center (WRNMMC) World Class Domains and the Defense Health Agency's Transforming of Military Medicine. In addition, public deliberations of the Panel's Initial Report to the Secretary of Defense will be held.

Availability of Materials for the Meeting

A copy of the agenda or any updates to the agenda for the May 22, 2014 meeting, as well as any other materials presented in the meeting, may be obtained at the meeting.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR § 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than 12:00 p.m. on Friday, May 16, 2014, to register. Public attendees should arrive at the Walter Reed National Military Medical Center with sufficient time to properly sign in no later than 8:30 a.m. for the morning session and 12:30 p.m. for the afternoon session on May 22, 2014.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the Panel may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the Panel may do so by submitting a written statement to the Director (see **FOR FURTHER INFORMATION CONTACT**). Written statements should address the following details: The issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the Director may choose to postpone consideration of the statement until the next open meeting.

The Director will review all timely submissions with the Panel Chairperson and ensure they are provided to members of the Panel before the meeting that is subject to this notice. After reviewing the written comments, the President and the Director may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The Director, in consultation with the Panel Chairperson, may allot time for members of the public to present their issues for review and discussion by the Panel.

Dated: April 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–10186 Filed 5–2–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Response Systems to Adult Sexual Assault Crimes Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Response Systems to Adult Sexual Assault Crimes Panel. This meeting is open to the public.

DATES: A meeting of the Response Systems to Adult Sexual Assault Crimes Panel (''the Panel'') will be held Friday, May 16, 2014 from 10:00 a.m. to 1:00 p.m.

ADDRESSES: U.S. District Court for the District of Columbia, 333 Constitution Avenue NW., Courtroom #20, 6th Floor, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Saunders, Response Systems Panel, One Liberty Center, 875 N. Randolph Street, Suite 150, Arlington, VA 22203. Email: *Terri.a.saunders.civ@mail.mil.* Phone: (703) 693–3829. Web site: *http://responsesystemspanel.whs.mil.*

SUPPLEMENTARY INFORMATION: This public meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: At this meeting, the Panel will deliberate on the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), Section 576(a)(1) requirement to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under 10 U.S.C. 920 (article 120 of the Uniform Code of Military Justice), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems. The Panel is interested in written and oral comments from the public, including non-governmental organizations, relevant to this tasking.

Agenda:

May 16, 2014

- 10:00 a.m.–10:05 a.m. Comments from the Panel Chair
- 10:05 a.m.–12:45 p.m. Panel Deliberations
- 12:45 p.m.–1:00 p.m. Public Comment

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the May 16, 2014 meeting, as well as other materials presented in the meeting, may be obtained at the meeting or from the Panel's Web site at: *http://responsesystemspanel.whs.mil.*

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the

availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Terri Saunders at *Terri.a.saunders.civ@mail.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Procedures for Providing Public Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Panel about its mission and topics pertaining to this public session. Written comments must be received by Ms. Terri Saunders at least five (5) business days prior to the meeting date so that they may be made available to the Panel for their consideration prior to the meeting. Written comments should be submitted via email to the address for Ms. Terri Saunders given in this notice in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement, a written statement must be submitted along with a request to provide an oral statement. Oral presentations by members of the public will be permitted between 12:45 p.m. and 1:00 p.m. May 16, 2014 in front of the Panel. The number of oral presentations to be made will depend on the number of requests received from members of the public on a first-come basis. After reviewing the requests for oral presentation, the Chairperson and the Designated Federal Officer will, having determined the statement to be relevant to the Panel's mission, allot five minutes to persons desiring to make an oral presentation.

Committee's Designated Federal Officer: The Board's Designated Federal Officer is Ms. Maria Fried, Response Systems to Adult Sexual Assault Crimes Panel, 1600 Defense Pentagon, Room 3B747, Washington, DC 20301–1600.

Due to difficulties finalizing the meeting notice for the scheduled meeting of the Response Systems to Adult Sexual Assault Crimes Panel's meeting agenda for May 16, 2014, the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Dated: April 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–10199 Filed 5–2–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0059]

Privacy Act of 1974; System of Records

AGENCY: Office of Inspector General, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Office of the Inspector General proposes to add a new system of records, CIG–29, entitled ''Privacy and Civil Liberties Complaint Reporting System'' to its inventory of record systems subject to the Privacy Act of 1974, as amended. The system will support the DoD Inspector General Privacy and Civil Liberties Programs and the requirement to report complaints to the Defense Privacy and Civil Liberties Office for reporting to Congress.

DATES: Comments will be accepted on or before June 4, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

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

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

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mark Dorgan, DoD IG FOIA/Privacy Office, Department of Defense, Inspector General, 4800 Mark Center Drive, Alexandria, VA 22350–1500 or telephone: (703) 699–5680.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/.*

Dated: April 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

CIG–29

SYSTEM NAME:

Privacy and Civil Liberties Complaint Reporting System.

SYSTEM LOCATION:

Office of Inspector General, Department of Defense, 4800 Mark Center Drive, Suite 17F18, Alexandria, VA 22350–1500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered include any person that contacts the DoD IG FOIA/PA Office to register a civil liberties or Privacy Act complaint. This includes DoD employees, contractors, members of the military, and citizens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, work and home telephone number, address, case number and date of initial contact. Copies of documents containing PII generated due to transmission, inquiry or allegation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 803 of Public Law 110–53, Implementing Recommendations of the 9/11 Commission Act of 2007; and DoD Instruction 1000.29, DoD Civil Liberties Program.

PURPOSE(S):

The system will support the DoD Inspector General Privacy and Civil Liberties Programs and the requirement to report complaints to the Defense Privacy and Civil Liberties Office for reporting to Congress.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed

outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the OIG's compilation of systems of records notices may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Records will be retrieved by name, date of initial contact, subject keywords.

SAFEGUARDS:

Electronic records are maintained in secure system hardware with password protected access and will include data encryption of selected fields through Common Access Card. Records are accessible only to authorized persons with need-to-know who are properly screened, cleared and trained. Physical access will be restricted by the use of cipher locks, guards and is accessible only to authorized personnel. Records are maintained in a controlled facility.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration approves the retention and disposition of these records, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, FOIA/Privacy Office, DoD Office of Inspector General, Department of Defense, 4800 Mark Center Drive, Suite 17F18, Alexandria, VA 22350–1500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act Requester Service Center/Privacy Act Office, Assistant Inspector General for Communications and Congressional Liaison, Office of the Inspector General, DoD, 4800 Mark Center Drive, Suite 17F18, Alexandria, VA 22350–1500.

For verification purposes, individuals shall provide their full name, address, any details which may assist in locating records of the individual and their signature.

In addition, the requester must provide a notarized statement or a signed declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).' (Signature).

If executed within the United States, its territories, possessions, or commonwealths: 'I declare under penalty of perjury that the foregoing is true and correct. Executed on (date).' (Signature).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act Requester Service Center/Privacy Act Office, Assistant Inspector General for Communications and Congressional Liaison, Office of the Inspector General, DoD, 4800 Mark Center Drive, Suite 17F18, Alexandria, VA 22350–1500.

For verification purposes, individuals shall provide their full name, address, any details which may assist in locating records of the individual and their signature.

In addition, the requester must provide a notarized statement or a signed declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).' (Signature).

If executed within the United States, its territories, possessions, or commonwealths: 'I declare under penalty of perjury that the foregoing is true and correct. Executed on (date).' (Signature).

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals registering complaints and employees whose duties include privacy and civil liberties functions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency that performs as its principle function any activity pertaining to the enforcement of criminal laws.

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3) and (4); (e)(1) and (e)(4)(G), (H) and (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a. Records may be exempted from these subsections or, additionally, from the requirements of subsections (c)(4); (e)(2), (3) and (8) of the Privacy Act of 1974 consistent with any exemptions claimed under 5 U.S.C. 552a(j)(2), (k)(2) or (k)(5) by the originator of the record, provided the reason for the exemption remains valid and necessary.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

[FR Doc. 2014–10192 Filed 5–2–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the KC–46A Formal Training Unit (FTU) and First Main Operating Base (MOB 1) Beddown Final Environmental Impact Statement

ACTION: Notice of Availability (NOA) of a Record of Decision (ROD).

SUMMARY: On April 22, 2014, the United States Air Force signed the ROD for the KC–46A Formal Training Unit (FTU) and First Main Operating Base (MOB 1) Final Environmental Impact Statement (FEIS). The ROD states the Air Force decision to implement the Preffered Alternative to beddown eight (8) KC–46A Primary aircraft authorized (PAA) with associated construction at Altus Air Force Base (AFB) for the FTU and beddown thirtysix (36) KC–46A PAA with associated construction at McConnell AFB for MOB–1.

The decision was based on matters discussed in the FEIS, inputs from the public and regulatory agencies, and other relevant factors. The FEIS was made available to the public on March 21, 2014 through a NOA in the **Federal Register** (Volume 79, Number 55, Page 15741) with a wait period that ended on April 21, 2014. The ROD documents only the decision of the Air Force with respect to the proposed Air Force actions analyzed in the FEIS. Authority: This NOA is published pursuant to the regulations (40 CFR Part 1506.6) implementing the provisions of the NEPA of 1969 (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (EIAP) (32 CFR Parts 989.21(b) and 989.24(b)(7)).

FOR FURTHER INFORMATION CONTACT: Ms. Jean Reynolds, AFCEC/CZN, 2261 Hughes Ave., Ste 155. JBSA Lackland AFB, TX 78236–9853, ph: 210/925–4534.

Henry Williams,

Air Force Federal Register Liaison Officer.

[FR Doc. 2014–10176 Filed 5–2–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Rehabilitation Services Administration—Centers for Independent Living

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education

ACTION: Notice.

Overview Information:

Rehabilitation Services Administration—Centers for Independent Living.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.132A.

DATES: *Applications Available:* May 5, 2014.

Deadline for Transmittal of Applications: June 4, 2014.

Deadline for Intergovernmental Review: August 4, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Centers for Independent Living program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of part C of title VII of the Rehabilitation Act of 1973, as amended (Act), consistent with the design included in the State plan for establishing a statewide network of centers.

Program Authority: 29 U.S.C. 796f–1.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, and 97. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR parts 364 and 366.

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

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $1,257,912.

Estimated Number of Awards: 5.

States and outlying areas	Estimated available funds	Estimated number of awards
American Samoa	$154,046	1
Arkansas	169,009	1
Guam	95,096	1
Hawaii	839,761	2

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

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* To be eligible for funding, an applicant must—

(a) Be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency;

(b) Have the power and authority to—

(1) Carry out the purpose of part C of title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366 within a community located within a State or in a bordering State; and

(2) Receive and administer—

(i) Funds under 34 CFR part 366;

(ii) Funds and contributions from private or public sources that may be used in support of a center; and

(iii) Funds from other public and private programs;

(c) Be able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366;

(d) Either—

(1) Not currently be receiving funds under part C of chapter 1 of title VII of the Act; or

(2) Propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) at a different geographical location;

(e) Propose to serve one or more of the geographic areas that are identified as unserved or underserved by the States and Outlying Areas listed under *Estimated Number of Awards;* and

(f) Submit appropriate documentation demonstrating that the establishment of a new center is consistent with the design for establishing a statewide network of centers in the State plan of the State or Outlying Area whose geographic area or areas the applicant proposes to serve.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

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

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.132A.

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

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

3. *Submission Dates and Times:* Applications Available: May 5, 2014.

Deadline for Transmittal of Applications: June 4, 2014.

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

section IV. 7. *Other Submission Requirements* of this notice.

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

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: August 4, 2014.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Centers for Independent Living Program, CFDA number 84.132A, 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 Centers for Independent Living 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 84.132, not 84.132A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

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

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

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

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

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

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

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

Address and mail or fax your statement to: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue SW., Room 5057, Potomac Center Plaza (PCP), Washington, DC 20202–2800. FAX: (202) 245–7593.

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

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.132A) LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

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

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

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

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

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

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

(1) A private metered postmark.

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

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

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

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

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.132A) 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

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

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

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

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

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 366.27 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Additional factors we consider in selecting an application for an award are comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located (see 34 CFR 366.25).

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 part 74; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Pursuant to the Government Performance and Results Act of 1993 (GPRA), the Department measures outcomes in the following three areas to evaluate the overall effectiveness of projects funded under this competition: (1) The effectiveness of individual services in enabling consumers to access previously unavailable transportation, appropriate accommodations to receive health care services, or assistive technology resulting in increased independence in at least one significant life area; (2) the effectiveness of individual services designed to help consumers move out of institutions and into community-based settings; and (3) the extent to which projects are participating in community activities to expand access to transportation, health care, assistive technology, and housing for individuals with disabilities in their communities. Grantees will be required to report annually on the percentage of their consumers who achieve their individual goals in the first two areas and on the percentage of their staff, board members, and consumers involved in community activities related to the third area.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Timothy Beatty, U.S. Department of Education, 400 Maryland Avenue SW., Room 5057, PCP, Washington, DC 20202–2800. Telephone: (202) 245–6156 or by email: *timothy.beatty@ed.gov*.

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) by contacting the Grants and Contracts Service Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department

published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 29, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–10224 Filed 5–2–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before July 7, 2014. If you anticipate difficulty in submitting comments within that period, contact Mr. Dennis A. Smith as listed below.

ADDRESSES: Written comments may be sent to Mr. Dennis A. Smith, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, EE–2G, 1000 Independence Avenue SW., Washington, DC 20585–0121, by phone at 202–586–1791, or by fax at 202–586–2476, or by email at *dennis.a.smith@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mr. Dennis Smith using the contact information listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No.: New; (2) Information Collection Request Title: Consumers and Fuel Economy; (3) Type of Request: New Collection; (4) Purpose: The Consumers and Fuel Economy Study is a follow-on study of consumers' valuation of automotive fuel economy conducted in 2003. The purpose is to provide both a qualitative description based on in-home interviews and a quantitative estimate based on a national sample survey of the prevalence of consumers' fuel economy valuations across the population of car-owning households in the United States. The goals include the description of similarities and differences from the 2003 study and the further development of theory, models, or heuristics to explain consumers' valuations of fuel economy. This information will be made available to the general public via the joint Department of Energy and Environmental Protection Web site, *www.fueleconomy.gov;* (5) Estimated Number of Respondents: 54 household interviews (not an annual collection); (6) Estimated Number of Total Responses: 54; (7) Estimated Number of Burden Hours: 108 hours; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: N/A—Not an annual collection.

Statutory Authority: 42 U.S.C. 13233; 42 U.S.C. 13252 (a)–(b); 42 U.S.C. 16191; 49 U.S.C. 32908 (g)–(2)–(A).

Issued in Washington, DC, on: January 3, 2014.

Patrick B. Davis,

Program Manager, Vehicle Technologies Program, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–10238 Filed 5–2–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Agency Information Collection Activities: Proposed Collection; Comment Request; Other Utility/Contractor/Vendor Worker Access Request Form

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of submission of information collection approval from the Office of Management and Budget (OMB) and request for comments.

SUMMARY: BPA is submitting to OMB for clearance, a proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will allow BPA to gather information from contractors and service vendors, to be used by BPA to document compliance with NERC Standard CIP–004–3 by maintaining a list of personnel given authorized cyber access or unescorted physical access into BPA's Critical Cyber Assets, based on those personnel having the appropriate level of personnel risk assessment, training, and security awareness.

DATES: Comments must be submitted on or before June 24, 2014.

ADDRESSES: Written comments may be submitted to: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Additional information may be requested from: Information Collection Clearance Officer, Christopher M. Frost, Governance and Internal Controls, DGC–7, Bonneville Power Administration, 905 NE. 11th Avenue, Portland, Oregon 97232, or by email: *IGLM@bpa.gov.*

SUPPLEMENTARY INFORMATION:

(1) *OMB Number:* New.

(2) *Information Collection Request Title:* Other Utility/Contractor/Vendor Worker (OUW) Unescorted Access Request.

(3) *Type of Request:* New.

(4) *Abstract:* The information requested on this form is used by BPA to document compliance with NERC Standard CIP–004–3, R2 and R3, which requires that personnel having authorized cyber or authorized unescorted physical access to BPA's Critical Cyber Assets, including contractors and service vendors, have an appropriate level of personnel risk assessment, training, and security awareness.

Below we provide the BPA projected average estimates for the next three years.

Affected Public: Contracting and Vendor Businesses and Organizations.

Annual Estimated Number of Respondents: Approx. 500.

Annual Estimated Number of Total Responses: Approx. 500.

Average Minutes per Response: 15.

Annual Estimated Number of Burden Hours: 125.

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 Office of Management and Budget control number.

Issued in Portland, Oregon, on April 24, 2014.

Damian J. Kelly,

Acting Chief Compliance Officer, Agency Governance and Compliance.

[FR Doc. 2014–10163 Filed 5–2–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Falcon and Amistad Projects' Rate Order No. WAPA–164

AGENCY: Western Area Power Administration (Western), DOE.

ACTION: Notice of extension.

SUMMARY: This action is to extend the existing Falcon and Amistad Projects' Firm Power Rate Formula, established in Rate Order No WAPA–143, through June 7, 2019. The Falcon and Amistad Projects' Firm Power Rate Formula is set to expire June 7, 2014.

DATES: The rate formula extension will become effective on an interim basis June 8, 2014, and will remain interim until the Federal Energy Regulatory Commission (FERC) confirms, approves, and places the rate formula into effect on a final basis through June 7, 2019, or until superseded.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn C. Jeka, Colorado River Storage Project (CRSP) Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–6372, email *jeka@wapa.gov*, or Mr. Rodney Bailey, Power Marketing Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–4007, email *rbailey@wapa.gov.*

SUPPLEMENTARY INFORMATION: By Delegation Order No. 00–037.00A, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of Western; (2) the authority to confirm, approve, and place in effect such rates on an interim basis to the Deputy Secretary of the Department of Energy (DOE); and (3) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation to FERC. This extension is issued pursuant to the Delegation Order and DOE rate extension procedures at 10 CFR 903–23(a).

The Falcon and Amistad Dams are features of international water storage projects located on the Rio Grande River between Texas and Mexico. Under the terms of Contract No. 7–07–50–P0890 (Contract), dated August 9, 1977, as amended, Western markets the power from these dams to South Texas Electric Cooperative, Inc. (STEC). The power rate formula of the Contract was approved by the Federal Power Commission (FPC), predecessor to FERC, in Docket No. E–9566 on August 12, 1977 (59 FPC 1653), for a 5-year period effective on the date of initial operation of Amistad Power Plant, June 8, 1983.[1]

According to article 9(a) of the Contract, Western calculates the annual installment to be paid by the Customer for the power generated at the Falcon and Amistad power plants on or before August 31 of the year proceeding the fiscal year to which it pertains and identifies this amount in a revised Exhibit A to the Contract. Each annual installment pays the annual amortized portion of the United States' investment in the Falcon and Amistad hydroelectric facilities with interest, and the associated operation, maintenance, and administrative costs. This repayment schedule is not dependent upon the power and energy made available for sale or the rate of generation each year.

Following review of Western's proposal within the Department of Energy, I hereby approve, on an interim basis, Rate Order No. WAPA–164, which extends, without adjustment, the existing Falcon and Amistad Projects' Power Rate Formula through June 7, 2019.[2] The rate formula will be promptly submitted to FERC for confirmation and approval on a final basis.

Dated: April 28, 2014.

Daniel B. Poneman,

Deputy Secretary of Energy.

Deputy Secretary

In the matter of: Western Area Power Administration Extension for Falcon and Amistad Projects' Power Rate Formula; Order Confirming and Approving an Extension of the Falcon and Amistad Projects' Power Rate Formula

This Power Rate Formula extension was established following section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152). This Act transferred to and vested in the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved.

By Delegation Order No. 00–037.00A, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of the Western Area Power Administration (Western); (2) the authority to confirm, approve, and place in effect such rates on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation to the Federal Energy Regulatory Commission (FERC). This extension is issued pursuant to the Delegation Order and DOE rate extension procedures at 10 CFR 903–23(a).

Background

On December 17, 2009, in Docket No. EF09–5101–000, FERC confirmed, approved, and placed into effect on a final basis the Falcon and Amistad Projects' Power Rate Formula, Rate Order No. WAPA–143. FERC approved the Power Rate Formula for 5 years beginning June 8, 2009, through June 7, 2014. On February 21, 2014, pursuant to 10 CFR 903.23(a), Western filed a notice in the **Federal Register** proposing to extend, without adjustment, Falcon and Amistad Projects' Power Rate Formula as Rate Order No. WAPA–164. Consistent with its regulations at 10 CFR 903.23(a), Western did not hold a consultation and comment period. Instead, Western stated its intent, via certified letter to South Texas Electric Cooperative, Inc (Customer), to extend the current Power Rate formula and received no adverse reactions.

Discussion

On June 7, 2014, Western's Falcon and Amistad Projects' Power Rate Formula expires. The Power Rate Formula, calculated annually and based on 2 years of data, includes the projected costs of the rate installment year (future fiscal year) and an adjustment from the last historic fiscal year. The adjustment is the surplus or

[1] A 5-year rate extension of this same rate formula through June 7, 1993, was approved by FERC on July 20, 1988, at 44 FERC ¶ 62,058. Subsequent 5-year extensions of the rate formula have been approved by FERC. The most recent approval was on December 17, 2009, in Docket No. EF09–5101–000, which approved the same rate formula through June 7, 2014 (129 FERC ¶ 62,206).

[2] Western's proposal published on February 21, 2014 (79 FR 9897).

deficit that occurs in the last historic fiscal year when actual costs and repayment obligations are subtracted from actual revenues. This surplus or deficit is combined with the projected rate installment year costs to arrive at the rate installment. This existing formula rate methodology collects annual revenue to recover annual expenses, including interest, capital requirements, and deficit recovery thus ensuring the Projects' repayment within the cost recovery criteria set forth in DOE Order RA 6120.2.

The requested extension period, under Rate Order No. WAPA–164, beginning on June 8, 2014, through June 7, 2019, includes no adjustment to the Power Rate Formula. Under the existing Power Rate Formula, the forecasted revenue for the period is $35.5 million, an increase of $4.2 million from the prior rate period, June 8, 2009, through June 7, 2014. The increase of $4.2 million includes over $4 million of forecasted increase in Operation and Maintenance, ensuring repayment within the cost recovery criteria.

Order

In view of the foregoing and under the authority delegated to me, I confirm, approve, and place into effect on an interim basis an extension of the rate formula, effective June 8, 2014. The rate formula shall remain in effect on an interim basis, pending FERC's confirmation and approval of this or a substitute rate formula on a final basis, through June 7, 2019.

Dated: April 28, 2014.

Daniel B. Poneman,

Deputy Secretary of Energy.

[FR Doc. 2014–10227 Filed 5–2–14; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, May 6, 2014 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open To The Public.

ITEMS TO BE DISCUSSED: Draft Advisory Opinion 2014–02: Make Your Laws PAC, Inc.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2014–10374 Filed 5–1–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 20, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Johnny David Young, Linda Kay Young, Chris Young Pierson, and Nathan Pierson,* all of Fort Payne, Alabama, collectively to acquire voting shares of FBDC Financial Corp. and thereby indirectly acquire voting shares of First Federal Bank, both in Fort Payne, Alabama.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Edward E. Hartline,* Houston, Texas, as trustee of the Carolyn J. Young 2012 Trust; to retain voting shares of Central Bancshares, Inc., and thereby indirectly retain voting shares of Central Bank, both in Houston, Texas.

2. *Carolyn Josey Young,* individually, and John H. Young, Carolyn J. Young, John R. Young, Kathleen Zinn, and Donna P. Josey, all of Houston, Texas, and Elizabeth Young, Atlanta, Georgia, collectively to retain voting shares of Central Bancshares, Inc., and thereby indirectly retain voting shares of Central Bank, both in Houston, Texas.

Board of Governors of the Federal Reserve System, April 30, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–10200 Filed 5–2–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 30, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *FBDC Financial Corp.,* to become a bank holding company by acquiring 100 percent of the voting shares of First Federal Bank, both in Fort Payne, Alabama. In addition, First Federal Bank will change its name to First Fidelity Bank upon conversion to a state chartered commercial bank.

Board of Governors of the Federal Reserve System, April 30, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–10201 Filed 5–2–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30–Day–14–0888]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Persistence of Viable Influenza Virus in Aerosols (0920–0888, Expiration 05/31/2014)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Institute for Occupational Safety and Health (NIOSH) is authorized to conduct research to advance the health and safety of workers under Section 20(a)(1) of the 1970 Occupational Safety and Health Act. Influenza continues to be a major public health concern because of the substantial health burden from seasonal influenza and the potential for a severe pandemic. Although influenza is known to be transmitted by infectious secretions, these secretions can be transferred from person to person in many different ways, and the relative importance of the different pathways is not known. The likelihood of the transmission of influenza virus by small infectious airborne particles produced during coughing and breathing is particularly unclear. The question of airborne transmission is especially important in healthcare facilities, where influenza patients tend to congregate during influenza season, because it directly impacts the infection control and personal protective measures that should be taken by healthcare workers.

The purpose of this study is to measure the amount of viable influenza virus in airborne particles that are produced by patients when they cough, and the size and quantity of the particles carrying the virus. A better understanding of the amount of potentially infectious material released by patients and the size of the particles carrying the virus will assist in determining the possible role of airborne transmission in the spread of influenza and in devising measures to prevent it.

Volunteer adult participants will be recruited by a test coordinator using a poster and flyers describing the study. Interested potential participants will be screened verbally to verify that they have influenza-like symptoms and that they do not have any medical conditions that would preclude their participation.

Qualified participants who agree to participate in the study will be asked to read and sign an informed consent form, and then to complete a short health questionnaire. After completing the forms, medical testing will take place. This testing will include two nasopharyngeal swabs and one oropharyngeal swab collected from the participant. In the final element of medical testing, they then will be asked to cough repeatedly into an aerosol particle collection system, and the airborne particles produced by the participant during coughing will be collected and tested. The sounds produced during coughing will also be recorded for analysis and comparison to the amount of virus expelled. The study will require 60 volunteer test subjects each year for 3 years, for a total of 180 test participants. There are no costs to respondents other than their time. The total number of annual burden hours will be 168.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avgerage burden per response (in hrs.)
Potential participant	Initial verbal screening	360	1	3/60
Qualified participant	Informed consent form	180	1	15/60
Qualified participant	Health questionnaire	180	1	5/60
Qualified participant	Medical testing	180	1	30/60

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–10187 Filed 5–2–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Motor Vehicle Injury Prevention: Evaluation of Increased Nighttime Enforcement of Seatbelt Use, Funding Opportunity Announcement CE14–003, initial review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on April 17, 2014 (79 FR 21759–21760). The time and date should read as follows:

TIME AND DATE: 12:00 p.m.–7:00 p.m., May 22, 2014 (Closed).

FOR FURTHER INFORMATION CONTACT: Jane Suen, Dr.P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341–3724, Telephone: (770) 488–4281, *JSuen@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–10144 Filed 5–2–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Research to Prevent Prescription Drug Overdoses, Funding Opportunity Announcement CE14–002, initial review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on April 17, 2014 (79 FR 21759). The time and date should read as follows:

TIME AND DATE: 12:00 p.m.–7:00 p.m., May 7, 2014 (Closed).

FOR FURTHER INFORMATION CONTACT: Jane Suen, Dr. P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341–3724, Telephone: (770) 488–4281, *JSuen@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–10145 Filed 5–2–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10495]

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 must be received by June 2, 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 CMS or the OMB desk officer via one of the following transmissions:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

3. 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:* Revision of a currently approved collection; *Title of Information Collection:* Registration, Attestation, Dispute & Resolution, Assumptions Document and Data Retention Requirements for Open Payments; *Use:* Section 6002 of the Affordable Care Act added section 1128G to the Social Security Act (Act), which requires applicable manufacturers and applicable group purchasing organizations (GPOs) of covered drugs, devices, biologicals, or medical supplies to report annually to CMS certain payments or other transfers of value to physicians and teaching hospitals, as well as, certain information regarding the ownership or investment interests held by physicians or their immediate family members in applicable manufacturers or applicable GPOs.

Specifically, applicable manufacturers of covered drugs, devices, biologicals, and medical supplies are required to submit on an annual basis the information required in section 1128G(a)(1) of the Act about certain payments or other transfers of value made to physicians and teaching hospitals (collectively called covered recipients) during the course of the

preceding calendar year. Similarly, section 1128G(a)(2) of the Act requires applicable manufacturers and applicable GPOs to disclose any ownership or investment interests in such entities held by physicians or their immediate family members, as well as information on any payments or other transfers of value provided to such physician owners or investors. Applicable manufacturers must report the required payment and other transfer of value information annually to CMS in an electronic format. The statute also provides that applicable manufacturers and applicable GPOs must report annually to CMS the required information about physician ownership and investment interests, including information on any payments or other transfers of value provided to physician owners or investors, in an electronic format by the same date. Applicable manufacturers and applicable GPOs are subject to civil monetary penalties (CMPs) for failing to comply with the reporting requirements of the statute. We are required by statute to publish the reported data on a public Web site. The data must be downloadable, easily searchable, and aggregated. In addition, we must submit annual reports to the Congress and each state summarizing the data reported. Finally, section 1128G of the Act generally preempts state laws that require disclosure of the same type of information by manufacturers.

With this notice, we are announcing the addition of the dispute resolution and corrections process to this information collection request (ICR). The dispute resolution and corrections process was discussed in our initial submission to OMB. However, based on the detailed processes of review and corrections as well as the sensitivities around these processes, we felt it appropriate to solicit additional public feedback on how these interactions would occur. Therefore we are resubmitting a revised ICR for OMB review and approval. While we are submitting a revision of the entire ICR, we are specifically seeking comments on the dispute resolution and comment process. *Form Number:* CMS–10495 (OCN: 0938–1237); *Frequency:* Once; *Affected Public:* Private sector—business or other for-profits; *Number of Respondents:* 227,157; *Total Annual Responses:* 457,454; *Total Annual Hours:* 3,099,297. (For policy questions regarding this collection contact Melissa Heesters at 410–786–0618.)

Dated: April 30, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–10228 Filed 5–1–14; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0435]

Surveying, Leveling, or Alignment Laser Products; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug administration (FDA) is announcing the availability of the draft guidance entitled ''Surveying, Leveling, or Alignment Laser Products.'' This draft guidance, in question and answer format, is intended for manufacturers of laser products and outlines the FDA's proposed approach regarding the applicability of FDA's performance standard regulations to surveying, leveling, or alignment (SLA) laser products. SLA lasers are a subcategory of specific-purpose laser products that transmit laser radiation through open space for surveying, alignment, or leveling purposes. The draft guidance is not final nor is in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by August 4, 2014.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Surveying, Leveling, or Alignment Laser Products'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Robert J. Doyle, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4672, Silver Spring, MD 20993–0002, 301–796–5863.

I. Background

This draft guidance is intended to provide a brief summary of the FDA's proposed approach on the applicability of performance standards for laser products to specific purpose SLA laser products. An SLA laser product is defined in 21 CFR 1040.10(b)(39) as ''a laser product manufactured, designed, intended or promoted for one or more of the following uses: (i) Determining and delineating the form, extent, or position of a point, body, or area by taking angular measurement, (ii) positioning or adjusting parts in proper relation to one another, (iii) defining a plane, level, elevation, or straight line.'' The topics that are addressed include the definition of an SLA laser product, examples of SLA laser products, design features of SLA laser products, the applicability of class limits to SLA laser products, and questions and answers relating to the application of FDA's performance standard regulations to SLA laser products.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on surveying, leveling, or alignment laser products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/*

GuidanceDocuments/default.htm. Guidance documents are also available at *http://www.regulations.gov.*

To receive the ''Surveying, Leveling, or Alignment Laser Products'' draft guidance you may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1764 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 1040.10 and 1040.11 have been approved under OMB control number 0910–0025.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 30, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–10189 Filed 5–2–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than June 4, 2014.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Patient Survey-Health Centers OMB No. 0915–0368—New.

Abstract: HRSA's Health Center Program awards grants to provide primary and preventive health care services to medically underserved and vulnerable populations. The proposed Health Center Patient Survey (HCPS) will collect national, in-depth information about health center patients, their health status, the reasons they seek care at the health centers, their diagnoses, the services they utilize at health centers and elsewhere, the quality of those services, and their satisfaction with the care they receive through personal interviews of a stratified random sample of health center patients. Interviews conducted in the national study are estimated to take approximately 1 hour and 15 minutes each.

The HCPS builds on previous periodic Patient User-Visit Surveys which were conducted to learn about the process and outcomes of care in health centers reaching goals under the Health Center Program. The original questionnaires were derived from the National Health Interview Survey (NHIS) and the National Ambulatory Medical Care Survey (NAMCS) conducted by the National Center for Health Statistics (NCHS). Conformance with the NHIS and NAMCS allowed comparisons between these NCHS surveys and the previous Patient User-Visit Surveys. The new HCPS was developed using a questionnaire methodology similar to that used in the past, and will also potentially allow some time-trend comparisons for health centers with the previous Patient User-Visit Survey data, including monitoring of processes and outcomes over time. In addition, this survey will be conducted in languages not used during previous surveys (English and Spanish) to include patients from different racial and ethnic backgrounds, including Chinese (Mandarin and Cantonese), Korean, and Vietnamese. With the exception of Spanish speakers, other racial and ethnic subgroups were not able to participate in the previous surveys.

Need and Proposed Use of the Information: The HCPS is unique in its effort to capture national, person-level data from patients of all types of Health Center Program grantees. The data collected from the HCPS will be used to:

- Gather nationally representative data about the patients of the programs and the services they obtain;
- enable comparisons of care received by health center patients with care received by the general population, as measured by NHIS and other national surveys;
- assess how well HRSA-supported health centers are currently able to meet health care needs;
- identify areas for improvement and guide planning decisions; and
- complement data that are not routinely collected from other Bureau of Primary Health Care data sources.

The specific priorities for analysis will be comparisons of health center patients with patients served in other primary care settings with respect to:

- Access to care;
- health disparities;
- health conditions;
- quality of care;
- care coordination; and
- patient experience.

Comparisons will be made with results from national surveys and with results from the 2009 Patient Survey.

Likely Respondents: Health center patients.

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	Total responses	Average burden per response (in hours)	Total burden hours
Patient Screening	6,996	1	6,996	.17	1,189
Patient Survey	6,600	1	6,600	1.25	8,250
Total National Study	6,996	1	13,596	1.42	9,439

Dated: April 25, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–10191 Filed 5–2–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Methodology for Designation of Frontier and Remote Areas

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Final response.

SUMMARY: The Office of Rural Health Policy (ORHP) in the Health Resources and Services Administration (HRSA) published a 60-day public notice in the **Federal Register** on November 5, 2012 (**Federal Register** volume 77, number 214, 66471–66476) describing a methodology for designating U.S. frontier areas. The Frontier and Remote Area (FAR) Codes methodology was developed in a collaborative project between ORHP and the Economic Research Service (ERS) in the U.S. Department of Agriculture (USDA). This notice responds to the comments received during this 60-day public notice.

ADDRESSES: Further information on the Frontier and Remote Area (FAR) Codes is available at *http://www.ers.usda.gov/data-products/frontier-and-remote-area-codes.aspx.*

FOR FURTHER INFORMATION CONTACT: Questions can be directed to Steven Hirsch via phone at (301) 443–7322; email to *shirsch@hrsa.gov*; or mailed to Office of Rural Health Policy, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Building, 17–W–55 Rockville, Maryland 20857; or fax to (301) 443–2803.

Background

This project was intended to create a definition of frontier based on easily explained concepts of remoteness and population sparseness. The goal was to create a statistical delineation that will be useful in a wide variety of research and policy contexts and adjustable to the circumstances in which it is applied. FAR areas are defined in relation to the time it takes to travel by car to the edges of nearby Urban Areas. Four levels are necessary because rural areas experience degrees of remoteness at higher or lower population levels that affect access to different types of goods and services.

The four FAR Levels are defined as follows (travel times are calculated one-way by the fastest paved road route):

(1) Frontier Level 1 areas are 60 minutes or greater from Census Bureau defined Urban Areas of 50,000 or more population;

(2) Frontier Level 2 areas are 60 minutes or greater from Urban Areas of 50,000 or more people and 45 minutes or greater from Urban Areas of 25,000–49,999;

(3) Frontier Level 3 areas are 60 minutes or greater from Urban Areas of 50,000 or more people; 45 minutes or greater from Urban Areas of 25,000–49,999; and 30 minutes or greater from Urban Areas of 10,000–24,999; and

(4) Frontier Level 4 areas are 60 minutes or greater from Urban Areas of 50,000 or more people; 45 minutes or greater from Urban Areas of 25,000–49,999; 30 minutes or greater from Urban Areas of 10,000–24,999; and 15 minutes or greater from Urban Areas of 2,500–9,999.

Comments on the FAR Codes and HRSA Response

The ORHP received twenty-six responses to the request for comments. Many of the comments received dealt with similar concerns over either the details of the proposed methodology or the potential use of the FAR codes in directing resources.

Several commenters noted that the data used to assign FAR codes were from the 2000 Census rather than the more recent 2010 Census. When ORHP and USDA began the process of developing the methodology in 2008, only Census 2000 data were available. As stated in the initial **Federal Register** notice, the FAR codes will be updated for all 50 states using Census 2010 data. There were also commenters who believed that decennial updates to FAR codes would be too infrequent to be current. ORHP will examine the possibility of using American Community Survey data to update FAR codes in the future.

In particular, HRSA sought public comments on:

1. The use of a population threshold of 50,000 as the central place from which to measure in defining FAR areas;
2. The use of 60 minutes travel time from the central place;
3. Whether the 50 percent population threshold for assigning frontier status to a ZIP code/census tract is the appropriate level for the four standard provided levels;
4. Other ways of representing urban and rural areas;
5. Alternatives to using grid cells for measuring remoteness;
6. Applicability of the FAR methodology to island populations; and
7. Need for a Census tract and county version of the FAR.

Comment: On the use of a population threshold of 50,000 as the central place from which to measure, there was no consensus of views expressed and many commenters did not address the issue. Comments received correctly pointed out that there are some states (such as Alaska, Wyoming, or New Mexico) which have few urban areas with populations of over 50,000.

One commenter noted that, ''Population size is not necessarily a reliable measure of the goods and services that will be available or other important factors.'' Another commenter also believed that there are great differences between urban areas of only 50,000 people and urban areas with hundreds of thousands or millions of inhabitants. There were also comments received that concurred with the use of the population threshold of 50,000 as appropriate for the purpose.

Response: No comment received suggested a threshold other than 50,000. The population threshold of 50,000 also forms the core for both the Urbanized

Areas of the Census Bureau and Metropolitan Areas as defined by the Office of Management and Budget. ORHP believes urban areas of 50,000 or more have a sufficient population base to support necessary services, including advanced medical services, and that there is no need to change the threshold.

Comment: ORHP received comments not only on the use of the 60-minute travel time, but also on what was the correct point from which to measure travel time. Many comments were received from the State of Alaska all of which made the point that being a 60-minute drive from an urban area is considerably different than having to travel 60 or more minutes by air or boat to reach an urban area, both of which are more subject to being limited by weather conditions. Commenters also noted that travel time might not be directly related to distance. Traveling 60 minutes by air means that the originating location is much further from the central area than a 60-minute trip by automobile. Even the distance traveled by car in 60 minutes can be significantly different depending on roads and speed. One commenter noted, ''Physical distance is important too. If I can typically travel 70 miles in one hour vs. 40 miles in one hour, even though the travel time models make this ''equivalent,'' there may be different consequences in terms of availability of local resources, costs in accessing and utilizing services, providing services, etc.''

Problems with the increase or diminution of travel time due to weather conditions were also mentioned more than once. One commenter wrote, ''While the 60 minute framework is a useful benchmark, there would be areas affected seasonally where the distance alone would not accurately reflect the driving time. Winter snow in passes is one example, and high density seasonal traffic in vacation or tourist areas is another. If it is possible to incorporate these seasonal shifts into the determination, this would more accurately reflect the barriers faced by our citizens.''

Response: ORHP recognizes that commenters are correct that the 60-minute travel time represents different distances depending on circumstances, such as available roads or highways, and depending on the mode of transportation used, such as cars, boats, or aircraft. The 60-minute travel time is a minimum by default. The commenters were also correct to note that travel times can be much greater than 60 minutes.

At the same time, for those who live in areas accessible only by water or air, travel time is assumed to be at least 60 minutes even though it may actually be less. This is done in an effort to recognize the barriers created by lack of ground transport and the frequent limitations on availability of transport by water or air. Therefore, we believe that the current model addresses concerns stated in regards to remote areas with limited road infrastructure or that are reliant on non-road transport.

Comments that weather can affect the distance that can be traveled in 60 minutes, or even prevent travel, were also correct. However, there is no data source we know of that will allow the FAR codes to be adjusted for weather conditions.

While we recognize the various problems with the assumptions inherent in the use of a 60-minute minimum travel time, ORHP believes that the 60-minute travel time represents an appropriate minimum. Programmatic users of the FAR codes could choose to incorporate weather and seasonal variations in access in their criteria if such information is available.

Comment: Several commenters also believed that 60 minutes travel did not represent a great barrier to access to the urban area and that there should be another level of designation for extremely remote Frontier Areas.

Response: ORHP agrees with the comments received that there can be significantly greater travel time than 60 minutes and that communities would then face greater barriers to services than those at 60-minutes travel time from an Urbanized Area. ORHP will examine the possibility of designating another, more remote level that will be 2 or more hours travel time from the nearest Urbanized Area in future versions of the FAR Codes. This will require additional data analysis and testing before another level could be added to the Codes.

Comment: Comments on the use of travel to the nearest edge of the urban area raised concerns about the kinds of services that are available at the edge of urban areas, the possible size of the urban area itself, and whether the centroid of the area would not be a better point from which to measure from. Over a third of commenters felt that measuring to the center of the urban area had advantages over measuring to the edge.

Response: While in many cases the commenters' observations on services available at the edge of urban areas are accurate, the principal reason for using the edge rather than the center of an urban area is that the edge is the same for all urban areas; it represents the point where population density falls below 500 people per square mile. While the edge is a consistent point to measure from, the center is not. The center may be one mile from an edge or it may be many miles from the edge in the case of large population areas. Neither is it self-evident what the ''center'' is. Large urban areas may contain several agglomerations of population, none of which may be considered the geographic or population ''center.''

Measuring travel from a centroid would increase the areas qualifying as frontier and remote, even though those areas could be located close to the edge of the urban area. In addition, many urban areas have resources readily available in suburbs and using the centroid would discount access to those resources. ORHP does not believe that using the centroid would lead to greater accuracy designating Frontier and Remote areas and will continue to use travel time from the edge of the urban area.

Comment: The 50 percent population threshold for the ZIP code or Census Tract versions of the FAR codes received few comments. One comment suggested use of a gradated level to indicate the percentage of the population that is FAR instead of simply designating a ZIP or tract once the percentage reaches 50 percent. One commenter noted, ''Aggregation works well when population is evenly dispersed in a candidate area, but can lead to inaccuracy if the population of an area is concentrated in a single location.'' Commenters from Alaska pointed out that Census tracts there can be extremely large, which may lead to a problem.

There were commenters who concurred with the use of the 50 percent threshold. ''We recognize there are scenarios in which a ZIP code may be designated as urban based on a commuting population being concentrated in a small percentage of the land area of a very large ZIP code (most like to occur in Western states). Those anomalies can be resolved by adjusting the percentage of the population downward, which is possible given the public availability of the data.''

Response: No other threshold was suggested by commenters that could replace the 50 percent threshold for designation of Frontier ZIPs or Census Tracts. ORHP believes that the 50 percent threshold is a reasonable criterion for designating ZIP areas or Census Tracts as FAR regions. When the data analysis with Census 2010 is completed, users will have access to variables that show, for each ZIP code,

the percentage of the population that is designated frontier, and therefore can set their own thresholds if the need arises to use some level other than 50 percent.

Comment: Other ways of representing urban and rural areas were suggested by a few commenters. One commenter wrote, ''States have identified a number of distinct areas and communities, currently categorized as frontier under other designations discussed in Section 2.2, which do not appear in the dataset resulting from the FAR methodology. The designation of these areas and communities as non-frontier is problematic if they are to be given consideration for federal programs depending on the FAR methodology.'' Another commenter mentioned several methods used in other countries.

Response: While ORHP recognizes that states can and should set standards for their own programmatic use, for the purpose of setting a national standard, allowing use across the entire United States, it is important to use consistent measures. ORHP believes that the Census Bureau's designation of Urbanized Areas is a uniform national standard and cannot be replaced by standards that would change from state to state. While the information on other countries' use of other methods is informative, the Census Bureau's standards work best for a national standard.

Comment: Several comments were received on use of the one kilometer grid cells that are used to overlay the whole country. One commenter noted, ''The use of one by one kilometer grid cells has the potential to be a very powerful tool, especially if local organizations are provided with a means to access and manipulate that data . . . However, even such fine-grained data cannot capture every variation impacting the remoteness of an area. Local input can complement the use of the FAR methodology to determine remoteness.''

A State Department of Health commented ''The methodology provides more precision by using . . . a 1 x 1 kilometer grid level.''

However, other commenters were concerned with use of the grid system. ''The first component of the method we take issue with is the assignment of the 1 square kilometer cells . . . Population assignments across these cells could vary greatly across even thinly settled areas, unless there was a fixed way to determine the assigned placement of these cells from east to west, and from north to south. It was unclear how grid assignment was determined.''

Response: The FAR Codes did use a fixed method to determine the assigned placement of the cells. The initial web data product based on 2000 Census data did not provide detailed, grid-level maps of each state, a situation that will change with future updates. In the revision of the FAR methodology, the use of a 1 x 1 kilometer grid will be replaced with a ½ x ½ kilometer grid, which will increase accuracy, and further functionality will be added to the Web site allowing users to drill down and examine small areas. ORHP believes that this level of analysis obviates the need to overlay other sources of data, while still allowing users to include other data appropriate to their use of the FAR codes.

Comment: Many comments were received on the applicability of the FAR methodology to island populations, with several stating that without more detailed information on which islands were classified under which codes it was impossible to evaluate their effect.

One commenter from Hawaii noted, ''With the information provided, it is fairly easy to determine if our small, populated islands would qualify, but it is more difficult to evaluate the impact of this methodology on remote areas on the islands of Maui and Hawaii.''

Response: ORHP believes travel time on any island would be treated the same way as travel time on the mainland and would produce similar results. Islands with small populations would be classified as remote, while islands with large populations could have areas that are classified as FAR depending on their distance from the population center.

Comment: A comment received from a clinic located on an island in the State of Maine pointed out that their ZIP code was not classified as FAR even though they are located on an island.

Response: This may be due to a mismatch between ZIP code areas and the FAR grid analysis. In cases where an error is either discovered or suspected, ORHP will examine the issue and make corrections where data have not been listed correctly.

Comment: Multiple commenters noted, ''The proposed FAR methodology references the need for designation of island and coastal locations without road access, but makes only a limited specification of how these situations should be handled—the addition of 60 minutes travel time to these locations. While this will lead to the designation of many island or coastal locations in their own ZCTAs [ZIP Code Tabulation Areas], it is not entirely clear how this will impact island/coastal communities combined into larger ZCTAs. There are multiple island/coastal locations where actual travel time on scheduled ferries is less than 60 minutes. A more robust approach is needed for dealing with the variety of different island/coastal locations in the nation.''

While there were several examples involving islands given in the **Federal Register** notice, there were also concerns on whether bush communities in Alaska, although not technically islands, were just as isolated as though they were surrounded by water. At the same time, islands that are part of a major Metropolitan Area could qualify as FAR Level 4 even though they might have far easier access to services available in large population areas than would a community in the Alaskan frontier.

Response: ORHP believes that those who commented on island populations and residents of isolated areas, such as the Alaskan bush, have legitimate concerns. The update of the FAR codes based on 2010 Census data should clarify the status of island populations.

ORHP notes that the 60-minute travel time is a minimum and is not intended to be exact. Travel times on land, as well as by air or water, could be far greater than 60 minutes. In the case of islands or areas where only air or water transport is available, the default to 60 minutes is not meant to accurately reflect travel under all conditions. Travel time will frequently exceed 60 minutes or may be less, but the use of the default is meant to reflect the difficulty in assuring access to areas where air or water travel is required. As mentioned above, ORHP will examine the possibility of designating another, more remote level that will be 2 or more hours travel time from the nearest Urbanized Area, which would allow a more accurate designation of the Alaskan populations mentioned by commenters. There will be an analysis of 2010 Census data to determine whether it is feasible to designate islands as FAR Level 4, when the actual travel time is less than 60 minutes travel time from a large population center.

Comment: Multiple comments were received from Alaska which pointed out that the Bethel Urban area comprises a large land area and includes multiple communities.

Response: The commenters are understandably concerned about the distances between population centers in Alaska. ORHP will examine the issue when data from Alaska are added to the FAR codes through use of the Census 2010 data, to determine whether the use of the grid layer will allow an accurate representation of the Frontier status of the communities that make up the Bethel Census area.

Comment: The final question ORHP presented involved issuing Census Tract or county versions of the FAR codes. One group wrote, ''The Panel recognizes value in having data available in geographic metrics other than ZIP code, particularly for integration across data sources. However, given current ability to measure areas using RUCA codes or Urban Influence Codes, making the data available for designating FARs by those areas is not a priority for completing the process of FAR designation. The value of the new classification system is its ability to be more refined in identifying FARs, which is best accomplished with analysis based on ZIP codes.''

Another group supported census tract and county versions of FAR to aid in comparative analysis. Several organizations wrote, ''If the methodology is going to begin at the 1 x 1 kilometer grid level and is intended to be used flexibly by policymakers, then, of course, it should be organized so that aggregation at a variety of geographic and political levels should be possible. We suggest that the grid data should be organized in a data base in which it can be aggregated at a variety of levels, including, each town, county, Indian reservation (or other land designation), school district, county, census block, census tract, etc. But, most importantly, each aggregation should be accompanied by clear definition of how it was developed.''

Response: As future refinements or revisions are made to the methodology, details will be made public at the FAR Codes Web site: *www.ers.usda.gov/data-products/frontier-and-remote-area-codes.aspx*. ORHP will examine making different levels of aggregation based on geographic units available at the Web site.

Comment: A large number of commenters were not satisfied with the use of ZIP code areas. Especially in rural areas, ZIP codes can cover large areas of land including a large population center, which may conceal the isolation of areas far from the populated place.

Response: ORHP agrees with commenters that when attempting to compare populations with geographic boundaries that do not match, inaccurate classifications are inevitable. Future web access to FAR data not based on ZIP code areas but using the grid cells will allow greater specificity in analysis, which ORHP believes will deal with the commenters concerns.

Comment: Eight organizations involved in Tribal health care commented that the FAR codes were developed without Tribal input.

Response: While ORHP did sponsor five regional stakeholder meetings across the United States which were all announced in the **Federal Register** in order to allow public input, ORHP has also sought input through the comment process and welcomes further input in future revisions of the FAR codes from tribal organizations and others.

Comment: Several commenters believed that it was difficult to impossible to assess FAR codes without any indication of how they will be applied to analysis or used programmatically.

Response: As was mentioned in the original **Federal Register** notice, ORHP has not used FAR codes to determine programmatic eligibility nor has any other agency indicated any intention to use them to direct resources. The codes are available and can be used with additional sources of data, including demographic data, depending on the purpose. However, neither ORHP nor USDA can anticipate how the codes may be used in the future. In the event FAR codes are put to programmatic use, comments could be directed to the relevant organizations that chose their use.

Comment: Several commenters requested a comparison showing whether areas that are classified as ''frontier'' using other methodologies are also classified as frontier using FAR codes and whether areas are classified as FAR even though they are not ''frontier'' under other methodologies.

Response: ORHP understands the concerns expressed by the commenters. While such an analysis is possible, it would not be very instructive since FAR is not simply an attempt to designate the same areas as frontier using a different methodology. ORHP believes that the FAR codes are a new, data-driven methodology and they are offered for use or for analysis. Other methods may be better suited for particular applications and the FAR codes are not intended to supplant or replace other definitions.

Comment: Several comments were received such as this one saying that ''The FAR levels are based on distance only and do not include a density consideration.''

Response: Population density is a key part of this methodology. Density is captured much more accurately on the 1x1 km level rather than being measured based on entire counties of vastly different areas. Use of counties as a unit is problematic because of the lack of uniformity. Use of counties would allow too much low-density area to be classified as non-Frontier due to the counties overall population density concealing the reality of remote, low-density areas.

Urbanized Areas have population density of over 500 per square mile. Distance from Urbanized Areas determines density to a very significant extent. The larger the population of the Urbanized Area, the greater the distance that must be travelled to get to a low threshold population density. On average, rural densities drop to ten people per square mile at the following travel times: 50 minutes for Urbanized Areas of 2,500 to 10,000 people; 70 minutes for Urbanized Areas of 10,000 to 25,000; 95 minutes for Urbanized Areas of 25,000 to 50,000; and 150 minutes for Urbanized Areas above 50,000.

The FAR codes measurement from the edge of Urbanized Areas, where population density falls below 500 people per square mile, assures that density is a primary consideration.

Comment: Several comments also requested that an appeals process be added to the FAR methodology. As one commenter noted, ''Participants at every meeting raised the critical importance of providing a process to allow local entities (state, tribes, etc.) to provide additional information specific to local conditions and to request designation.'' Another comment received stated, ''It is recommended that the issuing agencies establish a mechanism for submission and review of state, tribal and local requests for designation of frontier areas consistent with established language for HPSA and MUA/P language.''

Response: While ORHP realizes that no designation, either for rural areas or for Frontier areas, can be perfect, ORHP currently uses a data-driven definition of rurality to determine program eligibility. ORHP also sought a statistically based, nationally consistent definition of frontier territory; one that is adjustable within a reasonable range, and applicable in different research and policy contexts. In both cases, delineations of rural or frontier areas, opening a process to allow individuals or organizations to appeal to change a specific area's designation based on criteria other than the defined data could cause more problems than it would fix. The advantage of having set criteria would be lost as more individual exceptions were added. Neither OMB, the Census Bureau, nor the USDA have appeals processes regarding their designations. If changes need to be made, the criteria are changed which results in a uniform, national standard that is clearly understandable even though there are always grey areas that can be considered misclassified.

The FAR codes can be used programmatically, but ORHP and USDA

believe that it is best to leave individual program decisions on how to use FAR codes and what additional criteria to use, if any, to programmatic staff. Therefore, neither ORHP nor USDA will undertake reviews except in cases where erroneous classifications may have been made.

Conclusion

There are many different definitions of what constitutes both rural and frontier areas. The FAR codes are not offered as a replacement for other definitions but as one alternative that may be useful in research or for programmatic use.

ORHP considers many of the comments received to be useful in future revisions of the FAR codes and appreciates the interest and passion of the commenters who are concerned with the population of the United States who reside in remote and isolated areas. Further comments and suggestions on the FAR codes are welcome.

Dated: April 25, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–10193 Filed 5–2–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Division of Intramural Research Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Division of Intramural Research Board of Scientific Counselors, NIAID.

Date: June 9–11, 2014.

Time: June 9, 2014, 8:00 a.m. to 6:35 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Rocky Mountain Laboratories, Hamilton, MT 59840.

Time: June 10, 2014, 7:30 a.m. to 5:45 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Rocky Mountain Laboratories, Hamilton, MT 59840.

Time: June 11, 2014, 7:30 a.m. to 10:00 a.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Rocky Mountain Laboratories, Hamilton, MT 59840.

Contact Person: Kathryn C. Zoon, Ph.D., Director, Division of Intramural Research, National Institute of Allergy and Infectious Diseases, NIH, Building 31, Room 4A30, Bethesda, MD 20892, 301–496–3006, *kzoon@niaid.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 28, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–10152 Filed 5–2–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Enrollment and Retention of Participants in NIH-Funded Clinical Trials—Notice of Meeting

SUMMARY: The National Institutes of Health (NIH) will hold a teleconference with interested stakeholders to gather perspectives on issues related to the enrollment and retention of research participants in NIH-funded clinical trials. The stakeholder input will inform the planning of an NIH workshop on this topic that will be scheduled this summer.

DATES: May 16, 2014, from 3:00 p.m.–4:30 p.m., ET.

ADDRESSES: The meeting will be held by teleconference. A teleconference agenda and logistical information will be posted in advance of the teleconference at the following Web site: *http://osp.od.nih.gov/.*

FOR FURTHER INFORMATION CONTACT: Valery Gordon, Ph.D., Acting Director, Clinical Research Program, Office of Science Policy, NIH; email: *gordonv@od.nih.gov;* telephone: 301–496–9838.

SUPPLEMENTARY INFORMATION: The stakeholder teleconference meeting will enable the NIH to gather perspectives from interested parties on issues related to the clinical trial recruitment and retention that could be explored in the workshop. For the purposes of planning the workshop agenda, the NIH is particularly interested in the perspectives of public foundations and other organizations currently working in this area. The topics that are to be explored in the workshop include the following: Outside coordination with NIH-supported clinical trials and public foundations; models to identify and support trial participants; potential public-private partnerships; methods to increase participation, including underrepresented and uninsured populations; and potential measures to track and monitor participation in NIH-supported clinical trials.

Dated: April 26, 2014.

Lawrence A. Tabak,

Principal Deputy Director, NIH.

[FR Doc. 2014–10154 Filed 5–2–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Announcement of Requirements and Registration for New Methods To Detect Bias in Peer Review

Authority: 15 U.S.C. 3719.

SUMMARY: The Center for Scientific Review (CSR) is seeking ideas for the detection of bias in NIH Peer Review of grant applications in a challenge titled ''New Methods to Detect Bias in Peer Review.'' This notice provides information regarding requirements and registration for this challenge.

DATES:

Submission Period: May 5, 2014 through 11:59 p.m. Eastern Time, June 30, 2014.

Judging Period: July 16, 2014 through August 29, 2014.

Winners Announced: September 2, 2014.

ADDRESSES: Details on the NIH/CSR Peer Review process can be found on the Reviewer Resources tab at *www.csr.nih.gov.* For questions about this challenge, email

CSRDiversityPeerRev@mail.nih.gov or call at 301–300–3839.

FOR FURTHER INFORMATION CONTACT: Monica Basco, Center for Scientific Review, phone: 301–300–3839 or email: *CSRDiversityPeerRev@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The mission of CSR is to ensure that the National Institutes of Health (NIH) grant applications receive fair, independent, expert, and timely reviews so NIH can fund the most promising research. For this challenge, ''New Methods to Detect Bias in Peer Review,'' CSR is seeking ideas for the detection of bias in NIH Peer Review of grant applications. CSR is particularly interested in approaches, strategies, methodologies, and/or measures that would be sensitive to detecting bias among reviewers based on gender, race/ethnicity, institutional affiliation, area of science, and amount of research experience of applicants.

This challenge is consistent with peer review authority under sections 492 and 492A of the Public Health Service Act and federal regulations governing ''Scientific Peer Review of Research Grant Applications and Research and Development Contract Projects'' (42 CFR Part 52h). The challenge is part of a larger quality assessment activity related to peer review. Research findings (Ginther et al., 2011; 2012) showed a discrepancy in success rates for NIH R01 grant funding between White applicants and Black applicants, raising the question of possible bias in the peer review process. This challenge aims to address that discrepancy by soliciting ideas for detecting potential bias in peer review. It directly supports the mission of CSR to ensure that the best and brightest minds have an equal opportunity to contribute to the realization of our national research goals.

Subject of Challenge: The subject of this challenge is to seek ideas for the detection of bias in NIH Peer Review. The mission of the NIH is to seek fundamental knowledge about the nature and behavior of living systems and to apply that knowledge to enhance health, lengthen life, and reduce the burdens of illness and disability. NIH has a longstanding and time tested system of peer review to identify the most promising biomedical research to accomplish these aims. As the portal for NIH grant applications and their review for scientific and technical merit, CSR is engaged in a new initiative to closely examine the peer review process. Aims include the identification of procedures and practices that are most beneficial in accomplishing CSR's mission as well as identifying any aspects that might make the review process vulnerable to bias. The goal is to enhance the quality and validity of the peer review process.

As background, every grant application submitted to NIH must undergo two levels of NIH Peer Review prior to funding. The first level of review is carried out by a Scientific Review Group (SRG) composed primarily of non-federal scientists who have expertise in relevant scientific disciplines and current research areas. The second level of review is performed by Institute and Center National Advisory Councils or Boards who make recommendations on priority areas of research, pending policy, and funding of particular applications. Councils are composed of both scientific and public representatives chosen for their expertise, interest, or activity in matters related to health and disease. Only applications that are recommended for approval by both the SRG and the Advisory Council may be recommended for funding. Final funding decisions are made by the director of the relevant NIH Institute or Center.

CSR strives to ensure that NIH grant applications receive fair, independent, expert, and timely reviews—free from inappropriate influences—so NIH can fund the most promising research. However, recent studies (Ginther et al., 2011; 2012) have shown that African American researchers are less likely than White researchers to receive NIH R01 grant funding by at least 10 percentage points. An investigation of racial disparities in grant funding must include the exploration of potential bias in the peer review system.

There are several challenges in the assessment of bias in peer review. Any reactive effects of assessing racial bias must be minimized. That is; detection strategies should not have a detrimental effect on reviewers by creating a sensitivity that did not previously exist. And, while the written critiques of reviewers may provide opportunities to identify biased comments, because of the confidential nature of peer review, the names and demographic characteristics of reviewers assigned to specific applications are not retained and not all grant applicants and reviewers provide sensitive demographic data such as race and ethnicity.

In this challenge, participants are asked to submit their ideas for the detection of possible bias in the NIH Peer Review process. These ideas should provide approaches, strategies, methodologies, and/or measures that would be sensitive to detecting bias among reviewers due to gender, race/ethnicity, institutional affiliation, area of science, and prior funding of grant applicants (See complete submission requirements below).

Eligibility Rules for Participating in the Challenge: The challenge is open to any individual, group of individuals, or entity (each referred to in this notice as a participant) who meets the eligibility criteria below. There is no limit to the number of entries a participant can submit.

To be eligible to win a prize under this challenge:

(1) The participant shall have registered to participate in the competition under the rules promulgated by CSR as described in this notice.

(2) The participant (including each individual participating as a member of a group participant) shall have complied with all the requirements under this section.

(3) In the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, each shall be a citizen or permanent resident of the United States.

(4) Individuals (whether competing alone or part of a group) who are younger than 18 must have their parent or legal guardian complete the Parental Consent Form. The form can be found on the Challenge Web page at *www.csr.nih.gov*.

(5) The participant may not be a Federal entity or Federal employee acting within the scope of his or her employment.

(6) The participant shall not be an HHS employee working on their applications or submissions during assigned duty hours.

(7) The participant shall not be an employee of the National Institutes of Health, the Center for Scientific Review, a member of the Subcommittee on Peer Review or any other party involved with the design, production, execution, or distribution of the Challenge or their immediate family (spouse, parents or step-parents, siblings and step-siblings and children and step-children).

(8) Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

(9) Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

(10) CSR reserves the right to cancel, suspend, modify the challenge and/or not award a prize if no submissions are deemed worthy.

(11) CSR will claim no rights to intellectual property. By participating in this challenge, participant grants to CSR an irrevocable, paid-up, royalty-free, nonexclusive worldwide license to post, link to, share, and display publicly the submission(s) on the Web, newsletters or pamphlets, and other information products such as a future Funding Opportunity Announcement or other study to develop the methodology. In addition, CSR may incorporate proposed ideas into a future Request for Applications (RFA), Request for Proposals (RFP) or an implemented study to develop the methodology, but an award of a prize does not guarantee the proposed idea will be implemented.

(12) By participating in this challenge, participant agrees that the submission is participant's original work and that all proposed ideas are participant's original effort. It is the responsibility of the participant to obtain any rights necessary to use, disclose, or reproduce any intellectual property owned by third parties and incorporated in the entry for all anticipated uses of the submission. Submissions must not violate or infringe upon the rights of other parties, including, but not limited to, privacy, publicity or intellectual property rights, or material that constitutes copyright or license infringement.

(13) By participating in this challenge, each participant (including each individual making up a group participant) agrees to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this prize challenge, whether the injury, death, damage, or loss arises through negligence or otherwise.

(14) Based on the subject matter of the challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from challenge participation, participants are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this challenge.

(15) By participating in this challenge, each participant agrees to indemnify the Federal Government against third party claims for damages arising from or related to challenge activities.

(16) An individual shall not be deemed ineligible because the individual used Federal facilities or consulted with Federal employees during this challenge if the facilities and employees are made available to all individuals participating in the challenge on an equitable basis.

(17) In the case of groups, a single, individual group member will submit the submission on behalf of the group and certify that the submission meets all challenge rules.

(18) The decision of the award approving official is final and cannot be contested. The award approving official is the Director of the Center for Scientific Review.

Submission Process for Participants: Participants should submit all entry materials to *CSRDiversityPeerReview@mail.nih.gov*.

Amount of the Prize: CSR may award up to a total of four prizes in two categories: Best Empirically-Based Submission and Most Creative Submission. In each of these two categories, CSR may award a first prize in the amount of $10,000 and a second prize in the amount of $5,000. Each submission is eligible for only one prize (i.e., a single submission cannot win more than one prize for this challenge).

Prizes awarded under this challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. HHS will comply with the Internal Revenue Service withholding and reporting requirements, where applicable. If a group or entity is selected as a winner, CSR will pay the prize to an individual representative of the group or entity designated in the cover letter required as part of the submission. To the extent applicable, it is this individual's responsibility to distribute the prize to group (or entity) members.

Basis Upon Which Submissions Will Be Evaluated: After CSR receives and de-identifies the submissions, the submissions will be evaluated according to a two-stage process: (1) Technical merit will be evaluated for its potential to detect bias in peer review (High, Medium, Low Impact) by a panel of experts in fields relevant to peer review and reviewer bias, and (2) High Impact submissions will be evaluated and rank-ordered based on the judging criteria (see judging criteria below) by a panel of judges comprised of federal employees who will recommend the winning entries.

The final awards will be approved by the Director of the Center for Scientific Review; provided, however, that CSR reserves the right to cancel, suspend, modify the challenge and/or not award a prize if no submissions are deemed worthy.

The judging criteria for the best empirically based and most creative submissions are as follows:

Best Empirically-Based Submission

- Theoretically based and/or hypothesis driven
- Proposes an experimental design
- Well-grounded in peer reviewed empirical literature
- Proposes measurement methods
- Feasibility of implementation
- Related to the NIH Peer Review Process

Most Creative Submission

- Proposes novel concepts or translates existing concepts in a novel way
- Challenges existing paradigms
- The proposed project has potential to be translated for use in an experimental design
- Creative ways to apply ideas
- Implementation is feasible
- Relates to the NIH Peer Review Process

Submission Requirements: This challenge is for the solicitation of ideas for the detection of bias in NIH Peer Review, therefore a full development of new measures is not required. The following materials must be uploaded to *CSRDiversityPeerReview@mail.nih.gov* or sent in hardcopy to the Office of the Director, Attention: Denise McGarrell, Center for Scientific Review, 6701 Rockledge Drive, Suite 3030, Bethesda, Maryland 20892 by the deadline. Incomplete submissions will not be considered. All submissions must be written in English.

- Cover sheet with title of the submission and the participant's name or names of group members and contact information. In the case of groups (and entities), indicate one group member responsible for corresponding with CSR. Also indicate which group member will be responsible for receiving the prize for distribution, as applicable, among group members.
- Challenge submission documents.

Note: The 2-page challenge idea should be anonymous (i.e., not include identifying information of the participant). Submissions shall not exceed 2 single-spaced pages (not to include cover page, references or parental consent document, if applicable) and shall be constrained to no less than one inch margins and 11 pt. Ariel font. All submissions must be submitted in .doc (Word) format. Submissions should include the following sections:

Aims: Describe the goals for your proposed approach to the detection of bias in peer review and the anticipated outcomes.

Approach: Provide a detailed description of your proposed methods and procedures. Describe how you might measure the effectiveness of your plan in accomplishing your proposed aims.

Implementation: Explain how your method might be implemented as part of NIH Peer Review. Include how your proposed method might be tested and, if effective, how it might be disseminated across the NIH.

- As applicable, the signed Parental Consent Document.
- Submissions not conforming to these specifications will be disqualified.

References

Ginther DK et al. (2011). Race, ethnicity, and NIH research awards. Science, 333 (1015–1019).

Ginther DK, Haak LL, Schaffer WT, & Kington R. (2012). Are race, ethnicity, and medical school affiliation associated with NIH R01 type 1 award probability for physician investigators? *Academic Medicine,* 87 (11), 1516–1524.

Dated: April 29, 2014.

Richard Nakamura,

Director, Center for Scientific Review, National Institutes of Health.

[FR Doc. 2014–10196 Filed 5–2–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Announcement of Requirements and Registration for Strategies To Strengthen Fairness and Impartiality in Peer Review

Authority: 15 U.S.C. 3719.

SUMMARY: The National Institutes of Health (NIH) Center for Scientific Review (CSR) is issuing a challenge titled ''Strategies to Strengthen Fairness and Impartiality in Peer Review.'' This notice provides information regarding requirements and registration for the challenge.

DATES:

Submission Period: May 5, 2014 through 11:59 p.m. Eastern Time, June 30, 2014.

Judging Period: July 16, 2014 through August 29, 2014.

Winners Announced: September 2, 2014.

ADDRESSES: Details on the NIH/CSR Peer Review process and current reviewer training materials can be found on the Reviewer Resources tab at *www.csr.nih.gov* (See NIH Peer Review Process Revealed and Resources for Reviewers). For questions about this challenge, please contact *CSRDiversityPeerRev@mail.nih.gov* or call at 301–300–3839.

FOR FURTHER INFORMATION CONTACT: Monica Basco, Center for Scientific Review, phone: 301–300–3839 or email at *CSRDiversityPeerRev@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The mission of the NIH is to seek fundamental knowledge about the nature and behavior of living systems and to apply that knowledge to enhance health, lengthen life, and reduce the burdens of illness and disability. NIH has a longstanding and time tested system of peer review to identify the most promising biomedical research. The core values of NIH Peer Review are (1) expert assessment, (2) transparency, (3) impartiality, (4) fairness, (5) confidentiality, (6) integrity, and (7) efficiency. These values drive NIH to seek the highest level of ethical standards and form the foundation for the laws, regulations, and policies that govern the NIH peer review process.

The NIH's Center for Scientific Review is issuing a challenge titled ''Strategies to Strengthen Fairness and Impartiality in Peer Review,'' under and consistent with sections 492 and 492A of the Public Health Service Act and federal regulations governing ''Scientific Peer Review of Research Grant Applicants and Research and Development Contract Projects'' (42 CFR Part 52h). The goal of this challenge is to seek ideas for strengthening reviewer training practices to enhance impartiality and fairness in peer review of grant applications. Research findings (Ginther et al, 2011; 2012) suggest a discrepancy in success rates for NIH R01 grant funding between White applicants and Black applicants, suggesting possible bias in the peer review process. This challenge aims to address that discrepancy by soliciting ideas for reviewer training methods to enhance fairness and impartiality in peer review. It directly supports the mission of CSR to ensure that the best and brightest minds have an equal opportunity to contribute to the realization of our national research goals.

Subject of Challenge: The subject of this challenge is to seek ideas for reviewer training methods to enhance fairness and impartiality in peer review.

The NIH Peer Review process is a dual peer review system used by NIH to award research funds. Under this system, each application must undergo two levels of NIH Peer Review. The first level of review is carried out by a Scientific Review Group (SRG) composed primarily of non-federal scientists who have expertise in relevant scientific disciplines and current research areas. The second level of review is performed by Institute and Center National Advisory Councils or Boards that make recommendations on priority areas of research, pending policy, and funding of particular applications. Councils are composed of both scientific and public representatives chosen for their expertise, interest, or activity in matters related to health and disease. Only applications that are recommended for approval by both the SRG and the Council may be recommended for funding. Final funding decisions are made by the director of the relevant NIH Institute or Center.

NIH recognizes a unique and compelling need to promote diversity in the NIH-funded biomedical research workforce. The NIH expects efforts that diversify the workforce to lead to the recruitment of the most talented researchers from all groups, improve the quality of the training environment, balance and broaden the perspective in setting research priorities, and improve the Nation's capacity to address and eliminate health disparities. Yet, despite longstanding efforts from the NIH and other entities across the biomedical and behavioral research landscape to enhance the diversity of workforce, more work remains to be done. Recent studies (Ginther et al., 2011; 2012) have shown that African American researchers are less likely than White researchers to receive NIH R01 grant funding. These findings have raised concerns regarding the degree to which reviewers are demonstrating the core values of impartiality and fairness.

This challenge seeks ideas for reviewer training methods aimed at enhancing fairness and impartiality in peer review. Submissions need not include fully developed training materials (See complete submission requirements below). However, ideas should be provided in sufficient detail to assess their ability to address and promote fairness and impartiality in the peer review of grant applications with regards to: gender, race/ethnicity, institutional affiliation, area of science, and amount of research experience of the applicant.

Eligibility Rules for Participating in the Challenge: The challenge is open to any individual, group of individuals, or entity (each referred to in this notice as a ''participant'') who meets the eligibility criteria below. There is no limit to the number of entries a participant can submit.

To be eligible to win a prize under this challenge:

(1) The participant shall have registered to participate in the competition under the rules promulgated by CSR as described in this notice.

(2) The participant (including each individual participating as a member of group participant) shall have complied with all the requirements under this section.

(3) In the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, each shall be a citizen or permanent resident of the United States.

(4) Individuals (whether competing alone or as part of a group) who are younger than 18 must have their parent or legal guardian complete the Parental Consent Form. The form can be found on the Challenge Web page at *www.csr.nih.gov.*

(5) The participant may not be a Federal entity or Federal employee acting within the scope of his or her employment.

(6) The participant shall not be an HHS employee working on their applications or submissions during assigned duty hours.

(7) The participant shall not be an employee of the National Institutes of Health, the Center for Scientific Review, a member of the Subcommittee on Peer Review or any other party involved with the design, production, execution, or distribution of the Challenge or their immediate family (spouse, parents or step-parents, siblings and step-siblings and children and step-children).

(8) Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

(9) Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

(10) CSR reserves the right to cancel, suspend, modify the challenge and/or not award a prize if no submissions are deemed worthy.

(11) CSR will claim no rights to intellectual property. By participating in this challenge, participant grants to CSR an irrevocable, paid-up, royalty-free, nonexclusive worldwide license to post, link to, share, and display publicly the submission on the Web, newsletters or pamphlets, and other information products such as a future Funding Opportunity Announcement or other study to develop the methodology. In addition, CSR may incorporate proposed ideas into a future Request for Applications (RFA), Request for Proposals (RFP) or an implemented study to develop the methodology, but an award of a prize does not guarantee the proposed idea will be implemented.

(12) By participating in this challenge, participant agrees that the submission is participant's original work and that all proposed ideas are participant's original effort. It is the responsibility of the participant to obtain any rights necessary to use, disclose, or reproduce any intellectual property owned by third parties and incorporated in the entry for all anticipated uses of the submission. Submissions must not violate or infringe upon any copyright or any other rights of other parties, including, but not limited to, privacy, publicity or intellectual property rights, or material that constitutes copyright or license infringement.

(13) By participating in this challenge, each participant (including each individual making up a group participant) agrees to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this prize challenge, whether the injury, death, damage, or loss arises through negligence or otherwise.

(14) Based on the subject matter of the challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from challenge participation, participants are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this challenge.

(15) By participating in this challenge, each participant agrees to indemnify the Federal Government against third party claims for damages arising from or related to challenge activities.

(16) An individual shall not be deemed ineligible because the individual used Federal facilities or consulted with Federal employees during this challenge if the facilities and employees are made available to all individuals participating in the challenge on an equitable basis.

(17) In the case of groups, a single, individual group member will submit the submission on behalf of the group and certify that the submission meets all challenge rules.

(18) The decision of the award approving official is final and cannot be contested. The award approving official is the Director of the Center for Scientific Review.

Submission Process for Participants: Participants should submit all entry materials to *CSRDiversityPeerReview@mail.nih.gov.*

Amount of the Prize: CSR may award up to two prizes. A First Prize in the amount of $10,000 and a Second Prize in the amount of $5,000 may be given. Each submission is eligible for only one prize (i.e., a single submission cannot win more than one prize for this challenge).

Prizes awarded under this challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. HHS will comply with the Internal Revenue Service withholding and reporting requirements, where applicable. If a group or entity is selected as a winner, CSR will pay the prize to an individual representative of the group designated in the cover letter required as part of the submission. To the extent applicable, it is this individual's responsibility to distribute the prize to group (or entity) members.

Basis Upon Which Submissions Will be Evaluated: After CSR receives and de-identifies the submissions, the submissions will be evaluated according to a two-stage process: (1) Technical merit will be evaluated for potential to enhance fairness and impartiality in peer review (High, Medium, Low impact) by a panel of experts in fields relevant to peer review, evaluation and training methods, and bias in assessment, and (2) High Impact submissions will be evaluated and rank ordered based on the judging criteria (see judging criteria below) by a panel of judges comprised of federal employees who will recommend the winning entries.

The final awards will be approved by the Director of the Center for Scientific Review; provided, however, that CSR reserves the right to cancel, suspend, modify the challenge and/or not award a prize if no submissions are deemed worthy.

The judging criteria for this challenge are as follows.

- Demonstrates general knowledge of peer review practices.
- Grounded in the empirical literature.
- Feasible for implementation with reviewers in the NIH Peer Review system.
- The proposed methods could be delivered to reviewers in a variety of delivery formats, including an electronic format.

• Demonstrates an understanding of the literature on principles of learning/training.

• Effectively moves theory to practice.

• Provides evidence that supports the effectiveness of the approach in promoting fair and unbiased peer review.

Submission Requirements: This challenge is for the solicitation of ideas for reviewer training methods to strengthen reviewer fairness and impartiality in NIH Peer Review. Submissions, therefore, need not include fully developed training materials. The following materials must be emailed to *CSRDiversityPeerRev@mail.nih.gov* or sent in hardcopy to the Office of the Director, Attention: Denise McGarrell, Center for Scientific Review, 6701 Rockledge Drive, Suite 3030, Bethesda, Maryland 20892 by the deadline. Incomplete submissions will not be considered. All submissions must be written in English.

• Cover sheet with title of the submission and the participant's name or names of group members and contact information. In the case of groups (and entities), indicate one group member responsible for corresponding with CSR. Also indicate which group member will be responsible for receiving the prize for distribution, as applicable, among group members.

• Challenge submission documents. Note: The 2-page challenge idea should be anonymous (i.e., not include identifying information of the participant). Submissions shall not exceed 2 single-spaced pages (not to include cover page, references or parental consent document, if applicable) and shall be constrained to no less than one inch margins and 11 pt. Ariel font. All submissions must be submitted in .docx (Word) format. Submissions should include the following sections:

Aims: Describe the goals for your proposed approach for reviewer training to enhance fairness and impartiality in peer review and the anticipated outcomes.

Approach: Provide a detailed description of your proposed methods and procedures. Describe how you might measure the effectiveness of your plan in accomplishing your proposed aims.

Implementation: Explain how your methods might be implemented as part of reviewer training. Include how your proposed method might be tested and, if effective, how it might be disseminated across the NIH.

• As applicable, the signed Parental Consent Document.

• Submissions not conforming to these specifications will be disqualified.

References

Ginther DK et al. (2011). Race, ethnicity, and NIH research awards. Science, 333 (1015–1019).

Ginther DK, Haak LL, Schaffer WT, & Kington R. (2012). Are race, ethnicity, and medical school affiliation associated with NIH R01 type 1 award probability for physician investigators? Academic Medicine, 87 (11), 1516–1524.

Dated: April 29, 2014.

Richard Nakamura,

Director, Center for Scientific Review, National Institutes of Health.

[FR Doc. 2014–10203 Filed 5–2–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2014–0012]

Advisory Committee on Commercial Operations of Customs and Border Protection (COAC)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Committee management; Notice of Federal advisory committee meeting.

SUMMARY: The Advisory Committee on Commercial Operations of Customs and Border Protection (COAC) will meet on May 22, 2014, in Miami, FL. The meeting will be open to the public.

DATES: COAC will meet on Thursday, May 22, from 1:00 p.m. to 5:00 p.m. EST. Please note that the meeting may close early if the committee has completed its business.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

—For members of the public who plan to attend the meeting in person, please register either online at *https://apps.cbp.gov/te_reg/index.asp?w=17*; by email to *tradeevents@dhs.gov;* or by fax to 202–325–4290 by 5:00 p.m. EST on May 20, 2014.

—For members of the public who plan to participate via webinar, please register online at *https://apps.cbp.gov/te_reg/index.asp?w=18* by 5:00 p.m. EST on May 20, 2014.

Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: *https://apps.cbp.gov/te_reg/cancel.asp?w=17* to cancel an in person registration, or *https://apps.cbp.gov/te_reg/cancel.asp?w=18* to cancel a webinar registration.

ADDRESSES: The meeting will be held at the Sofitel Miami at 5800 Blue Lagoon Drive, Monte Carlo Room II & III, Miami, FL 33126.

All visitors to the Sofitel Miami should proceed through the main lobby to Monte Carlo Room II & III. There will be signage posted directing visitors to the location of Monte Carlo Room II & III.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at 202–344–1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee prior to the formulation of recommendations as listed in the ''Agenda'' section below.

Comments must be submitted in writing no later than May 15, 2014, and must be identified by Docket No. USCBP–2014–0012, and may be submitted by *one* of the following methods:

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

• *Email: Tradeevents@dhs.gov.* Include the docket number in the subject line of the message.

• *Fax:* 202–325–4290

• *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. Do not submit personal information to this docket.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2014–0012. To submit a comment, see the link on the Regulations.gov Web site for ''How do I submit a comment?'' located on the right hand side of the main site page.

There will be multiple public comment periods held during the

meeting on May 22, 2014. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP Web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac*, at the time of the meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone 202–344–1440; facsimile 202–325–4290.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. Appendix (Pub. L. 92–463). The COAC provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within DHS and the Department of the Treasury.

Agenda

The COAC will hear from the following project leaders and subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed on those topics:

1. The Trade Enforcement and Revenue Collection Subcommittee: Review and discuss the recommendations on the Intellectual Property Rights (IPR) Working Group's work to determine the feasibility of a Partnership Program for IPR; simplified process for managing small shipments; the application of the Document Imaging System as a tool for IPR authentication; and reintroduce the voluntary disclosure proposal and its utility for trade targeting. Review and discuss the report on the Bonds Working Group's discussions on the concept of e-bonds and centralization of Single Transaction Bonds.

2. The Trusted Trader Subcommittee: Review and discuss the action plan to establish the C–TPAT for exports component under the C–TPAT program. Review and discuss the subcommittee's additional comments pertaining to the Customs-Trade Partnership Against Terrorism (C–TPAT) criteria for exporters.

3. The One U.S. Government at the Border Subcommittee: Review and discuss the progress of the Import Mapping Working Group and potential collaboration with the Border Inter-Agency Executive Council (BIEC) External Engagement Committee's Import Subcommittee.

4. The Trade Modernization Subcommittee: Review and discuss the Role of the Broker Working Group's recommendation regarding Broker Permits and update on the Automated Commercial Environment (ACE) Development and Deployment Schedule.

5. The Export Subcommittee: Review and discuss creation of the Export Process Work Group (EPWG) and collaboration with the Border Inter-Agency Executive Council (BIEC) External Engagement Committee's Export Subcommittee.

Dated: April 30, 2014.

Maria Luisa Boyce,

Senior Advisor for Private Sector Engagement, Office of Trade Relations.

[FR Doc. 2014–10180 Filed 5–2–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5762–N–01]

60-Day Notice of Proposed Information: Record of Employee Interview

AGENCY: Office of Labor Relations, Field Policy and Management, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval for the proposed information collection requirement described below, and will be submitting to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* July 7, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Saundra A. Green, Administrative Officer, Office of Field Policy and Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 7108 or the number (202–402–5537) this is not a toll free number or email at *Saundra.A.Green@hud.gov* or a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number though TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollards, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–3400 (this is not a toll free number) or email Colette Pollard at *Colette.Pollard@hud.gov* for copies of the proposed forms and other available information. Persons with hearing or speech impairments may access this number though TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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; (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 the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Record of Employee Interview.

OMB Control Number, if applicable: 2501–0009.

Description of the need for the information and proposed use:

The information is used by HUD and agencies administering HUD programs to collect information from laborers and mechanics employed on projects subjected to the Federal Labor Standards provisions. The information collected is compared to information submitted by the respective employer on certified payroll reports. The comparison tests the accuracy of the employer's payroll data and may disclose violations. Generally, these activities are geared to the respondent's benefit that is to determine whether the respondent was underpaid and to ensure the payment of wage restitution to the respondent.

Agency form numbers, if applicable: HUD–11.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Estimated number of burden hours is 5,000. Estimated number of respondents is 20,000, the estimated number of responses is 20,000, the frequency of response is on occasion, and the burden hour per response is 25.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 24, 2014.

David J. Reeves,

Director, Office of Field Policy and Management.

[FR Doc. 2014–10234 Filed 5–2–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–16]

60-Day Notice of Proposed Information Collection: Tenant Resource Network Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 7, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Carol Schrader, HTGF, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Carol Schrader at *Carol.Schrader@hud.gov* or telephone (202) 402–3263. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Schrader.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Tenant Resource Network Program.

OMB Approval Number: 2502–0601.

Type of Request: Application for Federal Assistance.

Form Number: SF–424, SF–424 Supplemental, HUD–424 CBW, SF–LLL, HUD–2880, HUD–92041, HUD–2994–A, HUD–96010, Form HUD–96011 and HUD 50080–TRNP.

Description of the need for the information and proposed use: Grant Application.

Respondents: Non-profit groups.

Estimated Number of Respondents: 100.

Estimated Number of Responses: 1800.

Frequency of Response: Annually.

Average Hours per Response: 49.866.

Total Estimated Burdens: 78,961.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 30, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–10235 Filed 5–2–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–44]

30-Day Notice of Proposed Information Collection: Rehabilitation Mortgage Insurance Underwriting Program Section 203(K)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* June 4, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public

comment on the information collection for a period of 60 days was published on January 15, 2014.

A. Overview of Information Collection

Title of Information Collection: Rehabilitation Mortgage Insurance Underwriting Program Section 203(K).

OMB Approval Number: 2502–0527.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–92700, HUD–92700–A, HUD–9746–A, HUD–92577.

Description of the need for the information and proposed use: This request for OMB review involves an extension request for information collected under OMB approval 2502–0527 for lenders that originate and service Section 203(k) mortgages. The information collection focuses on the loan origination process and is used for underwriting purposes and to document expenditures from repair escrow accounts. Per the existing collection 8,255 respondents are borrowers and lenders, including approximately 20 nonprofits, who annually apply for regular 203(k) loans as well as the Streamlined (K) modification of the 203(k) program.

Respondents (i.e. affected public): Business or other for-profit.

Estimated Number of Respondents: 8,225.

Estimated Number of Responses: 144,455.

Frequency of Response: N/A.

Average Hours per Response: 121,891.

Total Estimated Burdens: 3,900,512.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: April 29, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–10223 Filed 5–2–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–43]

30-Day Notice of Proposed Information Collection: Compliance Inspection Report and Mortgagee's Assurance of Completion

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* June 4, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 9, 2014.

A. Overview of Information Collection

Title of Information Collection: Compliance Inspection Report and Mortgagee's Assurance of Completion.

OMB Approval Number: 2502–0189.

Type of Request: Extension of a currently approved collection.

Form Number: HUD 92051, HUD–92300.

Description of the need for the information and proposed use: Accurate and thorough property information is critical to the accuracy of underwriting for the mortgage insurance process. This information collection is needed to ensure newly built homes financed with FHA mortgage insurance are constructed in accordance with acceptable building standards and that deficiencies found in newly constructed and existing dwellings are corrected.

Respondents (i.e. affected public): 5,668.

Estimated Number of Respondents: 5,668.

Estimated Number of Responses: 30,000.

Frequency of Response: On occasion.

Average Hours per Response: .175.

Total Estimated Burdens: 18,664.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 29, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–10226 Filed 5–2–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–45]

30-Day Notice of Proposed Information Collection: Focus Groups About the Housing Search Process for Lesbian, Gay, Bisexual and Transgender (LGBT) People

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* June 4, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 15, 2014.

A. Overview of Information Collection

Title of Information Collection: Focus Groups about the Housing Search Process for Lesbian, Gay, Bisexual and Transgender (LGBT) People.

OMB Approval Number: 2528-New.

Type of Request: New collection.

Form Number: None.

Description of the need for the information and proposed use: The Department is conducting this study as part of a larger effort to study housing discrimination. As part of that research, the Department would like to learn more about the process that people use to search for housing. Specifically, we are interested in the manner in which people identify themselves as lesbian, gay, or transgender when searching for rental housing. The full project is to conduct in-person testing for lesbian and gay people in at least two major metropolitan rental markets and transgender people in at least one market. The study will use paired testing methods to measure disparate treatment.

Respondents (i.e. affected public):

Potential renters who are LGBT persons (four focus groups of 15 people each)	Up to 60.
Potential renters who are heterosexual, for comparison purposes	Up to 15.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Instrument	Number of respondents	Number responses per respondent	Average burden/response (in hours)	Total burden hours
Informed Consent Form (ICF)	75	1	Up to 15 minutes (or .25 hours)	*18.75*
Participation in focus group	75	1	120 minutes (2 hours)	*150*
Total				168.75

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 29, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–10218 Filed 5–2–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5758–N–06]

60-Day Notice of Proposed Information Collection: Housing Search Process for Racial/Ethnic Minorities

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 7, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Housing Search Process for Racial/Ethnic Minorities.

Type of Request New.

OMB Approval Number: N/A.

Form Number: None.

Description of the need for the information and proposed use: It has suspected that differences between the rental housing search process employed by racial and ethnic minorities and other populations may have significant consequences for the housing opportunities available to minority households and the strategies needed to combat racial and ethnic discrimination. This is an exploratory inquiry into a topic that is not well understood and has not been a well-developed research topic. The findings of this study will help guide research toward a more comprehensive understanding of the rental housing search processes of individual households and will inform development of more effective enforcement strategies to combat discriminatory practices and will indicate ways to expand housing opportunities for racial and ethnic minorities.

Respondents; Recent movers and current housing searchers in large scale cognitive testing and a limited number of in-depth interviews of some members of the testing group.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Recent Movers	525	1	1	.5	262.5	0	0
Ineligibles—screened out	175	1	1	.0333	5.83	0	0
Current Movers—first wave	175	1	1	.5	87.5	0	0
Current movers—second wave	140	1	1	.33	46.2	0	0
Current movers—third wave	98	1	1	.33	32.34	0	0
In-depth Interviews	48	1	1	1	48	0	0
Total	986 (700-Unique)				482.37	0	0

There are no capital/start-up or ongoing operation/maintenance cost to respondent or record keepers associated with this data collection.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: 12 U.S.C. 1701z–1 Research and demonstrations.

Dated: April 25, 2014.

Jean Lin Pao,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2014–10233 Filed 5–2–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–ES–2014–N071; FXES11130700000–145–FF07CAAN00]

Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Status Review of the Short-Tailed Albatross

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of review; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service, are initiating a 5-year status review under the Endangered Species Act of 1973, as amended (Act), of the short-tailed albatross. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such

information that has become available since the last review for the species.

DATES: To ensure consideration, we are requesting submission of new information no later than July 7, 2014. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Please submit your information in writing by any one of the following methods:

- *U.S. mail:* Ellen W. Lance, Chief, Endangered Species Branch, Anchorage Fish and Wildlife Field Office, U.S. Fish and Wildlife Service, attention: Northern Sea Otter 5-year Review, 605 West 4th Ave., Rm G61, Anchorage, AK 99501;
- *Hand-delivery:* Anchorage Fish and Wildlife Field Office, 605 West 4th Ave., Rm G61, Anchorage, AK 99501;
- *Fax:* 907–271–2786; or
- *Email: ellen_lance@fws.gov.*

For more about submitting information, see ''Request for Information'' in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Ellen W. Lance, Chief, Endangered Species Branch, Anchorage Fish and Wildlife Field Office, by telephone at 907–271–1467, or at the above address, fax number, or email address. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: This notice announces our active review of the short-tailed albatross (*Phoebastria albatrus*), which is currently listed as Endangered under the Endangered Species Act. The final listing rule for the short-tailed albatross was published on July 31, 2000 (65 FR 46644). A recovery plan for the short-tailed albatross was completed in September 2008 and is available at *http://alaska.fws.gov/fisheries/endangered/pdf/stal_recovery_plan.pdf.*

Why do we conduct a 5-year review?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2) of the Act requires us to review each listed species' status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species that are under active review.

For additional information about 5-year reviews, refer to our factsheet at *http://www.fws.gov/endangered/what-we-do/recovery-overview.html.*

What information do we consider in our review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be used to evaluate the ongoing recovery programs for the species.

Request for Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See ''What information do we consider in our review?'' for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Alaska Region of the Service has lead responsibility is available at *http://alaska.fws.gov/fisheries/endangered/reviews.htm.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 23, 2014.

Cynthia A. Jacobson,

Acting Regional Director, Alaska Region.

[FR Doc. 2014–10181 Filed 5–2–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF00000–L19900000.PO0000]

Notice of Meeting, Front Range Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Front Range Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting will be held on June 4 and 5, 2014, from 9:15 a.m. to 4:15 p.m.

ADDRESSES: Bureau of Land Management, Royal Gorge Field Office, 3028 E. Main Street, Cañon City, CO 81212.

FOR FURTHER INFORMATION CONTACT: Kyle Sullivan, Front Range RAC Coordinator, BLM Front Range District Office, 3028 E. Main St., Cañon City, CO 81212. Phone: (719) 269–8553. Email: *ksullivan@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 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 15-member RAC advises the Secretary of

the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the BLM Front Range District, which includes the Royal Gorge Field Office (RGFO) and the San Luis Valley Field Office. Planned topics of discussion include: recognition of service for outgoing RAC members, an update from field managers, discussion of the BLM's planning process, discussion of issues at Guffey Gorge and a tour of Guffey Gorge. The public is encouraged to make oral comments to the RAC at 9:45 a.m. on June 4 or written statements may be submitted for the RAC's consideration. Summary minutes for the RAC meetings will be maintained in the RGFO and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. Previous meeting minutes and agendas are available at: *www.blm.gov/co/st/en/BLM_Resources/racs/frrac/co_rac_minutes_front.html*.

Bruce Rittenhouse,

Acting Colorado State Director.

[FR Doc. 2014–10184 Filed 5–2–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X 1109AF LLUT030000–L17110000–PH0000–24–1A]

Notice of Grand Staircase-Escalante National Monument Advisory Committee Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the Department of the Interior, Bureau of Land Management (BLM), Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) will meet as indicated below.

DATES: The GSENM MAC will meet Wednesday, May 21, 2014, (1 p.m.–6:00 p.m.) and Thursday, May 22, 2014, (8 a.m.–12 p.m.) in Kanab, Utah.

ADDRESSES: The Committee will meet in the Cottonwood Room at the Bureau of Land Management Complex, 669 South Highway 89A, Kanab, Utah.

FOR FURTHER INFORMATION CONTACT: Larry Crutchfield, Public Affairs Officer, Grand Staircase-Escalante National Monument, Bureau of Land Management, 669 South Highway 89A, Kanab, Utah, 84741; phone (435) 644–1209. 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: The 15-member GSENMAC was appointed by the Secretary of the Interior on August 2, 2011, pursuant to the Monument Management Plan, the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA). As specified in the Monument Management Plan, the GSENMAC will have several primary tasks: (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives; (2) Review appropriate research proposals and make recommendations on project necessity and validity; (3) Make recommendations regarding allocation of research funds through review of research and project proposals as well as needs identified through the evaluation process above; and, (4) Could be consulted on issues such as protocols for specific projects.

One of the topics to be discussed by the GSENMAC during this meeting includes the ongoing Livestock Grazing Management Plan Amendment and Associated Environmental Impact Statement (LGMPA/AEIS). The BLM is preparing this Plan Amendment because the existing land use plans that provide land-use level decisions for livestock grazing were completed in 1981 and are outdated. The Monument Management Plan that became effective in February 2000 did not address most of the prior livestock grazing decisions. This Plan Amendment will allow the integration of livestock and rangeland management with the other resources in the MMP.

The planning area consists of about 2.1 million acres of land which includes lands in the GSENM and non-monument lands administered by GSENM. The GSENM administers livestock grazing on lands managed by the National Park Service within Glen Canyon National Recreation Area as well as lands within BLM's Kanab and Arizona Strip Field Offices through intra-agency agreements. Additional topics include the formation of a LGMPA/AEIS subcommittee; GSENM division reports; and future meeting dates and other matters as may reasonably come before the GSENMAC.

The entire meeting is open to the public. Members of the public are welcome to address the Committee at 5:00 p.m., local time, on May 21, 2014, and at 12:00 p.m., local time, on May 22, 2014. Depending on the number of persons wishing to speak, a time limit could be established. Interested persons may make oral statements to the GSENMAC during this time or written statements may be submitted for the GSENMAC's consideration. Written statements can be sent to: Grand Staircase-Escalante National Monument, Attn: Larry Crutchfield, 669 South Highway 89A, Kanab, Utah 84741. Information to be distributed to the GSENMAC is requested 10 days prior to the start of the GSENMAC meeting.

All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

Authority: 43 CFR 1784.4–1.

Jenna Whitlock,

Associate State Director.

[FR Doc. 2014–10182 Filed 5–2–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Notice on Outer Continental Shelf Oil and Gas Lease Sales

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

ACTION: List of Restricted Joint Bidders

SUMMARY: Pursuant to the authority vested in the Director of the Bureau of Ocean Energy Management by the joint bidding provisions of 30 CFR 556.41, each entity within one of the following groups are restricted from bidding with any entity in any of the other following groups at Outer Continental Shelf oil and gas lease sales to be held during the bidding period May 1, 2014, through October 31, 2014. This List of Restricted Joint Bidders will cover the period May 1, 2014, through October 31, 2014, and replace the prior list published on

October 28, 2013, which covered the period of November 1, 2013, through April 30, 2014.

Group I	BP America Production Company. BP Exploration & Production Inc. BP Exploration (Alaska) Inc.
Group II	Chevron Corporation. Chevron U.S.A. Inc. Chevron Midcontinent, L.P. Unocal Corporation. Union Oil Company of California. Pure Partners, L.P.
Group III ...	Eni Petroleum Co. Inc.

	Eni Petroleum US LLC.
	Eni Oil US LLC.
	Eni Marketing Inc.
	Eni BB Petroleum Inc.
	Eni US Operating Co. Inc.
	Eni BB Pipeline LLC.
Group IV ...	Exxon Mobil Corporation.
	ExxonMobil Exploration Company.
Group V	Petroleo Brasileiro S.A.
	Petrobras America Inc.
Group VI ...	Shell Oil Company.
	Shell Offshore Inc.
	SWEPI LP.
	Shell Frontier Oil & Gas Inc.
	SOI Finance Inc.
	Shell Gulf of Mexico Inc.
Group VII ..	Statoil ASA.
	Statoil Gulf of Mexico LLC.
	Statoil USA E&P Inc.
	Statoil Gulf Properties Inc.
Group VIII	Total E&P USA, Inc.

Dated: April 28, 2014.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–10164 Filed 5–2–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Non-Volatile Memory Chips and Products Containing the Same, DN 3010;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR § 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed behalf of Spansion LLC of Sunnyvale, CA on April 29, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain non-volatile memory chips and products containing the same. The complaint name as respondents Macronix International Co., Ltd. of Taiwan; Macronix America, Inc. of Milpitas, CA; Macronix Asia Limited of Japan; Macronix (Hong Kong) Co., Ltd. of Hong Kong; Acer Inc. of Taiwan; Acer America Corporation of San Jose, CA; ADT Corporation of Boca Raton, FL; Amazon.com, Inc. of Seattle, WA; ASRock Inc. of Taiwan; ASRock America, Inc. of Chino, CA; ASUSTek Computer Inc. of Taiwan; Asus Computer International of Fremont, CA; Belkin International, Inc. of Playa Vista, CA; D-Link Corporation of Taiwan; D-Link Systems, Inc. of Fountain Valley, CA; Leap Motion, Inc. of San Francisco, CA; Lowe's Companies, Inc. of Mooresville, NC; Lowe's Home Centers, Inc. of Wilkesboro, NC; Microsoft Corp. of Redmond, WA; Nintendo Co., Ltd. of Japan; Nintendo of America, Inc. of Redmond, WA; Sercomm Corporation of Taiwan; Vonage Holdings Corp of Holmdel, NJ; Vonage America Inc. of Holmdel, NJ and Vonage Marketing LLC of Holmdel NJ. The complainant requests that the Commission issue a general exclusion order or in the alternative a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3010'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*[4]). Persons with

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 30, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–10230 Filed 5–2–14; 8:45 am]

BILLING CODE 7020–02–P

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–744 (Remand)]

Investigations: Terminations, Modifications and Rulings: Certain Mobile Devices, Associated Software, and Components Thereof

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''the Commission'') has determined to terminate the above-captioned investigation because the only remaining asserted patent has expired.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of all non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov/.* Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 5, 2010, based on a complaint filed by Microsoft Corporation of Redmond, Washington (''Microsoft''). 75 *FR* 68379–80 (Nov. 5, 2010). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile devices, associated software, and components thereof by reason of infringement of U.S. Patent Nos. 5,579,517 (''the '517 patent''); 5,758,352 (''the '352 patent''); 6,621,746 (''the '746 patent''); 6,826,762 (''the '762 patent''); 6,909,910 (''the '910 patent''); 7,644,376 (''the '376 patent''); 5,664,133 (''the '133 patent''); 6,578,054 (''the '054 patent''); and 6,370,566 (''the '566 patent''). Subsequently, the '517 and the '746 patents were terminated from the investigation. The notice of investigation, as amended, names Motorola Mobility, Inc., of Libertyville, Illinois, and Motorola, Inc., of Schaumburg, Illinois (collectively, ''Motorola''), as respondents. Motorola, Inc., n/k/a Motorola Solutions, was terminated from the investigation based on withdrawal of infringement allegations on July 12, 2011.

The presiding ALJ issued the final ID on violation in this investigation on December 20, 2011, finding a violation of section 337 only with respect to the '566 patent. The Commission affirmed the ALJ's finding and issued a limited exclusion order barring the entry of articles that infringe the '566 patent. *See* Commission Opinion at 36 (May 18, 2012).

Microsoft appealed to the U.S. Court of Appeals for the Federal Circuit for review of the Commission's determination of no violation with respect to the '054, '762, '376, and '133 patents. On October 3, 2013, the Federal Circuit affirmed the Commission's determination of no violation with respect to the '054, '762, and '376 patents. The Federal Circuit remanded consideration of the '133 patent to the Commission, with instructions to apply a different construction of the asserted '133 patent claims. *Microsoft Corp.* v. *Int'l Trade Comm'n,* 731 F.3d 1354 (Fed. Cir. 2013). On December 16, 2013, the Federal Circuit affirmed the Commission's exclusion order based on infringement of the '566 patent. *Motorola Mobility, LLC* v. *Int'l Trade Comm'n,* 737 F.3d 1345 (Fed. Cir. 2013).

On December 13, 2013, the remanded '133 patent expired. On December 16, 2013, Motorola filed a motion with the Federal Circuit seeking to have the court's decision with respect to that patent vacated based on mootness due to the expiration of the '133 patent. On January 3, 2014, in a non-precedential order, the Federal Circuit denied Motorola's motion. *Microsoft Corp.* v. *Int'l Trade Comm'n,* Appeal No. 2012–1445, Order (Fed. Cir. Jan. 3, 2014). The court stated its conclusion was not dependent on ''whether the Commission can any longer take action on the '133 patent or otherwise has any continuing interest in this matter.'' *Id.* at 2.

Because the '133 patent has expired, the Commission has determined no remedy may issue in this investigation. The Commission has therefore terminated the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure.

By order of the Commission.

Issued: April 30, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–10231 Filed 5–2–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0002]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Notice of Appeal From a Decision of an Immigration Judge

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB), for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**

Volume 79, Number 37, page 10563, on February 25, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until June 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jeff Rosenblum, General Counsel, USDOJ–EOIR–OGC, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia 20530; telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) Title *of the Form/Collection:* Notice of Appeal from a Decision of an Immigration Judge.

(3) *Agency form number:* EOIR–26

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: A party (either the U.S. Immigration and Customs Enforcement of the Department of Homeland Security or the respondent/applicant) who appeals a decision of an Immigration Judge to the Board of Immigration Appeals (Board). Other: None. Abstract: A party affected by a decision of an Immigration Judge may appeal that decision to the Board, provided the Board has jurisdiction pursuant to 8 CFR 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR–26 and submitting it to the Board.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 20,141 respondents will complete the form annually with an average of thirty minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 10,070.5 total burden hours associated with this collection annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: April 30, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–10183 Filed 5–2–14; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection Certification of Compliance With the Statutory Eligibility Requirements of the Violence Against Women Act as Amended and the Prison Rape Elimination Act for Applicants to the STOP (Services* Training* Officers* Prosecutors) Violence Against Women Formula Grant Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 17, page 10557, on February 25, 2014, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until June 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430).

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended and the Prison Rape Elimination Act for Applicants to the STOP (Services* Training* Officers* Prosecutors) Violence Against Women Formula Grant Program.

(3) *Agency form number:* 1122–XXXX. The applicable component within the Department of Justice is the Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief*

abstract: The affected public includes STOP formula grantees (50 states, the District of Columbia and five territories (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands). The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act of 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and the Violence Against Women Act of 2013. The purpose of the STOP Formula Grant Program is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. It envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. The Department of Justice's Office on Violence Against Women (OVW) administers the STOP Formula Grant Program funds which must be distributed by STOP state administrators according to statutory. As a result of VAWA 2013 and the penalty provision of the Prison Rape Elimination Act (PREA), States are required to certify compliance with PREA. If States cannot certify compliance, they have the option of forfeiting five percent of covered funds or executing an assurance that five percent of covered funds will be used towards coming into compliance with PREA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that it will take the approximately 56 respondents (state administrators from the STOP Formula Grant Program) 10 minutes to complete a Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act, as amended and the Prison Rape Elimination Act.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the Certification is less than 10 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: April 29, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–10126 Filed 5–2–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection OVW Peer Reviewer Database

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430).

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New Collection.

2. *The Title of the Form/Collection:* OVW Peer Reviewer Database.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1122–XXXX. The applicable component within the Department of Justice is the Office on Violence Against Women.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes individuals whom OVW has identified as potential peer reviewers and invited to submit information to the Peer Reviewer Database. Every year, OVW posts solicitations for numerous grant programs authorized by the Violence Against Women Act to enable communities to increase their capacity to respond to crimes of domestic violence, dating violence, sexual assault, and stalking. In order to carefully consider which grant applications to recommend for funding, OVW assembles peer review panels comprised of experts and practitioners to help evaluate and score grant applications based on the requirements outlined in the different solicitations for the OVW grant programs. OVW assembles peer review panels by inviting experts and practitioners to serve as peer reviewers. Participation in the peer review program is completely voluntary; however, in order to be considered a peer reviewer, the prospective reviewer must enroll in the Database by entering their information online (contact information, resume/curriculum vitae (CV), and other self-identified information, such as employee type, education levels, job categories, ethnicity, expertise areas, and availability). A reviewer can only access, view, and modify their own individual record. OVW staff can access the Database to perform searches and review peer reviewer profiles in order to select an individual to review

applications for a particular OVW grant program.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 200 individuals participate in the OVW Peer Reviewer Database.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 15 minutes. It is estimated that respondents will take less than 15 minutes to complete periodic and infrequent submissions and updates to the database. The burden hours for collecting respondent data is 50 hours (200 respondents × .25 hours = 50 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: April 29, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–10125 Filed 5–2–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–378]

Controlled Substances: Adjustment to the Established 2014 Aggregate Production Quota for Marijuana

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice with request for comments.

SUMMARY: This notice adjusts the established 2014 aggregate production quota for marijuana, a schedule I controlled substance under the Controlled Substances Act.

DATES: *Effective date:* May 5, 2014. Comment date: Interested persons may file written comments on this notice in accordance with 21 CFR 1303.13. Electronic comments must be submitted and written comments must be postmarked, on or before June 4, 2014. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–378'' on all electronic and written correspondence. The DEA encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the Web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Paper comments that duplicate electronic submissions are not necessary. Should you, however, wish to submit written comments, in lieu of electronic comments, they should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODXL, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Ruth A. Carter, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record and will be made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted. If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form.

An electronic copy of this document is available at *http://www.regulations.gov* for easy reference. If you wish to personally inspect the comments and materials received or the supporting information the DEA used in preparing this action, these materials will be available for public inspection by appointment. To arrange a viewing, please see the **FOR FURTHER INFORMATION CONTACT** paragraph above.

Pursuant to 21 CFR 1303.13, any interested person may submit written comments on or objections to this notice. Based on comments received in response to this notice, the Administrator may hold a public hearing on one or more issues raised in the comments and objections filed. In the event the Administrator decides to hold such a hearing, the Administrator shall publish notice of the hearing in the **Federal Register**. After consideration of any comments or objections, or after a hearing, if one is held, the Administrator shall issue and publish in the **Federal Register** a notice regarding the adjustment to the established 2014 aggregate production quota for marijuana.[1]

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' respectively, and are collectively referred to as the ''Controlled Substances Act'' or the ''CSA'' for the purpose of this action. 21 U.S.C. 801–971. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1321. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse

[1] Note that ''marihuana'' is the spelling originally used in the Controlled Substances Act (CSA). This document uses the spelling that is more common in current usage, ''marijuana.''

and dependence and are controlled to protect the public health and safety.

Section 306 of the CSA (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II each year. The Attorney General has delegated this authority under 21 U.S.C. 826 to the Administrator of the DEA, 28 CFR 0.100.

Background

The DEA established the initial 2014 aggregate production quotas and assessments for annual need on September 9, 2013 (78 FR 55099). The notice stipulated that, as provided for in 21 CFR 1303.13, all aggregate production quotas and assessments for annual need are subject to adjustment.

Analysis for Adjusting the Established 2014 Aggregate Production Quota for Marijuana Effective on the Date of Publication

In determining to adjust the aggregate production quota, the DEA takes into consideration, among other factors, the relevant scientific and research needs of the United States. 21 U.S.C. 826; 21 CFR 1303.13(b)(5).

The National Institute on Drug Abuse (NIDA) is a component of the National Institutes of Health and the U.S. Department of Health and Human Services, and it oversees the cultivation, production and distribution of research-grade marijuana on behalf of the United States Government, pursuant to the Single Convention on Narcotic Drugs (March 30, 1961, 18 UST 1407). NIDA recently notified the DEA that it required additional supplies of marijuana to be manufactured in 2014 to provide for current and anticipated research efforts involving marijuana. Specifically, NIDA stated that 600 kilograms is necessary to be manufactured in 2014.

The DEA was unaware of NIDA's additional need at the time the initial aggregate production quota for marijuana was established in September 2013.

The aggregate production quota for marijuana should be increased in order to provide a continuous and uninterrupted supply of marijuana in support of DEA-registered researchers who are approved by the Federal Government to utilize marijuana in their research protocols.

In the event the established aggregate production quota is increased, DEA regulations require general notice of the adjustment prior to adjusting the quota. 21 CFR 1303.13(c). Due to the manufacturing process unique to marijuana, including the length of time and conditions necessary to propagate and process the substance for distribution in 2014, it is necessary to adjust the initial, established 2014 aggregate production quota for marijuana as soon as practicable. Accordingly, the Administrator finds good cause to adjust the aggregate production quota for marijuana before accepting written comments from interested persons or holding a public hearing, pursuant to 21 CFR 1303.13(c). More specifically, the Administrator finds, based on NIDA's aforementioned submission to DEA, that it is in the public interest to adjust the aggregate production quota immediately to ensure that the cultivation of marijuana to meet NIDA's anticipated needs to supply researchers can proceed within the current grow cycle. For this same reason, the Administrator finds that delaying the adjustment to the aggregate production quota for marijuana until after the comment period would be impracticable. Any such comments shall be considered if submitted in accordance with the procedures described herein.

In issuing this adjustment, the DEA has taken into account the criteria that the DEA is required to consider in accordance with 21 CFR 1303.13(b). The DEA determines whether to adjust the aggregate production quotas for basic classes of schedule I and II controlled substances by considering: (1) Changes in demand for the basic class, changes in the national rate of net disposal for the class, and changes in the rate of net disposal by the registrants holding individual manufacturing quotas for the class; (2) whether any increased demand or changes in the national or individual rates of net disposal are temporary, short term, or long term; (3) whether any increased demand can be met through existing inventories, increased individual manufacturing quotas, or increased importation, without increasing the aggregate production quota; (4) whether any decreased demand will result in excessive inventory accumulation by all persons registered to handle the class; and (5) other factors affecting the medical, scientific, research, and industrial needs of the United States and lawful export requirements, as the Administrator finds relevant.

Based on the above, the Administrator adjusts the established 2014 aggregate production quota for marijuana, to be manufactured in the United States in 2014 to provide for the estimated scientific, research, and industrial needs of the United States, and the establishment and maintenance of reserve stocks, expressed in grams of anhydrous acid or base, as follows:

Basic class—schedule I	Previously established 2014 quota (g)	Adjusted 2014 Quota (g)
Marijuana	21,000	650,000

Dated: April 29, 2014.

Michele M. Leonhart,

Administrator.

[FR Doc. 2014–10202 Filed 5–2–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for Form ETA–9089, Application for Permanent Employment Certification (OMB Control Number 1205–0451), Extension of Currently Approved Collection

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the 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 (44 U.S.C. 3506(c)(2)(A)). This program helps 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, ETA is soliciting comments concerning the collection of data about Form ETA–9089, *Application for Permanent Employment Certification* (OMB Control Number 1205–0451), which expires August 31, 2014. The form is used in DOL's employment-based immigration program by employers to request permission to bring foreign workers to the United States as immigrants, and in the Department of Homeland Security's National Interest Waiver (NIW) program by individuals applying for a waiver of the job offer requirement if the waiver is deemed to be in the national interest.

DATES: Written comments must be submitted to the office listed in the

addresses section below on or before July 7, 2014.

ADDRESSES: Submit written comments to William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C–4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–2768. Email: *ETA.OFLC.Forms@dol.gov* subject line: ETA–9089. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The information collection on ETA Form 9089 is required by sections 203(b)(2) and (b)(3) and 212(a)(5)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1153(b)(2) and (3) and 1182(a)(5)(A)). DOL and the Department of Homeland Security (DHS) have promulgated regulations to implement the INA. Specifically for this collection, the regulations at 20 CFR 656 and 8 CFR 204.5 (the regulations) are applicable. Section 212(a)(5)(A) of the INA requires the Secretary of Labor to certify that any alien seeking to enter the United States for the purpose of performing skilled or unskilled labor is not adversely affecting wages and working conditions of U.S. workers similarly employed and that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Before any employer may request any skilled or unskilled alien labor, it must submit a request for certification to the Secretary of Labor containing the elements prescribed by the INA and the regulations. The regulations require employers to document their recruitment efforts and to substantiate the reasons no U.S. workers were hired.

II. Review Focus

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

In order to meet its statutory responsibilities under the INA, DOL must extend without modification an existing collection of information pertaining to employers seeking to import foreign labor. The form used to collect the information is used not only by DOL, but also by Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS) to meet the requirements of the INA. DOL uses the information collected in its permanent certification program. USCIS uses the form for its National Interest Waiver program, and to consider employment-based immigration applications by employers of employees engaged in Schedule A-Shortage Occupations, and by employers of sheepherders.

Type of Review: extension.

Title: Form ETA–9089, *Application for Permanent Employment Certification.*

OMB Number: 1205–0451.

Affected Public: Individuals or households, business or other for-profits, and not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Form(s): ETA–9089.

Total Annual Respondents: 73,400.

Annual Frequency: On occasion.

Total Annual Responses: 295,472.

Average Time per Response: 46 minutes.

Estimated Total Annual Burden Hours: 227,687.

Total Annual Burden Cost for Respondents: $467,000.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2014–10185 Filed 5–2–14; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of March 31, 2014 through April 4, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm

have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
83,245	IBM Corporation, Integrated Supply Chain, Global Execution, Global Manufacturing, etc.	Rochester, MN	November 25, 2012.
83,245A	IBM Corporation, Power Firmware Information Development, Computer Task Group.	Rochester, MN	November 25, 2012.
83,245B	IBM Corporation, Cloud Management and Power Performance Testing and Tooling.	Rochester, MN	November 25, 2012.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
83,245C	IBM Corporation, Global AMS Delivery	Rochester, MN	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
82,929	Bang Printing of Ohio, DBA Hess Plant Solutions, D & J Printing, DBA Bang Printing, etc.	Woodstock, IL	

I hereby certify that the aforementioned determinations were issued during the period of March 31, 2014 through April 4, 2014. These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC this 10th day of April 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–10167 Filed 5–2–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 15, 2014.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 15, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 10th day of April 2014.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[24 TAA petitions instituted between 3/31/14 and 4/4/14]

TA–W	Subject firm (etitioners)	Location	Date of institution	Date of petition
85185	Broadridge Financial Solutions (State/One-Stop)	Jersey City, NJ	03/31/14	03/31/14
85186	Komtek (Union)	Worchester, MA	03/31/14	03/28/14
85187	CVG Oregon LLC (Company)	Tigard, OR	03/31/14	03/29/14
85188	Gentex Optics, subsidiary of EOA Holding Co. (Company)	Carbondale, PA	04/01/14	03/28/14
85189	M/A–COM Technology Solutions (State/One-Stop)	Long Beach, CA	04/01/14	03/28/14
85190	DNP Electronics America, LLC (Company)	Chula Vista, CA	04/01/14	03/31/14
85191	Soy Basics Candle Outlet (State/One-Stop)	New Hampton, IA	04/01/14	03/31/14
85192	United Technologies Building & Industrial Systems (Company).	Pittsfield, ME	04/01/14	03/31/14
85193	LexisNexis Matthew Bender (Workers)	Albany, NY	04/02/14	04/01/14
85194	Med-Fit Systems, Inc. (Workers)	Independence, VA	04/02/14	04/01/14
85195	Stream Global Services (Workers)	Sergeant Bluff, IA	04/02/14	04/01/14
85196	Plastic Design (State/One-Stop)	Pittsfield, ME	04/02/14	04/01/14
85197	Bimbo Bakeries USA (State/One-Stop)	Bay Shore, NY	04/02/14	04/01/14
85198	West Point Products (Workers)	Washington, PA	04/02/14	04/01/14
85199	Styrolution America LLC (State/One-Stop)	Springfield, MA	04/03/14	04/02/14
85200	Cordova Jewelry (State/One-Stop)	Great Neck, NY	04/03/14	04/02/14
85201	JP Morgan Chase, Assumption Underwriting (Workers)	Florence, SC	04/03/14	04/02/14
85202	JP Morgan Chase, Mortgage Specialist (Workers)	Florence, SC	04/03/14	04/02/14
85203	Citibank NA (Workers)	Tampa, FL	04/03/14	04/02/14
85204	Avalon Laboratories, LLC (State/One-Stop)	Rancho Dominguez, CA	04/03/14	04/01/14
85205	Digital Domain (State/One-Stop)	Los Angeles, CA	04/03/14	04/02/14
85206	OVUS Technologies LLC (Company)	Dallas, TX	04/03/14	04/02/14
85207	Lifetouch Inc. (Company)	Eden Praire, MN	04/04/14	04/03/14
85208	Lockheed Martin MS2 Akron (Union)	Akron, OH	04/04/14	04/02/14

[FR Doc. 2014–10165 Filed 5–2–14; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of March 31, 2014 through April 4, 2014.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:
- A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;
- B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and
- C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:
- A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;
- B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and
- C. One of the following must be satisfied:
  1. the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;
  2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or
  3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.
2. Whether the workers in the workers' firm possess skills that are not easily transferable.
3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,082, Surratt Hosiery Mill Inc., Denton, North Carolina. February 19, 2013.

85,094, H.J. Heinz Company, L.P. Florence, South Carolina. February 25, 2013.

85,100, GE Small Industrial & Specialty Motors, Fort Wayne, Indiana. February 25, 2013.

85,117, H.J. Heinz Company, L.P., Pocatello, Idaho. March 3, 2013.

85,156, 3M Caribe LLC., Las Piedras, Puerto Rico. March 17, 2013.

85,160, Cargill Meat Solutions Corporation, Plainview, Texas. March 18, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

85,089, Bank of America, San Jose, California.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased

imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,099, Harrington Tool Company, Ludington, Michigan.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,046, AIG Claims, Houston, Texas.
85,097, SuperMedia Services, LLC., Middleton, Massachusetts.
85,122, Bimbo Bakaries USA, Inc., Wichita, Kansas.
85,144, IP & Science (Patent Payments), Bingham Farms, Michigan.
85,145, AXA Equitable Life Insurance Company, Charlotte, North Carolina.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 USC 2271), the Department initiated investigations of these petitions.

None.

I hereby certify that the aforementioned determinations were issued during the period of March 31, 2014 through April 4, 2014. These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC this 10th day of April 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–10166 Filed 5–2–14; 8:45 am]

BILLING CODE 4510–FN–P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2014–03]

Music Licensing Study

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

ACTION: Notice of public roundtables.

SUMMARY: The U.S. Copyright Office is undertaking a study to evaluate the effectiveness of current methods for licensing musical works and sound recordings. The study will assess whether and how existing methods serve the music marketplace, including new and emerging digital distribution platforms. In addition to soliciting written comments, the Office is conducting three two-day public roundtables on music licensing issues. A Notice of Inquiry soliciting written comments in response to a number of subjects was issued on March 17, 2014, and written comments are due on or before May 16, 2014. *See* 78 FR 14739 (Mar. 17, 2014). At this time, the Copyright Office announces three public roundtables to be held in June 2014 in Nashville, Los Angeles, and New York.

DATES: The two-day public roundtable in Nashville will be held on June 4 and 5, 2014, on both days from 9:00 a.m. to 5:00 p.m. The two-day public roundtable in Los Angeles will be held on June 16 and 17, 2014, on both days from 9:00 a.m. to 5:00 p.m. The two-day public roundtable in New York will be held on June 23 and 24, 2014, from 9:00 a.m. to 5:00 p.m. on June 23, and from 8:30 a.m. to 4:00 p.m. on June 24. Requests to participate in the roundtables must be received by the Copyright Office by May 20, 2014.

ADDRESSES: The Nashville roundtable will take place at Belmont University's Mike Curb College of Entertainment and Music Business, 34 Music Square East, Nashville, Tennessee 37203. The Los Angeles roundtable will take place at the UCLA School of Law, 385 Charles E. Young Drive East, Los Angeles, California 90095. The New York roundtable will take place at the New York University School of Law, 40 Washington Square South, New York, New York 10012. Requests to participate in the roundtables should be submitted using the form available on the Office's Web site at *http://www.copyright.gov/docs/musiclicensingstudy*. If electronic submission is not feasible, please contact the Office at 202–707–8350 for special instructions.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, by email at *jcharlesworth@loc.gov* or by telephone at 202–707–8350; or Sarang V. Damle, Special Advisor to the General Counsel, by email at *sdam@loc.gov* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: Congress is currently engaged in a comprehensive review of the U.S. Copyright Act, 17 U.S.C. 101 *et seq.,* to evaluate potential revisions to the law in light of technological and other developments that impact the creation, dissemination, and use of copyrighted works. In light of Congress's review and significant changes to the music industry in recent years, the U.S. Copyright Office is conducting a study to assess the effectiveness of current methods for licensing sound recordings and musical works. The Office published a Notice of Inquiry on March 17, 2014, seeking written comments on twenty-four subjects concerning the current environment in which music is licensed. *See* 78 FR 14739 (Mar. 17, 2014).

At this time, the Copyright Office is providing notice of its intention to seek further input for its study through three two-day public roundtables to be held in Nashville, Los Angeles, and New York. The public roundtables will offer an opportunity for interested parties to comment on pertinent music licensing issues. The roundtables will address topics set forth in the Notice of Inquiry, including: The current music licensing landscape; licensing of sound recordings, including under the Section 112 and 114 statutory licenses and the treatment of pre-1972 recordings; licensing of musical works, including under the Section 115 statutory license and through the performing rights organizations (''PROs''); fair royalty rates and platform parity; industry data standards; industry incentives and investment; and potential future developments in music licensing. Following discussion of the various agenda topics by roundtable participants, observers at the roundtables will be provided a limited opportunity to offer additional comments.

The roundtable hearing rooms will have a limited number of seats for participants and observers. Those who seek to participate should complete and submit the form available on the Office's Web site at *http://www.copyright.gov/docs/musiclicensingstudy* so it is received by the Office no later than May 20, 2014. For individuals who wish to observe a roundtable, the Office will provide public seating on a first-come, first-serve basis on the days of the roundtable.

Dated: April 30, 2014.

Jacqueline C. Charlesworth,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2014–10242 Filed 5–2–14; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA 2014–026]

Creation of Freedom of Information Act Advisory Committee

AGENCY: National Archives and Records Administration.

ACTION: Notice of charter establishment.

SUMMARY: This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.) and advises of the creation of the National Archives and Records Administration's (NARA) Freedom of Information Act (FOIA) Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Patrice Murray, 301–837–2001.

SUPPLEMENTARY INFORMATION: NARA has determined that the creation of the FOIA Advisory Committee is in the public interest due to the expertise and valuable advice the Committee members will provide on issues related to improving the administration of the Freedom of Information Act. NARA will share with Executive Branch agencies and the public the Committee's recommendations on issues related to FOIA. NARA's Committee Management Officer (CMO) is Patrice Murray.

Dated: April 29, 2014.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2014–10225 Filed 5–2–14; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0101]

Proposed Revision to Physical Security Early Site Permit and Reactor Siting Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 13.6.3, ''Physical Security—Early Site Permit and Reactor Siting Criteria.'' The NRC seeks comments on the proposed revised section of the Standard Review Plan (SRP), concerning the physical security review of early site permits.

DATES: Comments must be filed no later than July 7, 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 on or 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–2014–0101. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (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: Wesley W. Held, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–1583 or email at *Wesley.Held@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0101 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0101.
- *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 Numbers for the proposed revision 2 (ML13059A367), current revision 1 (ML102571602), and redline document (ML13353A600) comparing the current revision and the proposed revision are available in ADAMS.

- *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–2014–0101 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 in comment submissions that you do not want to be publicly disclosed. 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 submissions. 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. Further Information

The NRC seeks public comment on the proposed revised section of SRP Section 13.6.3. This section has been developed to assist NRC staff with the physical security review of applications for early site permits under part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR).

Following NRC staff evaluation of public comments, the NRC intends to finalize SRP Section 13.6.3, Revision 2 in ADAMS and post it on the NRC's public Web site *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this draft SRP, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, would not constitute*

backfitting, inasmuch 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 draft SRP to existing licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52—would 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) and/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 draft 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 draft SRP 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.

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. 2014–10245 Filed 5–2–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0099]

Proposed Revision 0 to Fitness-for-Duty—Construction

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft new section; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on draft NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 13.7.2, ''Fitness for Duty—Construction.'' The NRC seeks comments on the proposed new section of the Standard Review Plan (SRP), concerning implementation of a Fitness-for-Duty (FFD) program during construction. The current SRP does not contain guidance on the review of an applicant's proposed construction FFD program.

DATES: Comments must be filed no later than July 7, 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 on or 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–2014–0099. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (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: Wesley W. Held, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–1583 or email at *Wesley.Held@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0099 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0099.
- 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 the proposed new section of the SRP, Section 13.7.2, ''Fitness for Duty—Construction,'' is available in ADAMS under accession no. ML113270035.
- 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–2014–0099 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 in comment submissions that you do not want to be publicly disclosed. 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 submissions. 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. Further Information

The NRC seeks public comment on the proposed new section of SRP 13.7.2. This section has been developed to assist NRC staff with the review of applications for certain construction permits, early site permits, licenses, license amendments, and combined licenses and to inform new reactor applicants and other affected entities of proposed SRP guidance regarding an acceptable method by which to evaluate a proposed FFD program for compliance with Part 26 of Title 10 of the *Code of Federal Regulations* (10 CFR).

Following NRC staff evaluation of public comments, the NRC intends to finalize SRP 13.7.2, Revision 0 in ADAMS and post on the NRC's public Web site within the link for NUREG–0800. The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this draft SRP, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR Part 52. The NRC's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, would not constitute backfitting, inasmuch 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 draft SRP to existing licenses and regulatory approvals. Hence, the issuance of a final SRP—even if considered guidance within the purview of the issue finality provisions in 10 CFR Part 52—would 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) and/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 draft 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 draft SRP 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.

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. 2014–10217 Filed 5–2–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 15g–2, SEC File No. 270–381, OMB Control No. 3235–0434.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 15g–2 (17 CFR 240.15g–2) 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.

Rule 15g–2 (The ''Penny Stock Disclosure Rule'') requires broker-dealers to provide their customers with a risk disclosure document, as set forth in Schedule 15G, prior to their first non-exempt transaction in a ''penny stock.'' As amended, the rule requires broker-dealers to obtain written acknowledgement from the customer that he or she has received the required risk disclosure document. The amended rule also requires broker-dealers to maintain a copy of the customer's written acknowledgement for at least three years following the date on which the risk disclosure document was provided to the customer, the first two years in an accessible place. Rule 15g–2 also requires a broker-dealer, upon request of a customer, to furnish the customer with a copy of certain information set forth on the Commission's Web site.

The risk disclosure documents are for the benefit of the customers, to assure that they are aware of the risks of trading in ''penny stocks'' before they enter into a transaction. The risk disclosure documents are maintained by the broker-dealers and may be reviewed during the course of an examination by the Commission.

There are approximately 221 broker-dealers that could potentially be subject to current Rule 15g–2. The Commission estimates that approximately 5% of registered broker-dealers are engaged in penny stock transactions, and thereby subject to the Rule (5% × approximately 4,410 registered broker-dealers = 221 broker-dealers). The Commission

estimates that each one of these firms processes an average of three new customers for penny stocks per week. Thus, each respondent processes approximately 156 penny stock disclosure documents per year. If communications in tangible form alone are used to satisfy the requirements of Rule 15g–2, then the copying and mailing of the penny stock disclosure document takes no more than two minutes. Thus, the total associated burden is approximately 2 minutes per response, or an aggregate total of 312 minutes per respondent. Since there are 221 respondents, the current annual burden is 68,952 minutes (312 minutes per each of the 221 respondents) or 1,150 hours for this third party disclosure burden. In addition, broker-dealers incur a recordkeeping burden of approximately two minutes per response when filing the completed penny stock disclosure documents as required pursuant to the Rule 15(g)(2)(c), which requires a broker-dealer to preserve a copy of the written acknowledgement pursuant to Rule 17a–4(b) of the Exchange Act. Since there are approximately 156 responses for each respondent, the respondents incur an aggregate recordkeeping burden of 68,952 minutes (221 respondents × 156 responses for each × 2 minutes per response) or 1,150 hours, under Rule 15g–2. Accordingly, the current aggregate annual hour burden associated with Rule 15g–2 (assuming that all respondents provide tangible copies of the required documents) is approximately 2,300 hours (1,150 third party disclosure hours + 1,150 recordkeeping hours).

The burden hours associated with Rule 15g–2 may be slightly reduced when the penny stock disclosure document required under the rule is provided through electronic means such as email from the broker-dealer (e.g., the broker-dealer respondent may take only one minute, instead of the two minutes estimated above, to provide the penny stock disclosure document by email to its customer). In this regard, if each of the customer respondents estimated above communicates with his or her broker-dealer electronically, the total ongoing respondent burden is approximately 1 minute per response, or an aggregate total of 156 minutes (156 customers × 1 minutes per respondent). Assuming 221 respondents, the annual third party disclosure burden, if electronic communications were used by all customers, is 34,476 minutes (156 minutes per each of the 221 respondents) or 575 hours. If all respondents were to use electronic means, the recordkeeping burden would be 68,952 minutes or 1,150 hours (the same as above). Thus, if all broker-dealer respondents obtain and send the documents required under the rules electronically, the aggregate annual hour burden associated with Rule 15g–2 is 1,725 (575 hours + 1,150 hours).

In addition, if the penny stock customer requests a paper copy of the information on the Commission's Web site regarding microcap securities, including penny stocks, from his or her broker-dealer, the printing and mailing of the document containing this information takes no more than two minutes per customer. Because many investors have access to the Commission's Web site via computers located in their homes, or in easily accessible public places such as libraries, then, at most, a quarter of customers who are required to receive the Rule 15g–2 disclosure document request that their broker-dealer provide them with the additional microcap and penny stock information posted on the Commission's Web site. Thus, each broker-dealer respondent processes approximately 39 requests for paper copies of this information per year or an aggregate total of 78 minutes per respondent (2 minutes per customer × 39 requests per respondent). Since there are 221 respondents, the estimated annual burden is 17,238 minutes (78 minutes per each of the 221 respondents) or 288 hours. This is a third party disclosure type of burden.

We have no way of knowing how many broker-dealers and customers will choose to communicate electronically. Assuming that 50 percent of respondents continue to provide documents and obtain signatures in tangible form and 50 percent choose to communicate electronically to satisfy the requirements of Rule 15g–2, the total aggregate burden hours would be 2,301 ((aggregate burden hours for sending disclosure documents and obtaining signed customer acknowledgements in tangible form × 0.50 of the respondents = 1,150 hours) + (aggregate burden hours for electronically signed and transmitted documents × 0.50 of the respondents = 863 hours) + (288 burden hours for those customers making requests for a copy of the information on the Commission's Web site)).

Written 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 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 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 29, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–10142 Filed 5–2–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, May 8, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

institution and settlement of administrative proceedings;

consideration of amicus participation;

adjudicatory matters; and

other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: May 1, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–10362 Filed 5–1–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72042; File No. SR–CFE–2014–001]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt and Amend Certain Customer Protection and Financial Rules

April 29, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 11, 2014, CBOE Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'')[2] on April 11, 2014.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to adopt and amend certain customer protection and financial rules that are applicable to security futures traded on CFE. The only security futures currently traded on CFE are traded under Chapter 16 of CFE's Rulebook which is applicable to Individual Stock Based and Exchange-Traded Fund Based Volatility Index security futures. The rule amendments included as part of this rule change relate generally to amending CFE Rules to incorporate new and amended CFTC regulations concerning customer protection and the financial surveillance of futures commission merchants (''FCMs''). The text of the proposed rule change is attached as Exhibit 4.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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. CFE 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 purpose of the proposed CFE rule amendments included as part of this rule change is to amend CFE rules (i) to incorporate the final regulations adopted by the CFTC under the caption Enhancing Protections Afforded Customers and Customer Funds Held by Futures Commission Merchants and Derivatives Clearing Organizations (''CFTC Rulemaking'')[4] and (ii) to enhance the financial surveillance of FCMs that are Trading Privilege Holders (''TPHs''). The rule amendments included as part of this rule change are to apply to all products traded on CFE, including both non-security futures and security futures. CFE is making these rule amendments in conjunction with other rule amendments being made by CFE consistent with the CFTC Rulemaking that are not required to be submitted to the Commission pursuant to Section 19(b)(7) of the Act[5] and thus are not included as part of this rule change.

CFE has incorporated into Appendix to Chapter 5 of its Rulebook certain CFTC regulations relating to customer protection, recordkeeping, and reporting and has provided that a violation of any of those regulations shall be deemed a violation of a specific CFE Rule. With the exception of the amendments to CFE Rule 503A, all other amendments to CFE Rules contained in this filing are proposed to change the CFE Rules in the Appendix to Chapter 5 of the CFE Rulebook to make their language consistent with the language in the CFTC regulations that was amended by the CFTC Rulemaking.

CFE already requires that its FCMs that are TPHs comply with all CFTC regulations. For example, CFE Rule 604 prohibits TPHs and their Related Parties from engaging in conduct in violation of Applicable Law (which includes, among other things, the CEA[6] and CFTC regulations). CFE Rule 505 specifically requires TPHs to comply with CFTC regulations relating to the treatment of customer funds and the maintenance of related books and records. CFE Rule 518 specifically requires TPHs to comply with CFTC regulations relating to minimum financial requirements, financial reporting requirements, and protection of customer funds that are set forth in the Appendix to Chapter 5 of the CFE Rulebook. The purpose of these proposed rule amendments is to make the CFTC regulations that were added or amended by the CFTC Rulemaking even more explicit.

Risk Management Program for FCMs

CFE is proposing to add to its Rules new Rule 520 (and renumber all subsequent Rules in the Chapter) to require that FCMs comply with the risk management requirements set forth in CFTC Regulation 1.11: *Risk Management Program for futures commission merchants.*[7] As a result of the CFTC Rulemaking, CFTC Regulation 1.52(b)(2) requires that all self-regulatory organizations (''SROs'') (defined as designated contract markets and registered futures associations in CFTC Regulation 1.52(a)(2)) adopt rules prescribing risk management requirements for FCM member registrants that are at least as stringent as the requirements contained in CFTC Regulation 1.11.[8] CFTC Regulation 1.11 imposes, among other things, both recordkeeping and reporting requirements on FCMs. Specifically, FCMs must maintain their risk management policies and procedures, all written approvals, and all records and reports required under the Regulation.[9] In addition, FCMs must furnish a copy of their risk management policies and procedures to the CFTC and its designated SRO upon application for registration and thereafter upon request, as well as furnish copies of Risk Exposure Reports

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

[3] The Commission notes that the Exhibit 4 is attached to the filing, but is not attached to the publication of this notice.

[4] 78 FR 68506 (Nov. 14, 2013).

[5] 15 U.S.C. 78s(b)(7).

[6] 7 U.S.C. 1 *et seq.*

[7] 17 CFR 1.11.

[8] 17 CFR 1.52.

[9] 17 CFR 1.11(c)(2), (h).

to the CFTC.[10] Although all FCMs that are TPHs must already comply with all CFTC Regulations, new CFE Rule 520 is proposed specifically to follow the CFTC Rulemaking's directive with respect to CFTC Regulation 1.11.

Recordkeeping

The recordkeeping amendments proposed to be included in the Appendix to Chapter 5 of the CFE Rulebook would impose requirements that generally already exist under CFE Rules 505, 518, and 604, which, as discussed, require adherence to CFTC regulations. The amendments to certain CFTC regulations by the CFTC Rulemaking will now be specifically incorporated into CFE's rules. In particular, CFE is proposing to amend CFE Rule 521 which incorporates into CFE's Rulebook CFTC Regulation 1.18 (Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers),[11] CFE Rule 523 which incorporates into CFE's Rulebook CFTC Regulation 1.20 (Futures Customer Funds to be Segregated and Separately Accounted for),[12] CFE Rule 526 which incorporates into CFE's Rulebook CFTC Regulation 1.23 (Interest of Futures Commission Merchants in Segregated Futures Customer Funds; Additions and Withdrawals),[13] CFE Rule 528 which incorporates into CFE's Rulebook CFTC Regulation 1.25 (Investment of Customer Funds),[14] CFE Rule 529 which incorporates into CFE's Rulebook CFTC Regulation 1.26 (Deposit of Instruments Purchased with Futures Customer Funds),[15] and CFE Rule 535 which incorporates into CFE's Rulebook CFTC Regulation 1.32 (Reporting of Segregated Account Computation and Details Regarding the Holding of Futures Customer Funds).[16]

Reporting

As CFE is proposing to do with various recordkeeping requirements, CFE is also proposing to specifically incorporate into the Appendix to Chapter 5 of its Rulebook the CFTC Rulemaking's amendments to CFTC regulations relating to reporting. Like with the foregoing amended recordkeeping requirements, the reporting amendments to this regulation would impose requirements that generally already exist under CFE Rules 505, 518, and 604, which, as discussed, require adherence to CFTC regulations. These amendments by the CFTC Rulemaking will now be specifically incorporated into CFE's rules. In particular, CFE is proposing to amend CFE Rule 519 which incorporates into CFE's Rulebook CFTC Regulation 1.10 (Financial Reports of Futures Commission Merchants and Introducing Brokers)[17] and CFE Rule 520 which incorporates into CFE's Rulebook CFTC Regulation 1.12 (Maintenance of Minimum Financial Requirements by Futures Commission Merchants and Introducing Brokers).[18]

In addition to the foregoing amendments that incorporate the CFTC Rulemaking, CFE is proposing amendments to CFE Rule 503A, which relate to reporting obligations on FCMs and are not related to the CFTC Rulemaking. CFE Rule 503A, which presently imposes reporting obligations on FCMs that are TPHs, is proposed to be amended to require these FCMs to file financial documentation with CFE in addition to the documentation the Rule already requires. First, each TPH that is an FCM would be required, in a form and manner prescribed by the Exchange, to concurrently file with the Exchange all FOCUS Report Part III submissions as well as any attachments or related submissions to all Form 1–FR–FCM, Form 1–FR–IB, or FOCUS Report Part II, Part IIA or Part II CSE and Part III submissions. Second, each TPH that is an FCM would be required, in a form and manner prescribed by the Exchange, to concurrently file with the Exchange a copy of any daily Statement of Segregation Requirements and Funds in Segregation for Customers Trading on U.S. Commodity Exchanges filed with the CFTC pursuant to CFTC Regulation 1.32. Third, each TPH that is an FCM would be required, in a form and manner prescribed by the Exchange, to concurrently file with the Exchange a copy of any daily net capital filings submitted by the TPH to its Designated Self-Regulatory Organization. Fourth, each TPH that is an FCM would be required, in a form and manner prescribed by the Exchange, to concurrently file with the Exchange a copy of any notice that is filed with the CFTC pursuant to CFTC Regulation 1.23. The receipt of this information will enhance CFE's financial surveillance of FCMs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5)[20] 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, and in general, to protect investors and the public interest.

The addition of new CFE Rule 520, which requires FCMs to establish risk management programs that comply with CFTC Regulation 1.11, will enhance CFE's ability to protect investors and the public interest and to enforce CFE Rules that prohibit fraudulent and manipulative acts and conduct inconsistent with just and equitable principles of trade. By specifically requiring that FCMs that are TPHs establish risk management programs that comply with CFTC Regulation 1.11, CFE further protects FCM customers.

The recordkeeping amendments to CFE Rules 521, 523, 526, 528, 529, and 535 and the reporting amendments to CFE Rules 503A, 519, and 520 will also enhance CFE's ability to protect investors and the public interest and to enforce CFE Rules that prohibit fraudulent and manipulative acts and conduct inconsistent with just and equitable principles of trade. These recordkeeping requirements are designed to ensure that TPHs maintain records that enable CFE and/or other regulators to investigate whether TPHs are complying with applicable rules and regulations by requiring the maintenance of information that may be reviewed to determine whether or not a TPH is complying with applicable regulatory requirements. Similarly, these reporting requirements are designed to enable CFE to receive and request information that allows CFE to monitor for compliance with rules and regulations, to investigate for noncompliance when appropriate, and to conduct financial monitoring with regard to TPHs that are FCMs.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the

[10] 17 CFR 1.11(c)(4), (e)(2)(ii).

[11] 17 CFR 1.18.

[12] 17 CFR 1.20.

[13] 17 CFR 1.23.

[14] 17 CFR 1.25.

[15] 17 CFR 1.26.

[16] 17 CFR 1.32. CFE notes that certain of these amendments relate to both recordkeeping and reporting (discussed in the next section) but is only including discussion of them in this section to avoid duplicative mention.

[17] 17 CFR 1.10.

[18] 17 CFR 1.12.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

purposes of the Act, in that the rule change makes enhancements to CFE's financial surveillance of FCMs and requires TPHs to comply with the amendments set forth in the CFTC Rulemaking. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because all of the amended Rules would apply equally to all TPHs that are subject to the applicable requirements, and the Amendment is expressly consistent with the CFTC Rulemaking.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change will become effective on April 28, 2014.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[21]

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–CFE–2014–001 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–CFE–2014–001. 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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CFE–2014–001, and should be submitted on or before May 27, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–10171 Filed 5–2–14; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78s(b)(1).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72041; File No. SR–BX–2014–022]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule Text Related to Acceptable Trade Range in Chapter VI, Section 10 of the BX Options Rules

April 29, 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 23, 2014, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend rule text related to Acceptable Trade Range in Chapter VI, Section 10 of the BX Options rules. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant 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 purpose of the proposed rule change is to amend rule text in Chapter VI, Section 10 entitled ''Book Processing'' to add additional rule text regarding Acceptable Trade Range. The Acceptable Trade Range is a mechanism to prevent the system[3] from experiencing dramatic price swings by creating a level of protection that prevents the market from moving beyond set thresholds. The thresholds consist of a Reference Price plus (minus) set dollar amounts based on the nature of the option and the premium of the option.

Currently, the rule provides that the System will calculate an Acceptable Trade Range to limit the range of prices at which an order will be allowed to execute. The Acceptable Trade Range is calculated by taking the reference price, plus or minus a value to be determined by the Exchange, (i.e., the reference price—(x) for sell orders and the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''System'' means the automated system for order execution and trade reporting owned and operated by BX. *See* BX Rules at Chapter VI, Section 1(a).

reference price + (x) for buy orders).[4] Upon receipt of a new order, the reference price is the National Best Bid (NBB) for sell orders and the National Best Offer (NBO) for buy orders or the last price at which the order is posted whichever is higher for a buy order or lower for a sell order. If an order reaches the outer limit of the Acceptable Trade Range (the ''Threshold Price'') without being fully executed, it will be posted at the Threshold Price for a brief period, not to exceed one second (''Posting Period''), to allow more liquidity to be collected. Upon posting, either the current Threshold Price of the order or an updated NBB for buy orders or the NBO for sell orders (whichever is higher for a buy order/lower for a sell order) then becomes the reference price for calculating a new Acceptable Trade Range. If the order remains unexecuted, a New Acceptable Trade Range will be calculated and the order will execute, route, or post up to the new Acceptable Trade Range Threshold Price. Today, this process will repeat until the order is executed, cancelled, or posted at its limit price.

The Exchange proposes to amend this rule to provide that this process will repeat until either (i) the order/quote is executed, cancelled, or posted at its limit price or (ii) the order has been subject to a configurable number of instances of the Acceptable Trade Range as determined by the Exchange.[5] Once the maximum number of instances has been reached, the order is returned. The Exchange will establish a maximum number of Acceptable Trade Range iterations, until the order is cancelled. The Exchange will update the Trading System Settings page located on the NASDAQTrader.com Web site to display the maximum number of Acceptable Trade Range iterations and will provide updates to the table via an Options Trader Alert, generally the prior day, to its membership via Options Trader Alerts. The Exchange will provide sufficient advanced notice of changes. This is the same process which currently exists on the NASDAQ Options Market (''NOM'') and NASDAQ OMX PHLX LLC (''Phlx'').[6]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] 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 mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change is consistent with these requirements in that it will continue to reduce the negative impacts of sudden, unanticipated volatility in individual options, and serve to preserve an orderly market in a transparent and uniform manner, enhance the price-discovery process, increase overall market confidence, and promote fair and orderly markets and the protection of investors. This functionality should continue to result in greater continuity in prices as it is designed to prevent immediate or rapid executions at far away prices; thereby protecting investors and the public interest. The Exchange believes that the addition of configurable number of iterations when the Acceptable Trade Range would apply will provide BX Participants with more certainty as to the application of the Rule. Overall the Acceptable Trade Range Rule should reduce the negative impacts of sudden, unanticipated volatility in and enhance the price-discovery process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes this proposed rule change would provide BX Participants greater certainty when transacting orders on the Exchange and continue to reduce the negative impacts of sudden, unanticipated volatility in and enhance the price-discovery process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) [sic] of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–BX–2014–022 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–BX–2014–022. 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/*

[4] The Acceptable Trade Range settings are tied to the option premium.

[5] BX Options Participants may elect to have their orders cancelled by the System after the first iteration.

[6] *See* Phlx Rule 1080(p).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(a)(ii).

[10] 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.

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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2014–022, and should be submitted on or before May 27, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–10170 Filed 5–2–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72040; File No. SR–NYSEMKT–2014–39]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Commentary .01 to Rule 901 To Replace the Reference to ''GOOG'' with ''GOOGL''

April 29, 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 23, 2014 NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Commentary .01 to Rule 901 to replace the reference to ''GOOG'' with ''GOOGL''. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .01 to Rule 901 (Option Contracts to be Traded) to replace the reference to ''GOOG'' with ''GOOGL''. This filing is based on a proposal recently submitted by the Chicago Board Options Exchange, Incorporated (''CBOE'').[4]

The Exchange is proposing to amend Commentary .01 to Rule 901 to reflect a change to the ticker symbol for Class A shares of Google Inc. (''Google''). On April 2, 2014, Google issued a new class of shares (Class C) to its shareholders in lieu of a cash dividend payment. Additionally, this new Class C of shares was given the former Google ticker symbol, ''GOOG''. As a result, a new ticker symbol, ''GOOGL'', was assigned to the Class A shares. The Exchange proposes to change the Google ticker symbol referenced in Rule 901 from ''GOOG'' to ''GOOGL''. The purpose of this change is to ensure that Exchange rules properly reflect the intention and practice of the Exchange to trade mini options on only an exhaustive list of underlying securities outlined in Commentary .01 of Rule 901. This change will make it clear that the current list of underlying securities that mini options can be traded on includes the Google Class A shares, while at the same time making it clear that Google Class C shares are not part of that list. The Exchange therefore believes that the proposed rule change will help avoid confusion regarding which Google shares are eligible for mini options.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5),[6] 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.

In particular, the proposed rule change to revise the Google Class A ticker symbol to its new designation is consistent with the Act because the proposed change is merely updating the corresponding ticker to properly reflect the applicable ticker symbol for Google's Class A shares. This change should provide clarity to market participants when making investment decisions regarding mini options contracts overlying Google Class A 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 purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change being proposed is substantially similar in all material respects to a rule change recently adopted by the CBOE.[7] The proposed change does not impose any burden on intramarket competition because it applies to all Participants. There is no burden on intermarket competition as the proposed change is merely attempting to update the new ticker for Google Class A shares. As a result, there will be no substantive

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 71848 (April 2, 2014) 79 FR 19405 (April 8, 2014) (Notice of Filing and Immediate Effectiveness of SR–CBOE–2014–030).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Supra* n.4.

changes to the Exchange's operations or its rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) [10] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to continue to list mini options on the Google Class A shares following the issuance of a new class of Google shares (Class C) on April 2, 2014. For this reason, the Commission designates the proposed rule change to be operative upon filing.[12]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–39, and should be submitted on or before May 27, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–10169 Filed 5–2–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72039; File No. SR–BATS–2014–016]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Clarify the Treatment of Intermarket Sweep Orders Entered Prior to the Completion of the Options Opening Process of BATS Exchange, Inc.

April 29, 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, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to change to amend Rule 21.7, entitled ''Market Opening Procedures'', in order to make a clarifying change to the rule text regarding the treatment of an intermarket sweep order (''ISO'') entered prior to completion of the Opening Process.[5] The Exchange has designated this proposal as non-controversial and provided the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] As defined in Rule 21.7(a).

Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[6]

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to make a clarifying amendment to Rule 21.7(a) in order to make the behavior of ISOs in the Opening Process more clear. Specifically, the Exchange is proposing to make clear that an order that is marked as ISO that is entered prior to completion of the Opening Process will be converted into a non-ISO.

As defined in Rule 600(b)(30) of Regulation NMS,[7] where a firm marks an order as an ISO, the firm is representing that it has simultaneously routed one or more additional limit orders to execute against the full displayed size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the security, which indicates that at the time that the order is received, the Exchange may rely on the representation and execute the order at the limit price of the ISO. Because all orders received prior to the completion of the Opening Process are not immediately executable, but rather queued for later participation in the Opening Process, such a representation has no meaning in the context of the Opening Process and, thus, the Exchange converts ISOs entered for queuing prior to the completion of the Opening Process into non-ISOs.

2. Statutory Basis

The rule change proposed in this submission is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[8] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[9] because 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 proposal is appropriate and reasonable because it clarifies the behavior of ISOs in the Opening Process. While the Exchange believes that the current behavior of ISOs in the Opening Process is fairly implied under current Rule 21.7(a), the Exchange believes that Rule 21.7(a) could be more clear, to the benefit of all Exchange participants.

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 Exchange does not believe that the proposed change burdens competition, but instead, enhances competition, as it is intended to increase the transparency and clarity of the Exchange's Opening Process, which will encourage increased participation in the Opening Process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2014–016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2014–016. 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.,

[6] 7 CFR 240.19b–4(f)(6)(iii).

[7] 17 CFR 242.600(b)(30).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–016, and should be submitted on or before May 27, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–10168 Filed 5–2–14; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before June 4, 2014.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION:

Summary of Information Collections

SBA's Intermediary Lending Pilot Program (ILPP) makes direct loans to lending intermediaries for the purpose of making loans to startup, newly established, and growing small business concerns. These intermediaries provide information to SBA, which is used to monitor disbursement of ILPP loan proceeds, assess financial condition of the intermediaries, and monitor program effectiveness while minimizing risk to the federal taxpayer.

(1) *Title:* Intermediary Lending Pilot Program Reporting Requirements.

Description of Respondents: Lending Intermediaries.

Form Number's: 2418, 2419.

Estimated Annual Responses: 432.

Estimated Annual Hour Burden: 3,168.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–10149 Filed 5–2–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before June 4, 2014.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION:

Summary of Information Collections

This information is provided by Lenders, Pool Originators and Pool Investors who participate in SBA's Secondary Market Guarantee Program for First Lien Position 504 Loan Pools. SBA uses the information primarily for loan pool monitoring, portfolio risk management, and program administration and reporting purposes.

(1) *Title:* Secondary Market for Section 504 First Mortgage Loan Pool Program.

Description of Respondents: SBA Lenders.

Form Number: 2402.

Estimated Annual Responses: 225.

Estimated Annual Hour Burden: 337.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–10150 Filed 5–2–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before June 4, 2014.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other

documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION:

Summary of Information Collections

The Small Business Act states that a women-owned small (WOSB) or an economically disadvantaged women-owned small business (EDWOSB) must (1) be a Federal agency, a State government, or a national certifying entity as a WOSB. or, (2) certify to the contracting office that it is a WOSB and provide adequate documentation to support such certification. These documents will be used by the SBA, contracting offices and third party certifies to determine program eligibility and compliance.

(1) *Title:* Certification for the Women-Owned Small Business Federal Contract Program.

Description of Respondents: Women owned Small Businesses.

Form Number's: 2413, 2414.

Estimated Annual Responses: 16,688.

Estimated Annual Hour Burden: 33,376.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–10153 Filed 5–2–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 8717]

Renewal of Cultural Property Advisory Committee Charter

SUMMARY: The Charter of the Department of State's Cultural Property Advisory Committee (CPAC) has been renewed for an additional two years.

The Charter of the Cultural Property Advisory Committee is being renewed for a two-year period. The Committee was established by the Convention on Cultural Property Implementation Act of 1983, 19 U.S.C. 2601 *et seq.* It reviews requests from other countries seeking U.S. import restrictions on archaeological or ethnological material the pillage of which places a country's cultural heritage in jeopardy. The Committee makes findings and recommendations to the President's designee who, on behalf of the President, determines whether to impose the import restrictions. The membership of the Committee consists of private sector experts in archaeology, anthropology, or ethnology; experts in the international sale of cultural property; and representatives of museums and of the general public.

FOR FURTHER INFORMATION CONTACT: Cultural Heritage Center, U.S. Department of State, Bureau of Educational and Cultural Affairs, 2200 C Street NW., Washington, DC 20522. Telephone: (202) 632–6301; Fax: (202) 632–6300.

Dated: April 25, 2014.

Maria P. Kouroupas,

Executive Director, Cultural Property Advisory Committee, Department of State.

[FR Doc. 2014–10208 Filed 5–2–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 8716]

Culturally Significant Objects Imported for Exhibition Determinations: ''American Encounters: Anglo-American Portraiture in an Era of Revolution'' 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 ''American Encounters: Anglo-American Portraiture in an Era of Revolution,'' 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 owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Crystal Bridges Museum of American Art, Bentonville, AR, from on or about May 17, 2014, until on or about September 15, 2014; the High Museum of Art, Atlanta, GA, from on or about September 28, 2014, until on or about January 18, 2015, 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 25, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–10206 Filed 5–2–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: CMIA Annual Report and Direct Cost Claims.

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 a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the CMIA Annual Report and Direct Cost Claims.

DATES: Written comments should be received on or before June 30, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies should be directed to Mary Bailey, Program Director, Cash Management Improvement Act Division, 401 14th Street SW., Room 420, (202) 874–7055.

SUPPLEMENTARY INFORMATION:

Title: CMIA Annual Report and Direct Cost Claims.

OMB Number: 1510–0061.

Form Number: None.

Abstract: States and Territories must report interest owed to and from the Federal government for major Federal assistance programs on an annual basis. The data is used by Treasury and other Federal agencies to verify State and Federal interest claims, to assess State and Federal cash management practices and to exchange amounts of interest owed.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 56.

Estimated Time per Respondent: Average of 393.5 hours per state.

Estimated Total Annual Burden Hours: 22,036.

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.

Dated: April 24, 2014.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2014–10197 Filed 5–2–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF VETERANS AFFAIRS

Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee will hold a meeting on June 12, 2014, at the American Association of Airport Executives, 601 Madison Street, Alexandria, VA. The meeting is scheduled to begin at 8:30 a.m. and end at 2 p.m.

The Committee advises the Chief Research and Development Officer through the Director of the Clinical Science Research and Development Service on the relevance and feasibility of proposed projects and the scientific validity and propriety of technical details, including protection of human subjects.

The session will be open to the public for approximately 30 minutes at the start of the meeting for the discussion of administrative matters and the general status of the program. The remaining portion of the meeting will be closed to the public for the Committee's review, discussion, and evaluation of research and development applications.

During the closed portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research proposals and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. As provided by section 10(d) of Public Law 92–463, as amended, closing portions of this meeting is in accordance with 5 U.S.C. 552b(c)(6) and (c)(9)(B).

No oral comments will be accepted from the public for the open portion of the meeting. Those who plan to attend or wish additional information should contact Dr. Grant Huang, Acting Director, Cooperative Studies Program (10P9CS), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5700 or by email at *grant.huang@va.gov.* Written comments may be submitted to Dr. Huang at the same address and email.

Dated: April 30, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–10211 Filed 5–2–14; 8:45 am]

BILLING CODE 8320–01–P

Reader Aids

Federal Register

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Monday, May 5, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
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Presidential Documents	
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