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Contents

Federal Register

Vol. 79, No. 102

Wednesday, May 28, 2014

Agency for Toxic Substances and Disease Registry
NOTICES
Hazardous Substances That Will Be Candidates for Toxicological Profiles; Revised Priority List, 30613–30614

Agricultural Marketing Service
RULES
Marketing Orders:
Kiwifruit Grown in California, 30441–30445
Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Valencia and Other Late Type Oranges:
Minimum Grade Requirements, 30439–30441
NOTICES
Requests for Nominations:
Peanut Standards Board, 30539

Agriculture Department
See Agricultural Marketing Service
See Forest Service

Air Force Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30567–30569

Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30570–30574

Bureau of Consumer Financial Protection
PROPOSED RULES
Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act (Regulation P), 30485

Centers for Medicare & Medicaid Services
PROPOSED RULES
Medicare Programs:
Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies Items, 30511–30531

Chemical Safety and Hazard Investigation Board
NOTICES
Meetings; Sunshine Act, 30540

Civil Rights Commission
NOTICES
Meetings:
New Hampshire Advisory Committee, 30540–30541

Coast Guard
PROPOSED RULES
Anchorage Regulations:
Special Anchorage Areas, Marina del Rey Harbor, CA, 30509–30511

Commerce Department
See Economic Analysis Bureau
See Industry and Security Bureau
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30541–30542

Defense Acquisition Regulations System
RULES
Defense Federal Acquisition Regulation Supplements:
Contractor Personnel Supporting United States Armed Forces Deployed Outside the United States, 30469–30473
Technical Amendments, 30474
PROPOSED RULES
Defense Federal Acquisition Regulation Supplements:
Clauses with Alternates—Special Contracting Methods, Major System Acquisition, and Service Contracting, 30535–30538

Defense Department
See Air Force Department
See Army Department
See Defense Acquisition Regulations System
See Defense Logistics Agency
See Navy Department
RULES
Defense Logistics Agency Freedom of Information Act Program, 30463–30469
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30557–30562
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Qualitative Feedback on Agency Service Delivery, 30562–30564
Charter Renewals:
U.S. Air Force Scientific Advisory Board, 30564–30565
Meetings:
Reserve Forces Policy Board, 30565–30566
Response Systems to Adult Sexual Assault Crimes Panel, 30566–30567

Defense Logistics Agency
RULES
Defense Logistics Agency Freedom of Information Act Program, 30463–30469

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Economic Analysis Bureau
PROPOSED RULES
Direct Investment Surveys:
BE–13, Survey of New Foreign Direct Investment in the United States, 30503–30506

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
2015–16 National Postsecondary Student Aid Study 16 Field Test Institutions and Enrollment Lists, 30578
Applications for New Awards:
Promoting Postbaccalaureate Opportunities for Hispanic Americans Program, 30578–30584
Teacher Quality Partnership Grant Program, 30584–30596

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission
NOTICES
Authority To Import and Export Natural Gas, etc.:
Universal LNG Solutions Inc.; Noble Americas Gas and Power Corp.; Shell NA LNG LLC, et al., 30596
Meetings:
Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation, 30596–30597

Energy Efficiency and Renewable Energy Office
NOTICES
SunShot Catalyst Program, 30597–30598

Environmental Protection Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule, 30603
Compliance Requirement for Child-Resistant Packaging, 30604–30605
Cooling Water Intake Structures at Existing Facilities, 30605–30607
Pesticide Spray Drift Reduction Technologies, 30603–30604
Safer Detergent Stewardship Initiative Program, 30607–30608
Meetings:
2014 Annual Meeting of the Ozone Transport Commission, 30608
Requests for Authorization:
California State Nonroad Engine Pollution Control Standards; Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation; Public Hearing, 30608–30610
California State Nonroad Engine Pollution Control Standards; Small Off-Road Engines Regulation; Public Hearing, 30610–30613

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 30492–30498
Honeywell International Inc. Air Data Pressure Transducers, 30498–30500
The Boeing Company Airplanes, 30485–30492, 30500–30503
NOTICES
Petitions for Exemption; Summaries, 30684–30685

Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30632
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Assistance to Individuals and Households Program, 30633
Fire Management Assistance Grant Program., 30633–30634

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30598–30600
Combined Filings, 30600–30601
Environmental Review:
National Fuel Gas Supply Corp., 30601
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorization:
WBI Energy Transmission, Inc., 30601–30602
Meetings:
Federal Energy Regulatory Commission and the Nuclear Regulatory Commission, 30602–30603

Federal Highway Administration
PROPOSED RULES
Highway Safety Improvement Program, 30508–30509
Highway Safety Improvement Program:
National Performance Management Measures, 30507–30508
NOTICES
Memoranda of Understanding:
Assigning Environmental Responsibilities to Utah, 30686–30687

Federal Trade Commission
RULES
Fur Products Labeling Act Regulations, 30445–30459

Fiscal Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Disclaimer and Consent With Respect to United States Savings Bonds/Notes, 30691
Special Form of Assignment for U.S. Registered Securities, 30691–30692

Fish and Wildlife Service
RULES
Migratory Bird Permits:
Extension of Expiration Dates for Double-Crested Cormorant Depredation Orders, 30474–30483
NOTICES
Endangered and Threatened Wildlife and Plants Permit Applications, 30635–30638
Environmental Impact Statements; Availability, etc.:
Proposed Maricopa Sun Solar Complex Multi-Species Habitat Conservation Plan, Kern County, CA, 30638–30641
Privacy Act; Systems of Records, 30641–30643

Food and Drug Administration
PROPOSED RULES
Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act, etc.; Correction, 30506–30507

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements, 30616
Eye Tracking Study of Direct-to-Consumer Prescription Drug Advertisement Viewing, 30614–30616
Intent To Use an Accredited Person Under the Accredited Persons Inspection Program, 30619–30620
Voluntary National Retail Food Regulatory Program Standards, 30616–30619
Electronic Submission of Postmarketing Safety Reports Involving Vaccine Products; Pilot Project, 30620–30621
Patent Extension Regulatory Reviews:
ADCETRIS, 30624–30626
MENHIBRIX, 30621–30622
MYRBETRIQ, 30622–30623
RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM, 30623–30624

Forest Service
NOTICES
Meetings:
Black Hills National Forest Advisory Board, 30539–30540

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30626–30627
National Vaccine Injury Compensation Program; Petitions, 30627–30629
Poison Control Program:
Non-Competitive Replacement Awards to Nationwide Children's Hospital, Inc., and Children's Hospital Medical Center, 30629
Statements of Organization, Functions and Delegations of Authority, 30629–30630

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports, 30635

Industry and Security Bureau
NOTICES
Meetings:
President's Export Council Subcommittee on Export Administration, 30542
Regulations and Procedures Technical Advisory Committee, 30542

Interior Department
See Fish and Wildlife Service
See National Park Service
See Ocean Energy Management Bureau
See Office of Natural Resources Revenue

Internal Revenue Service
NOTICES
Meetings:
Advisory Group to the Internal Revenue Service Tax Exempt and Government Entities Division, 30692

International Trade Administration
NOTICES
Antidumping Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Certain Steel Threaded Rods From the People's Republic of China, 30543–30546
Pure Magnesium From the People's Republic of China, 30546–30547
Seamless Refined Copper Pipe and Tube From Mexico, 30542–30543
Seventh Annual U.S. Industry Program at the International Atomic Energy Agency General Conference, 30547–30549

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan, 30653–30654

Labor Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Gear Certification Standard, 30655–30656
Recordkeeping and Reporting Occupational Injuries and Illnesses, 30654–30655

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30687–30688
Petitions for Inconsequential Noncompliance:
Hankook Tire America Corp., 30688–30689

National Institute of Standards and Technology
NOTICES
Draft Federal Information Processing Standards:
SHA–3 Standard: Permutation-Based Hash and Extendable-Output Functions, etc., 30549–30550
Meetings:
Board of Overseers of the Malcolm Baldrige National Quality Award and Judges Panel of the Malcolm Baldrige National Quality Award, 30550–30551
Judges Panel of the Malcolm Baldrige National Quality Award, 30551–30552
Participating Research Teams at the Center for Neutron Research, 30552–30553

National Institutes of Health
PROPOSED RULES
Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes, 30531–30535
NOTICES
Meetings:
Center for Scientific Review, 30631–30632
National Cancer Institute; Cancellations, 30630
National Institute of General Medical Sciences, 30631

National Institute on Aging, 30630–30631

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Atlantic Herring Fishery; 2014 Sub-Annual Catch Limit Harvested for Management Area 1B, 30483–30484
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Billfish Certificate of Eligibility, 30553–30554
Meetings:
New England Fishery Management Council, 30554–30556
Pacific Fishery Management Council, 30555

National Park Service
NOTICES
Meetings:
Na Hoa Pili O Kaloko-Honokohau National Historical Park Advisory Commission, 30643

Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30574–30578

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30656

Ocean Energy Management Bureau
NOTICES
Environmental Assessments; Availability, etc.:
Potential Commercial Wind Lease Issuance and Site Assessment Activities; Atlantic Outer Continental Shelf, Offshore New York, 30643–30645
Lease Availability:
Wind Power Development on the Outer Continental Shelf Offshore New York, 30645–30651

Office of Natural Resources Revenue
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Collection of Monies Due the Federal Government, 30651–30653

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30556–30557

Pension Benefit Guaranty Corporation
RULES
Multiemployer Plans; Valuation and Notice Requirements, 30459–30463

Pipeline and Hazardous Materials Safety Administration
NOTICES
Meetings:
International Standards on the Transport of Dangerous Goods, 30689–30690

Presidential Documents
PROCLAMATIONS
Organ Mountains-Desert Peaks National Monument; Establishment (Proc. 9131), 30431–30437

Public Debt Bureau
See Fiscal Service

Securities and Exchange Commission
NOTICES
Applications:
Beverly Hills Bancorp Inc., 30656–30659
Morgan Stanley Smith Barney LLC and Morgan Stanley Global Investment Solutions, 30659–30661
Privacy Act; Systems of Records, 30661–30667
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 30681–30683
Financial Industry Regulatory Authority, Inc., 30675–30678
International Securities Exchange, LLC, 30672–30674
Miami International Securities Exchange LLC, 30669–30671
National Stock Exchange, Inc., 30678–30680
New York Stock Exchange LLC, 30667–30668
New York Stock Exchange LLC; NYSE MKT LLC, 30668
NYSE Arca, Inc., 30672, 30680–30681
NYSE MKT LLC, 30671–30672
Options Clearing Corp., 30674–30675

Social Security Administration
NOTICES
Consent Based Social Security Number Verification Service; Updates, 30683

State Department
NOTICES
Meetings:
United States-Oman Free Trade Agreement Environment Chapter Implementation, Joint Forum on Environmental Cooperation, 30684

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Fiscal Service
See Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 30690–30691

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Civil Rights Discrimination Complaint, 30696–30697
Department of Veterans Affairs Acquisition Regulations Clause 852.237–7, Indemnification and Medical Liability Insurance, 30693–30694
Department of Veterans Affairs Acquisition Regulations Clauses 852.236–72, 852.236–80, 852.236–82, 852.236–83, 852.236–84 and 852.236–88, 30695–30696
Quarterly Report of State Approving Agency Activities, 30694–30695
Veterans Affairs Acquisition Regulation Clause 852.236.89, Buy American Act, 30692–30693

Veterans Affairs Acquisition Regulation Clause 852.236.91, Special Notes, 30694

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

9131 30431

7 CFR

905 30439
920 30441

12 CFR

Proposed Rules:

1016 30485

14 CFR

Proposed Rules:

39 (6 documents) 30485, 30486, 30490, 30492, 30498, 30500

15 CFR

Proposed Rules:

801 30503

16 CFR

301 30445

21 CFR

Proposed Rules:

1100 30506
1140 30506
1143 30506

23 CFR

Proposed Rules:

490 30507
924 30508

29 CFR

4041A 30459
4231 30459
4281 30459

32 CFR

300 30463
1285 30463

33 CFR

Proposed Rules:

110 30509

42 CFR

Proposed Rules:

68b 30531
405 30511
414 30511

48 CFR

212 30469
225 30469
237 30469
242 30469
252 (2 documents) 30469, 30474

Proposed Rules:

217 30535
234 30535
237 30535
252 30535

50 CFR

21 30474
648 30483

Federal Register
Vol. 79, No. 102
Wednesday, May 28, 2014

Presidential Documents

Title 3—

The President

Proclamation 9131 of May 21, 2014

Establishment of the Organ Mountains-Desert Peaks National Monument

By the President of the United States of America

A Proclamation

In southern New Mexico, surrounding the city of Las Cruces in the Río Grande's fertile Mesilla Valley, five iconic mountain ranges rise above Chihuahuan Desert grasslands: the Robledo, Sierra de las Uvas, Doña Ana, Organ, and Potrillo Mountains. These mountain ranges and lowlands form the Organ Mountains-Desert Peaks area.

The Organ Mountains-Desert Peaks area is important for its ruggedly beautiful landscape and the significant scientific, historic, and prehistoric resources found there. The abundant resources testify to over 10,000 years of vibrant and diverse human history of many peoples. Objects left behind by this multi-layered history and spread throughout this geologically and ecologically diverse landscape enhance the experience of visitors to the area and represent a vital resource for paleontologists, archaeologists, geologists, biologists, and historians.

Archaeologically rich, the Organ Mountains-Desert Peaks area features hundreds of artifacts, rock art, dwellings, and other evidence of the Native peoples of the area. Three of the many rock art areas are in the Las Valles Canyon in the Sierra de las Uvas, the Providence Cone area in the Potrillo Mountains, and the Doña Ana Mountains. Scattered Paleo Indian artifacts, including those from the Folsom and Clovis cultures, represent the first people who lived in southern New Mexico and have been found in the Robledo and Potrillo Mountains as well as the Las Uvas Valley. The majority of the cultural items known to be in the Organ Mountains-Desert Peaks area are from the Chihuahuan Archaic period between 8,000 and 2,000 years ago. Diverse rock art images, along with ceramic fragments, demonstrate that the area was the scene of many cross-cultural interactions as the region's early occupants transitioned over time from roaming hunters to semi-permanent villagers.

The deeply creviced peaks of the Organ Mountains, named in 1682 by early European explorers for their resemblance to organ pipes, conceal numerous ancient dwellings, including La Cueva, and other caves where smoke-blackened ceilings evidence long-extinguished campfires. The Native people of these mountains used natural overhangs for shelter and food storage, and their obsidian points, basket fragments, and food remains are still present. Small caves and pit-house villages can be found across the landscape, including ruins of a ten-room pueblo in the Robledo Mountains.

El Camino Real de Tierra Adentro National Historic Trail memorializes an early trading route linking numerous pre-existing Native American footpaths to connect Spanish colonial capitals. The Trail, used through the 19th century by travelers, traders, settlers, soldiers, clergy, and merchants, skirts the Organ Mountains-Desert Peaks area as it follows the Río Grande Valley. Explorers and travelers along the Trail documented the marvels of this area in their journals and explored the mountains in search of mineral riches and game. Historians continue to study the southernmost portion of the area, which was acquired in 1854 as part of the Gadsden Purchase, the final territorial acquisition within the contiguous United States.

In the 1800s, the Organ Mountains-Desert Peaks area was central to several battles among the Apaches, Spanish, Mexicans, and Americans, and between Union and Confederate troops. The first Civil War engagements in New Mexico were fought in the Organ Mountains when Confederate soldiers used Baylor Pass Trail to outflank Union soldiers. In a Robledo Mountains legend, the famed Apache leader Geronimo is said to have entered a cave to avoid U.S. soldiers; while the soldiers stood guard at the only entrance of what is now known as ''Geronimo's Cave,'' the Apache leader mysteriously disappeared without a trace. An 1880s U.S. military heliograph station, the remains of which still stand at Lookout Peak in the Robledo Mountains, transmitted Morse code messages during the Army's western campaigns.

In the late 1850s, John Butterfield developed the Butterfield Overland Trail, a mail and passenger stagecoach service from Memphis and St. Louis to San Francisco. Butterfield set upon improving the segments of the Trail in southern New Mexico that had been previously used by Spanish explorers, the Mormon Battalion, and western settlers. Crossing the Organ Mountain-Desert Peaks area are about 20 miles of the Trail, along which sit the remains of at least one stage stop.

Visitors to the Organ Mountains can still see remnants of Dripping Springs, a once-popular resort and concert hall, built in the 1870s and converted into a sanatorium before its abandonment and decay. In the late 19th century, the infamous outlaw Billy the Kid (William H. Bonney) repeatedly traversed this area. While hiding in the Robledo Mountains, ''the Kid'' inscribed his signature, which is still visible today, on what is now known as ''Outlaw Rock.'' During World War II, the Army Corps of Engineers constructed 18-acre bombing targets, the remains of which still dot the landscape.

The long, diverse, and storied history of this landscape is not surprising given its striking geologic features and the ecological diversity that they harbor. The dramatic and disparate mountain ranges of the Organ Mountains-Desert Peaks area tower above the surrounding grasslands and deserts of the Río Grande watershed, while the Río Grande winds through the valley between the ranges. From the sedimentary deposits of the Robledo Mountains in the west, where the story of ancient life and activity is recorded in fossilized footprints, to the needle-like spires of the Organ Mountains in the east and the ancient volcanic fields and lava flows in the south, these peaks trace the region's varied geologic history.

The Sierra de las Uvas, the westernmost of the peaks, are low volcanic mountains that bear the red tint of the lava from which they formed over 10 million years ago. The tallest, Magdalena Peak, is a lava dome rising 6,509 feet above sea level. For millennia, the ridges, cliffs, and canyons of the rugged Sierra de las Uvas have defined the movement and migration patterns of humans and wildlife alike. The Robledo Mountains, which are composed of alluvial limestone bedrock and contain numerous caves, have long been an important site for research on the formation of desert soils and sedimentary rock, including geological studies of sedimentation and stratigraphy.

The Potrillo Mountains and volcanic field are testament to the area's violent geologic history of seismicity and volcanism. Millions of years after the Cenozoic tectonics that opened the Río Grande Rift, volcanic activity left its mark on the surface, which is punctuated by cinder cone and shield volcanoes, thick layers of basalt, craters, and lava flows. The Potrillo volcanic field contains over 100 cinder cones, ranging in age from 20,000 to one million years old. The Aden Lava Flow area is characterized by lava tubes, steep-walled depressions, and pressure ridges that memorialize the flow of lava that created this unique landscape.

The volcanic field also contains five maars, or low-relief volcanic craters. Kilbourne Hole, a maar with unique volcanic features that the Secretary of the Interior designated as a National Natural Landmark in 1975, is over a mile wide and over 300 feet deep. The sparkling yellow and green olivine glass granules found inside rocks blown from the crater attract amateur

and professional geologists to this site, and its resemblance to the lunar landscape provides scientists and visitors with other-worldly experiences, as it did for the Apollo astronauts who trained there. A slightly smaller maar, Hunt's Hole, brings visitors and geologists to the southeastern corner of the Potrillo Mountains complex. The wide range of unique and exemplary volcanic features in the Potrillos makes this area a center for research in geology and volcanology.

The iconic Doña Ana Mountains include limestone ridges, hogbacks, and cuestas topped by monzonite peaks, including Summerford Mountain and Doña Ana Peak, the highest of these at nearly 6,000 feet. To the east, the steep, needle-like spires of the Organ Mountains rise to over 9,000 feet and have been a landmark for travelers for centuries. These block-faulted, uplifted mountains expose geologically significant Precambrian granite and metamorphic basement rocks.

Much of the area is ripe for paleontological discovery. For example, Shelter Cave in the Organ Mountains is a well-documented fossil site, including fossil remnants of ancient ground sloths, birds, and voles. The Robledo Mountains are also an important site for paleontological research; the fossilized tracks and remains of prehistoric creatures preserved there play a vital role in our understanding of the Permian period. This area, along with the Organ Mountains, also contains abundant invertebrate fossils. The congressionally designated Prehistoric Trackways National Monument is adjacent to, and shares its paleontologically rich geologic formations with, the Organ Mountains-Desert Peaks area, suggesting that this landscape could yield many more significant fossil discoveries. Among the volcanic cones in the Potrillo Mountains is Aden Crater, a small shield cone where a lava tube housed the 11,000-year old skeleton of a ground sloth, one of few ever recovered with skin and hair preserved and a key to understanding the extinction of this and other species.

The diverse geology underlies an equally wide array of vegetative communities and ecosystems, which range from low-elevation Chihuahuan grasslands and scrublands to higher elevation stands of ponderosa pine. Seasonal springs and streams in the mountains and canyon bottoms create rare desert riparian ecosystems. These communities provide habitat for many endemic and special status plant and animal species.

Throughout the area, the characteristic plants of the Chihuahuan desert are evident. Tobosa grasslands can be found in the desert flats, punctuated by creosote bush and mesquite, as well as sacahuista, lechuguilla, and ferns. In the Sierra de las Uvas Mountains, black grama grasslands appear on the mesas while juniper woodlands and Chihuahuan vegetation give way to higher elevation montane communities. Formed by a series of alluvial fans, bajadas extend out from the base of the area's mountains and provide purchase for oak species, Mexican buckeye, prickly pears, white fir, willow, catsclaw mimosa, sotol, agave, ocotillo, flowering cactus, barrel cactus, brickellbush, and tarbush. The Potrillo Mountains are home to desert shrub communities that also include soaptree yucca and four winged saltbush.

These species are emblematic of the Chihuahuan Desert, and the diversity of plant and animal communities found here is stunning. The transitions among vegetation zones found in the Sierra de las Uvas and Potrillos make this area an important resource for ecological research. Similarly, the Doña Ana Mountains abut one of the Nation's long-term ecological research areas, making them an important feature of many studies in wildlife biology, botany, and ecology.

The Organ Mountains are home to alligator juniper, gray oak, and mountain mahogany, as well as the endemic Organ Mountain evening primrose, Organ Mountains giant hyssop, Organ Mountains paintbrush, Organ Mountains pincushion cactus, Organ Mountain figwort, Organ Mountains scaleseed, night-blooming cereus, Plank's Catchfly, and nodding cliff daisy, and likely the endangered Sneed's pincushion cactus.

The area also supports diverse wildlife. Across the Organ Mountains-Desert Peaks landscape, many large mammal species can be found, such as mountain lions, coyotes, and mule deer. The Organ Mountains were also historically home to desert bighorn sheep. Raptors such as the golden eagle, red-tailed hawk, and endangered Aplomado falcon soar above the area's grasslands and foothills, where they prey on a variety of mice, rock squirrels, and other rodents, including the Organ Mountains chipmunk.

The area's exceptional animal diversity also includes many migratory and grassland song birds and a stunning variety of reptiles, such as black-tailed, western diamondback, and banded rock rattlesnakes; whipsnakes and bullsnakes; and tree, earless, Madrean alligator, and checkered whiptail lizards. Birds such as Gambel's quail, black-throated sparrow, ladder-backed woodpecker, verdin, black-tailed gnatcatcher, lesser nighthawk, Scott's oriole, and cactus wren also make their homes here, along with many species of bats. Other mammals, including black-tailed jackrabbits, cactus mice, and kangaroo rats, inhabit the area. One of several species of rare terrestrial snails in the area, the Organ Mountain talussnail, is also endemic.

The protection of the Organ Mountains-Desert Peaks area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans.

Whereas section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the ''Antiquities Act'') authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the objects of scientific and historic interest on the Organ Mountains-Desert Peaks lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Government of the United States to be the Organ Mountains-Desert Peaks National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 496,330 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, including withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights. Lands and interests in lands within the monument's boundaries not owned or controlled by the United States shall be reserved as part of the monument upon acquisition of ownership or control by the United States.

The Secretary of the Interior (Secretary) shall manage the monument through the Bureau of Land Management (BLM) as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities, including, as applicable, the provisions of section 603 of the Federal Land Policy

and Management Act (43 U.S.C. 1782) governing the management of wilderness study areas, to protect the objects identified above.

For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument and shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with tribal, State, and local governments.

Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on designated roads, and non-motorized mechanized vehicle use shall be permitted only on roads and trails designated for their use; provided, however, that nothing in this provision shall be construed to restrict the use of motorized vehicles in wilderness study areas beyond the requirements of section 603 of the Federal Land Policy and Management Act. No additional roads or trails shall be established for motorized vehicle or non-motorized mechanized vehicle use unless necessary for public safety or protection of the objects identified above.

Nothing in this proclamation shall be construed to preclude the Secretary from renewing or authorizing the upgrading of existing utility line rights-of-way within the physical scope of each such right-of-way that exists on the date of this proclamation. Other rights-of-way shall be authorized only if they are necessary for the care and management of the objects identified above. However, watershed restoration projects and small-scale flood prevention projects may be authorized if they are consistent with the care and management of such objects.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe or pueblo. The Secretary shall, in consultation with Indian tribes, ensure the protection of religious and cultural sites in the monument and provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (92 Stat. 469, 42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction shall continue to apply with regard to the lands in the monument, consistent with the protection of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of New Mexico, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall be deemed to affect the provisions of the 2006 Memorandum of Understanding between the U.S. Department of Homeland Security, the U.S. Department of the Interior, and the U.S. Department of Agriculture regarding ''Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders.''

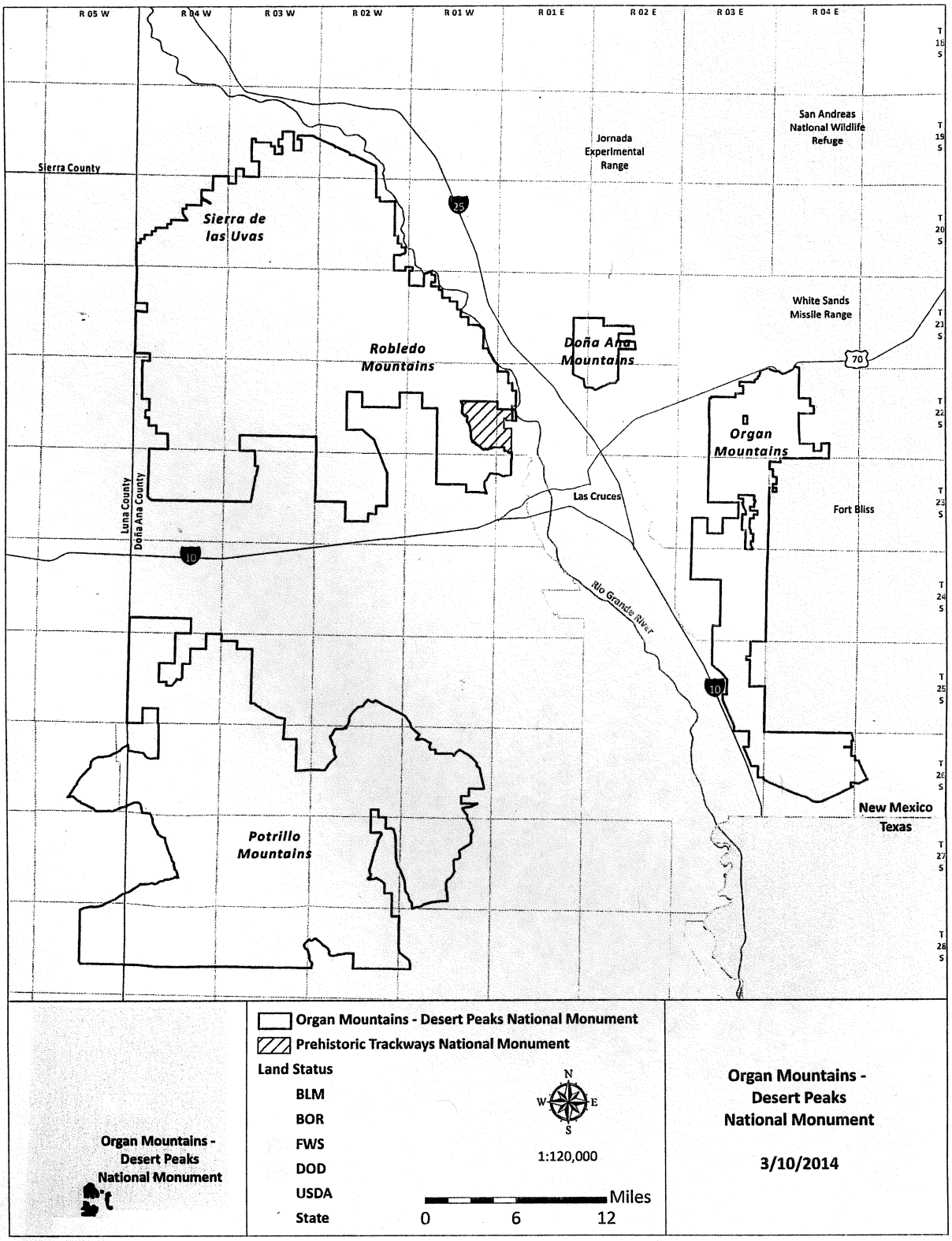
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Nothing in this proclamation shall preclude low level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

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

Billing code 3295–F4–P



[FR Doc. 2014–12508

Filed 5–27–14; 8:45 am]

Billing code 4310–10–C

Rules and Regulations

Federal Register
Vol. 79, No. 102
Wednesday, May 28, 2014

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Doc. No. AMS–FV–14–0041; FV14–905–2 IR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxing Grade Requirements on Valencia and Other Late Type Oranges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule changes the minimum grade requirements currently prescribed under the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida (order). The order is administered locally by the Citrus Administrative Committee (Committee). This rule reduces the minimum grade requirement for Valencia and other late type oranges shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15 through June 14 each season and to a U.S. No. 2 external/U.S. No. 1 internal from June 15 through August 31 each season. This rule will provide additional Valencia and other late type oranges for late season markets, helping to maximize fresh shipments.

DATES: Effective May 23, 2014; comments received by July 28, 2014 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov*. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Corey E. Elliott, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Corey.Elliott@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule changes the minimum grade requirement for Valencia and other late type oranges shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15 to June 14 each season and to a U.S. No. 2 external/U.S. No. 1 internal from June 15 to August 31 each season. This rule will provide additional Valencia and other late type oranges for late season markets and will help maximize fresh shipments. The Committee unanimously recommended these changes at a meeting on April 3, 2014.

Section 905.52 of the order provides, in part, authority to establish minimum grade requirements for Florida citrus. Section 905.306 of the order's rules and regulations specifies the minimum grade requirements for different varieties of fresh Florida citrus. Such requirements for domestic shipments are specified in Table I of § 905.306(a). The characteristics of these grades are specified in the U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140 through 51.1179).

Last season, the Committee recommended relaxing grade and size requirements for the last part of the season. The purpose of this change was to make additional Valencia and other late type oranges available to supply potential late season markets. The Committee made this recommendation as it was difficult to supply late season markets due to the limited volume of fruit remaining after May 15 that would meet the then-current size and grade requirements. In a rulemaking action (78 FR 52079, as corrected at 79 FR 19461), the minimum size requirement for Valencia and other late type oranges shipped to interstate markets was reduced from 2 8/16 inches to 2 4/16 inches from May 15 through August 31 each season. This action also reduced the minimum grade requirement for Valencia and other late type oranges

shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15, 2013, to June 14, 2013, and to a U.S. No. 2 external/U.S. No. 1 internal from June 15, 2013, to August 31, 2013.

At its April 2014 meeting, the Committee discussed the effects of the 2012–13 season rulemaking change. The Committee concluded that the temporary grade change had provided handlers the opportunity to sell additional fruit without affecting overall consumer demand for Valencia and other late type oranges. The Committee approximated that the industry had benefited from an additional $500,000 in sales as a result of the change.

Consequently, the Committee recommended continuing the relaxation in the minimum grade for the 2013–14 season and subsequent seasons. Therefore, this rule reduces the minimum grade requirement for Valencia and other late type oranges shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15 to June 14 each season and to a U.S. No. 2 external/U.S. No. 1 internal from June 15 to August 31 each season. The Committee believes that relaxing grade requirements will provide an outlet for fruit that may otherwise go unharvested. This will maximize fresh shipments by allowing more fruit to be shipped to the fresh market, increasing returns to both handlers and growers.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 30 Valencia and other late type orange handlers subject to regulation under the marketing order and approximately 750 producers of citrus in the production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000, and small agricultural producers are defined as those having annual receipts less than $750,000 (13 CFR 121.201).

Based on industry and Committee data, the average f.o.b. price for fresh Valencia and other late type oranges during the 2012–13 season was approximately $11.80 per 4/5 bushel carton, and total fresh shipments were approximately 3.6 million cartons. Using the average f.o.b. price and shipment data, the majority of Florida Valencia and other late type orange handlers could be considered small businesses under SBA's definition. In addition, the average annual grower revenue is below $750,000 based on production data, grower prices as reported by NASS, and the total number of Florida citrus growers. Thus, assuming a normal distribution, the majority of Valencia and other late type orange handlers and producers may be classified as small entities.

This rule relaxes the grade requirements for Valencia and other late type oranges prescribed under the order. This change will allow additional late season fruit to be shipped to the fresh market, maximizing shipments and providing additional returns to both handlers and growers. This rule revises § 905.306 by reducing the minimum grade requirements for interstate shipments of Valencia and other late type oranges from a U.S. No. 1 to a U.S. No. 1 Golden from May 15 to June 14 each season and to a U.S. No. 2 external/U.S. No. 1 internal from June 15 to August 31 each season. Authority for these changes is provided for in § 905.52. These changes were unanimously recommended by the Committee at its April 3, 2014, meeting.

This action does not impose any additional costs on the industry. However, it is anticipated that this action will have a beneficial impact. Reducing the grade requirements for Valencia and other late type oranges from May 15 to August 31 will make additional fruit available for shipment to the fresh market, providing the opportunity to supply late season markets. The Committee believes that relaxing the grade requirements will provide an outlet for fruit that may otherwise go unharvested. This will allow more fruit to be shipped to the fresh market and increase returns to both handlers and growers. The benefits of this rule are expected to be equally available to all fresh citrus growers and handlers, regardless of their size.

Regarding alternatives to this action, the Committee considered leaving the current grade regulations in place but found that the relaxation in grade that was in effect for the 2012–13 season provided additional fruit to the fresh market without affecting consumer demand. Therefore, the Committee rejected this alternative.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Florida citrus handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee meeting was widely publicized throughout the Florida citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the April 3, 2014, meeting was a public meeting, and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on a change to the grade requirements currently prescribed under the Florida citrus marketing order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this

interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action relaxes the current grade requirements under the order; (2) these changes need to be in effect by May 15, 2014; (3) the Committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR parts 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 905.306, Table I in paragraph (a) is amended by revising the entry for ''Valencia and other late type'' under ''Oranges'' to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* *	* *	* *	*
Valencia and other late type	September 1–May 14	U.S. No. 1	2 8/16
	May 15–June 14	U.S. No. 1 Golden	2 4/16
	June 15–August 31	U.S. No. 2, External/U.S. No. 1, Internal	2 4/16
* *	* *	* *	*

* * * * *

Dated: May 22, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–12287 Filed 5–23–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Doc. No. AMS–FV–12–0008; FV12–920–1 FR]

Kiwifruit Grown in California; Order Amending Marketing Order No. 920

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends Marketing Order No. 920 (order), which regulates the handling of kiwifruit grown in California. The amendments were proposed by the Kiwifruit Administrative Committee (Committee or KAC), which is responsible for the local administration of the order. The five amendments will provide authority to recommend and conduct production and postharvest research, to recommend and conduct market research and development projects, to receive and expend voluntary contributions, to specify that recommendations for production research and market development be approved by eight members of the Committee, and to update provisions regarding alternate members' service on the Committee. These amendments are intended to improve administration of and compliance with the order, as well as reflect current industry practices.

DATES: This rule is effective May 29, 2014.

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557–4783, Fax: (435) 259–1502, or Email: *Melissa.Schmaedick@ams.usda.gov;* or, Michelle Sharrow, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–9921, Fax: (202) 720–8938 or Email: *Michelle.Sharrow@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 920, as amended (7 CFR part 920), regulating the handling of kiwifruit produced in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' Section 608c(17) of the Act and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900) authorize amendments of the order through this informal rulemaking action.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule shall not be deemed to preclude, preempt, or supersede any research and market development provisions of any State program covering California kiwifruit (7 U.S.C. 608c(6)(I)).

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Section 1504 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–246) amended section 18c(17) of the Act, which in turn required the addition of supplemental rules of practice to 7 CFR Part 900 (73 FR 49307; August 21, 2008). The amendment of section 18c(17) of the Act and additional supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. USDA may use informal rulemaking to amend marketing orders based on the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS considered the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and other relevant matters, and determined that amending the order as proposed by the Committee could appropriately be accomplished through informal rulemaking.

The proposed amendments were unanimously recommended by the Committee following deliberations at public meetings on July 12 and December 13, 2011. A proposed rule soliciting comments on the proposed amendments was issued on February 4, 2013, and published in the **Federal Register** on February 8, 2013 (78 FR 9331). Three comments were received. Two comments were supportive of the proposed amendments. The third comment was supportive of some of the proposed amendments and not supportive of others. A proposed rule and referendum order was issued on July 29, 2013, and published in the **Federal Register** on August 2, 2013 (78 FR 46823). This document directed that USDA conduct a referendum among kiwifruit producers who produced kiwifruit during the period of August 1, 2012, through July 31, 2013, to determine whether they favored the proposed amendments to the order. To become effective, the amendments had to be approved by at least two-thirds of the producers voting or two-thirds of the volume of kiwifruit represented by voters in the referendum. All of the proposed amendments were favored by at least 80 percent of those voting in the referendum and by at least 83 percent of the volume represented in the referendum.

The amendments included in this final rule will:

(1) Provide authority to recommend and conduct production and postharvest research;

(2) Provide authority to recommend and conduct market research and development projects;

(3) Provide authority to receive and expend voluntary contributions;

(4) Amend procedures to specify that recommendations for production research and market development be approved by eight members of the Committee; and

(5) Clarify provisions regarding alternate members' service on the Committee.

Final Regulatory Flexibility Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

Based on Committee data, there are approximately 175 producers and 27 handlers of kiwifruit in the California production area. The Small Business Administration (SBA) defines small agricultural producers as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts of less than $7,000,000. (13 CFR 121.201)

The California Agricultural Statistical Service (CASS) reported total California kiwifruit production for the 2011–12 season at 37,700 tons, with an average price of $775 per ton. Based on the average price, shipment, and grower information provided by the CASS and the Committee, the majority of kiwifruit handlers would be considered small businesses under the SBA definition. In addition, based on kiwifruit production and price information, as well as the total number of California kiwifruit growers, the average annual grower revenue is less than $750,000. Thus, the majority of California kiwifruit producers may also be classified as small entities.

The amendments will provide authority to recommend and conduct production and postharvest research; provide authority to recommend and conduct marketing research and development projects; provide authority to receive and expend voluntary contributions; amend procedures to specify that recommendations for production research and market development be approved by eight members of the Committee; and update provisions regarding alternate members' service on the Committee.

These amendments were unanimously recommended at public meetings of the Committee held on July 12 and December 13, 2011. None of these amendments will have an immediate impact on handlers or producers because they will not establish any requirements or regulations on handlers. However, the amendments will add authority to conduct production and postharvest research as well as market research and development projects. In the event the Committee decides to conduct these activities in the future, there would be a cost associated with funding any projects recommended.

Research activities were previously funded by the industry through the California Kiwifruit Commission (CKC), which no longer exists. Therefore, there would be no net overall increase in costs to the industry if the Committee chose to take over projects previously funded through the CKC. Furthermore, the newly established authority for the Committee to accept voluntary contributions could provide additional sources of funds and reduce the amount of assessment monies otherwise needed to fund research activities.

Although there would be a cost associated with any research activities undertaken by the industry, the benefits of such activities would be expected to outweigh the costs. Past benefits of production research to the California kiwifruit industry include improved techniques for establishing vineyards,

pruning, thinning, irrigating, pollination, fertilizer application, disease and pest management, and harvesting. Benefits of postharvest research include improved methods of fruit storage, packaging, and transportation. These research results have been disseminated to growers and handlers in the past and have been instrumental in maintaining a viable kiwifruit industry in California.

Prior to undertaking any research activities, the Committee would evaluate potential projects and weigh their costs against the potential benefits to the industry. Any projects recommended by the Committee would be reviewed and approved by USDA before implementation. The Committee and USDA would provide oversight to help ensure that the goals and objectives were being met. The results would be disseminated to industry members and would also be made available to the public.

Adding authority to the order for marketing research and development projects will not result in immediate costs to the industry. It will provide authority to recommend marketing research and development activities. In the event the Committee decides to undertake these activities in the future, there would be a cost associated with funding any marketing research and development projects.

Like the production and postharvest research activities discussed above, marketing research and development projects could also be funded with voluntary contributions. This could help mitigate any possible assessment rate increases to offset the costs of these activities. To the extent that the assessment rate may need to be increased, any increase would be limited to remain within the maximum level authorized under § 920.41 of the order.

Any increased costs associated with marketing research and development activities are expected to be outweighed by the benefits. Marketing research could be conducted on consumer tastes and preferences. This type of information is valuable in developing marketing strategies. Collection of market data can also be used to evaluate prior programs and to develop future programs. Market development programs could be used to conduct activities designed to increase consumer awareness and demand for California kiwifruit. These demand-building activities would be expected to increase sales, which would ultimately increase producer returns.

Prior to undertaking any marketing research and/or market development activities, the Committee would evaluate potential projects and their costs against the potential benefits to the industry. Any projects recommended by the Committee would be reviewed and approved by USDA before implementation. The Committee and USDA would provide oversight to help ensure that the goals and objectives were being met. In addition, as required by the Federal Agricultural Improvement and Reform Act of 1996, any marketing research and development programs engaged in under a Federal marketing order require periodic evaluation by an independent third party to ensure that they are effective. Thus, any such programs conducted under the kiwifruit order would be evaluated to ensure that the benefits exceed the costs.

Adding authority for the Committee to receive voluntary contributions will provide an additional monetary source to help fund research and development programs. These types of programs are intended to benefit the entire industry. This change will not increase or decrease any reporting, recordkeeping, or compliance costs. Acceptance of voluntary financial contributions by the Committee would not result in increased costs. Rather, it might reduce the amount of assessment revenue needed to fund programs.

Amendments four and five relate to voting procedures and alternate member service on the Committee. Both are procedural in nature and will have no economic impact on producers or handlers. They will not establish any regulatory requirements on handlers and will also not result in any assessment or funding implications. There will be no change in financial costs, reporting, or recordkeeping requirements.

Alternatives to these proposals, including making no changes at this time, were considered. However, the Committee believes it would be beneficial to have the ability to conduct production research and market development activities, collect voluntary contributions, and clarify procedural language for Committee meetings.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic OMB Fruit Crops. No changes in those requirements as a result of this proceeding are anticipated. Should any changes become necessary, they would be submitted to OMB for approval.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Committee's meetings, at which these proposals were discussed, were widely publicized throughout the California kiwifruit industry. All interested persons were invited to attend the meetings and encouraged to participate in Committee deliberations on all issues. The Committee meetings were public, and all entities, both large and small, were encouraged to express their views on these proposals.

A proposed rule concerning this action was published in the **Federal Register** on February 8, 2013 (78 FR 9331). Copies of the rule were mailed or sent via facsimile to all Committee members and kiwifruit handlers. Finally, the rule was made available through the internet by USDA and the Office of the Federal Register. A 60-day comment period ending April 9, 2013, was provided to allow interested persons to respond to the proposal.

Three comments were received. Two comments were supportive of the proposed amendments.

The third commenter supported the amendments to §§ 920.32 and 920.45 concerning Committee quorum (voting) and accepting voluntary contributions, respectively. However, the commenter was opposed to the amendment to § 920.27 regarding alternate member procedures that will allow substitute alternates, from within the same district, to represent absent members at Committee meetings in districts with two or more members because he was concerned that it gave the Committee the opportunity to choose an alternate who shared their views. The change will improve the likelihood that quorum requirements are met. This should ensure a timely and orderly flow of business so that important matters would not have to be postponed. The substitute alternate would only be called upon if the member and their designated alternate were both absent. Because the substitute would be from the same district as the absent member and alternate, it is more likely that the

substitute would represent the views of other growers in that district.

In 2010, the order was amended and the number of districts decreased to three. Each district is now represented on the Committee by two, four, or five members and alternate members, for a total of twenty-two grower positions. However, § 920.27 only addresses alternate members' service on the Committee in districts with one and two grower positions. This amendment addresses alternate members' service on the Committee in districts with more than two members, as well as substitute alternates if both a member and his or her respective alternate are unable to attend a Committee meeting. In such situations, the Committee will be authorized to designate any other alternate present, in the same district, to serve in place of the absent member. Accordingly, no change to the amendment based on the comment received is being adopted.

The commenter was also opposed to the amendment to § 920.48 regarding marketing research and development because he believes each marketer should conduct their own market promotion. The Act authorizes the establishment of marketing research and development projects, including paid advertising, for certain commodities; however, paid advertising is not authorized for kiwifruit. (7 U.S.C. 608c(6)(I)) The Committee developed this amendment taking into account that the CKC is no longer conducting such activities. One purpose of such generic programs is to benefit all members of the kiwifruit industry, including those that could not fund their own programs. As such, adding authority in the order for market research and development projects will benefit the entire kiwifruit industry. Therefore, no change to the proposed amendment is being adopted as a result of this comment.

The commenter only supported the amendment to add authority to § 920.47 to conduct production and postharvest research if the quorum requirement of eight votes passes in § 920.32. The commenter wanted to either eliminate or link the two proposed amendments. Such a change would not have allowed the voters to consider each proposal on its own merits. Currently, the order requires an eight vote plurality for any changes for expenses, assessments, or recommended regulations in § 920.32. The Committee unanimously supported requiring eight votes for approval of marketing research and development as well as production and postharvest research activities. Requiring at least eight votes would ensure that a broad base of support existed for any major actions that would affect the budget. Further, the Committee believes, and USDA concurs, that this requirement will help ensure that industry support exists before undertaking these activities. The commenter was supportive of adding the quorum voting requirement for production and postharvest research, and the commenter was in favor of production and postharvest research. Accordingly, no changes were made to the proposed amendments as a result of this comment.

A proposed rule and referendum order was issued on July 29, 2013, and published in the **Federal Register** on August 2, 2013 (78 FR 46823). This document directed that USDA conduct a referendum among kiwifruit producers who produced kiwifruit during the period of August 1, 2012, through July 31, 2013, to determine whether they favored the proposed amendments to the order. To become effective, the amendments had to be approved by at least two-thirds of the producers voting or two-thirds of the volume of kiwifruit represented by voters in the referendum. All of the proposed amendments were favored by at least 80 percent of those voting in the referendum and by at least 83 percent of the volume represented in the referendum.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

Order Amending the Order Regulating the Handling of Kiwifruit Grown in California

Findings and Determinations

(a) Findings and Determinations Upon the Basis of the Rulemaking Record

The findings hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of the marketing order; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

1. The marketing order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

2. The marketing order, as amended, and as hereby proposed to be further amended, regulates the handling of kiwifruit grown in California in the same manner as, and is applicable only to, persons in the respective classes of commercial and industrial activity specified in the marketing order;

3. The marketing order, as amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

4. The marketing order, as amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of kiwifruit produced or packed in the production area; and

5. All handling of kiwifruit produced in the production area as defined in the marketing order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) Additional Findings

It is necessary and in the public interest to make these amendments effective not later than one day after publication in the **Federal Register**. A later effective date would unnecessarily delay implementation of the amendments. These amendments should be in place as soon as possible so that any regulations recommended as a result of these amendments can be in place prior to the next production year, which begins on August 1. In view of the foregoing, it is hereby found and determined that good cause exists for making these amendments effective one day after publication in the **Federal Register** and that it would be contrary to the public interest to delay the effective date for 30 days after publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act; 5 U.S.C. 551–559.)

(c) Determinations

It is hereby determined that:

1. Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping kiwifruit covered under the order) who during the period August 1, 2012, through July 31, 2013, handled not less than 50 percent of the volume of such kiwifruit covered by said order, as hereby amended, have not signed an amended marketing agreement; and

2. The issuance of this amendatory order, amending the aforesaid order, is favored or approved by at least two-

thirds of the producers who participated in a referendum on the question of approval and who, during the period of August 1, 2012, through July 31, 2013, have been engaged within the production area in the production of such kiwifruit, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative To Handling

It is therefore ordered, That on and after the effective date hereof, all handling of kiwifruit grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

The provisions of the proposed marketing order amending the order contained in the proposed rule issued by the Administrator on July 29, 2013, and published in the **Federal Register** on August 2, 2013 (78 FR 46823), shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

List of Subjects in 7 CFR Part 920

Marketing agreements, Kiwifruit, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 920.27 to read as follows:

§ 920.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom that individual is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event both a member and his or her alternate are unable to attend a committee meeting, the committee may designate any other alternate member from the same district to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, the alternate of such member shall act for him or her until a successor for such member is selected and has qualified.

■ 3. Revise § 920.32(a) to read as follows:

§ 920.32 Procedure.

(a) Eight members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of the majority of those present: *Provided,* That actions of the committee with respect to expenses and assessments, production and postharvest research, market research and development, or recommendations for regulations pursuant to §§ 920.50 through 920.55, of this part shall require at least eight concurring votes.

* * * * *

■ 4. Add § 920.45 to read as follows:

§ 920.45 Contributions.

The committee may accept voluntary contributions, but these shall only be used to pay expenses incurred pursuant to § 920.47 and § 920.48. Furthermore, such contributions shall be free from any encumbrances by the donor, and the committee shall retain complete control of their use.

■ 5. Add § 920.47 to read as follows:

§ 920.47 Production and postharvest research.

The committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving research designed to assist or improve the efficient production and postharvest handling of kiwifruit.

■ 6. Add § 920.48 to read as follows:

§ 920.48 Market research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of kiwifruit.

Dated: May 22, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–12327 Filed 5–27–14; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

16 CFR Part 301

Regulations Under the Fur Products Labeling Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Regulations under the Fur Products Labeling Act to update the Fur Products Name Guide, provide more labeling flexibility, incorporate Truth in Fur Labeling Act provisions, and conform the guaranty provisions to those governing textiles. The Commission does not change the required name for *nyctereutes procyonoides* fur products. Labels will continue to describe this animal as ''Asiatic Raccoon.''

DATES: The amendments published in this document will become effective November 19, 2014.

FOR FURTHER INFORMATION CONTACT: Matthew Wilshire, (202) 326–2976, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

After considering comments on proposed amendments to the Rules and Regulations (''Fur Rules'' or ''Rules'') under the Fur Products Labeling Act (''Fur Act'' or ''Act''), the Federal Trade Commission (''FTC'' or ''Commission'') adopts those amendments with minor changes. The final amendments update the Fur Products Name Guide (''Name Guide''), provide businesses with more flexibility in labeling, incorporate the provisions of the Truth in Fur Labeling Act (''TFLA''), and conform the Rules' guaranty provisions to those governing textile products. The amendments do not change the Guide's name for *nyctereutes procyonoides.* The name ''Asiatic Raccoon'' best identifies this animal for fur consumers. The final rules also do not adopt the proposed annual renewal requirement for continuing guaranties.

This supplementary information section first provides background on the Fur Act and Rules, the Name Guide, TFLA, and this rulemaking. Next, it summarizes the comments. Finally, it analyzes those comments and discusses the amendments.

II. Background

A. The Fur Act and Rules

The Fur Act prohibits misbranding and false advertising of fur products, and requires labeling of most fur products.[1] Pursuant to this Act, the Commission promulgated the Fur Rules.[2] These Rules set forth disclosure requirements that assist consumers in making informed purchasing decisions. Specifically, the Fur Act and Rules require manufacturers, dealers, and retailers to label products made entirely or partly of fur. These labels must disclose: (1) The animal's name as provided in the Name Guide; (2) the presence of any used, bleached, dyed, or

[1] 15 U.S.C. 69, *et seq.*

[2] 16 CFR Part 301.

otherwise artificially colored fur; (3) that the garment is composed of, among other things, paws, tails, bellies, sides, flanks, or waste fur, if that is the case; (4) the name or Registered Identification Number of the manufacturer or other party responsible for the garment; and (5) the fur's country of origin.[3] In addition, manufacturers must include an item number or mark on the label for identification purposes.[4]

The Rules also include detailed labeling specifications. For example, the Rules specify an exact label size of 1.75 inches by 2.75 inches,[5] require disclosures in a particular order,[6] and prohibit non-FTC information on the front of the label.[7]

The Fur Act and Rules also provide for separate and continuing guaranties.[8] These documents allow an entity to provide a guaranty certifying that the products it manufactures or transfers are not mislabeled or falsely advertised or invoiced. Separate guaranties specifically designate particular fur products.[9] Continuing guaranties, which guarantors file with the Commission, apply to ''any fur product or fur handled by a guarantor'' and are valid indefinitely.[10] The Act provides that an entity that receives a guaranty in good faith will not generally be liable for violations related to the guarantied goods.[11]

The Fur Act authorizes guaranties only from persons ''residing in the United States.'' Thus, businesses that buy from manufacturers or suppliers that have no representative in the United States cannot obtain a guaranty. To address this issue, the Commission announced an enforcement policy statement in January 2013.[12] The policy states that the Commission will not bring enforcement actions against retailers that: (1) Cannot legally obtain a guaranty under the Fur Act; (2) do not embellish or misrepresent claims provided by the manufacturer; and (3) do not market the products as private label products, unless the retailers knew or should have known that the marketing of the products would violate the Act or Rules.

B. The Name Guide

The Fur Act requires the Commission to maintain ''a register setting forth the names of hair, fleece, and fur-bearing animals.'' [13] The Act further requires that these names ''be the true English names for the animals in question, or in the absence of a true English name for an animal, the name by which such animal can be properly identified in the United States.'' [14] The Name Guide lists animals by common name and the species each name describes. For example, the Name Guide requires covered entities to label *mustela vison* as ''mink.'' [15]

The Commission first published the Name Guide in 1952. Under the Fur Act, the Commission can amend the Name Guide only ''with the assistance and cooperation of the Department of Agriculture and the Department of Interior'' and ''after holding public hearings.'' [16] Prior to this rulemaking, the Commission amended the Name Guide twice, most recently in 1967.[17]

C. TFLA

In 2010, Congress enacted TFLA, which revoked one Fur Act exemption and replaced it with another. Specifically, TFLA deleted a Fur Act provision that authorized the Commission to exempt fur products of relatively low value from labeling requirements.[18] Under that authority, the Fur Rules exempted products with a fur component valued at less than $150.[19] TFLA replaced this *de minimis* exemption with a new, more limited exemption for furs sold directly by trappers and hunters to end-use customers in certain face-to-face transactions (''hunter/trapper exemption''). The new exemption provides:

> No provision of [the Fur Act] shall apply to a fur product (1) the fur of which was obtained from an animal through trapping or hunting; and (2) when sold in a face to face transaction at a place such as a residence, craft fair, or other location used on a temporary or short term basis, by the person who trapped or hunted the animal, where the revenue from the sale of apparel or fur products is not the primary source of income of such person.[20]

In addition, TFLA required the Commission to initiate a review of the Name Guide.[21]

D. Procedural Background

In March 2011, as part of its regulatory review program,[22] the Commission sought comment on the Fur Rules. As directed by TFLA, the Commission also sought comment on the Name Guide.[23] Several commenters advocated updating the Name Guide. In addition, some advocated allowing more labeling flexibility.

The only contentious issue was whether the Name Guide should continue to require the name ''Asiatic Raccoon'' to describe the species *nyctereutes procyonoides.* The animal *nyctereutes procyonoides* is a distinct species that is part of the Canidae family (which includes dogs, foxes, coyotes, and wolves), and which has raccoon-like markings. In 1961, the Commission applied the statutory standard in the Fur Act and determined that ''Asiatic Raccoon'' was the name that would ''afford proper identification'' for fur products derived from *nyctereutes procyonoides.*[24]

The Humane Society of the United States (''HSUS'') strongly urged the Commission to change the name to ''Raccoon Dog.'' Others argued that the Commission should retain ''Asiatic Raccoon.'' Some commenters also requested that the Commission allow ''Finnraccoon'' as an alternative name for *nyctereutes procyonoides* fur from Finland.

After receiving comments, the Commission held a public hearing on the Guide on December 6, 2011, as required by the Fur Act. The hearing was in roundtable format with an opportunity for audience participation.[25] Four commenters participated in the roundtable: HSUS; the Fur Information Council of America; the National Retail Federation; and Finnish Fur Sales. In addition, the hearing included representatives from the United States Department of Agriculture, the United States Geological Survey, and the Fish and Wildlife Service (''FWS'').

On September 17, 2012, the Commission published the first of two Notices of Proposed Rulemaking

[3] 15 U.S.C. 69b(2); 16 CFR 301.2(a).

[4] 16 CFR 301.40.

[5] 16 CFR 301.27.

[6] 16 CFR 301.30.

[7] 16 CFR 301.29(a). By contrast, the Commission's regulations requiring labels for textile products do not have such detailed labeling specifications.

[8] 15 U.S.C. 69h; 16 CFR 301.46, 301.47, 301.48, and 301.48a.

[9] 15 U.S.C. 69h(a)(1).

[10] 15 U.S.C. 69h(a)(2).

[11] 15 U.S.C. 69h(a).

[12] The policy statement is available at *www.ftc.gov/system/files/documents/public_statements/299821/guaranty_policy_statement.pdf.*

[13] 15 U.S.C. 69e(a).

[14] *Id.*

[15] 16 CFR 301.0.

[16] 15 U.S.C. 69e(b).

[17] 32 FR 6023 (Apr. 15, 1967).

[18] Public Law 111–313, section 2.

[19] 16 CFR 301.39(a).

[20] Public Law 111–313, at section 3.

[21] *Id.* at section 4.

[22] For further discussion of the program, *see www.ftc.gov/opa/2011/07/regreview.shtm.*

[23] 76 FR 13550.

[24] 26 FR 10446 (Nov. 4, 1961).

[25] Citations to the Hearing Transcript are ''Tr. at [page], ln. [line number].'' *See http://www.ftc.gov/sites/default/files/filings/initiatives/376/111206furtranscript.pdf.*

(''NPRM'').[26] This NPRM addressed three areas: The Name Guide, the mechanics of labeling, and incorporating TFLA's provisions. As the NPRM explained, the Commission proposed amendments to update the Guide, but it did not find a basis for changing the name for *nyctereutes procyonoides* to ''Raccoon Dog'' or for allowing ''Finnraccoon.'' In addition, the proposed amendments provided more labeling flexibility by eliminating: (1) The requirement to disclose whether fur is from ''sides'' or ''flanks''; (2) the font and label size requirements; (3) the requirement that items sold in pairs or groups be ''firmly attached to each other'' in order to use one label; (4) the requirement that only FTC information appear on the front of the label and appear in a certain order; and (5) the requirement that labels include an ''item mark'' designating a specific fur product. The proposed amendments also incorporated TFLA's provisions by replacing the *de minimis* exemption with the hunter/trapper exemption.

On June 19, 2013, the Commission published a Supplemental Notice of Proposed Rulemaking (''Supplemental NPRM'') that proposed changes to the Rules' guaranty provisions.[27] The proposed changes mirrored amendments the Commission proposed in May 2013 to its Rules and Regulations under the Textile Products Identification Act (''Textile Rules''). Specifically, the Supplemental NPRM clarified that guarantors can provide guaranties electronically, revised the continuing guaranty form to no longer require guarantors to swear under penalty of perjury, and required annual renewal of continuing guaranties. The Commission announced final amendments to the Textile Rules' guaranty provisions on March 14, 2014. Those amendments are substantively the same as those announced in this document.

III. Comments

The Commission received 28 comments (in addition to comments submitted in a mass mailing campaign) responding to the NPRM and seven comments responding to the Supplemental NPRM.[28] The commenters remained divided on whether the Guide should require ''Asiatic Raccoon'' or ''Raccoon Dog'' as the name for *nyctereutes procyonoides.* In addition, some business groups, along with the government of Finland, renewed their request to allow ''Finnraccoon'' as an alternative name. Commenters generally supported the proposed labeling flexibility, criticized the annual renewal requirement for continuing guaranties, and suggested additional updates to the Name Guide.

A. ''Asiatic Raccoon'' vs. ''Raccoon Dog.''

Several industry commenters supported the Commission's proposal to retain the name ''Asiatic Raccoon.'' In contrast, HSUS, the New York City Bar Association, Congressman Jim Moran, and many individual commenters urged the Commission to require ''Raccoon Dog'' instead.

1. Support for Retaining ''Asiatic Raccoon''

Seven commenters supported retaining ''Asiatic Raccoon.'' They contended that consumers understand the term as identifying *nyctereutes procyonoides,* that ''Asiatic Raccoon'' most accurately describes the animal, and that ''Raccoon Dog'' would mislead consumers.

a. Consumer Understanding of ''Asiatic Raccoon''

Commenters reported that consumers have learned through marketplace exposure that ''Asiatic Raccoon'' describes *nyctereutes procyonoides.* For example, BCI International Group, Inc. (''BCI''), a fur retailer that has sold *nyctereutes procyonoides* fur products, stated:

> For decades, [*nyctereutes procyonoides*] product[s] ha[ve] been recognized by the common name, which appears in the Fur Products Name Guide, ''Asiatic Raccoon.'' The retail and consumer market continues to recognize that name.[29]

The Fur Information Council of America (''FICA'') agreed. It affirmed the NPRM's observation that ''because 'Asiatic Raccoon' is the name that consumers have used to identify the animal since 1961, consumers likely understand that term.'' [30] In addition, FICA noted that ''no evidence of consumer confusion around this term exists.'' [31]

b. ''Asiatic Raccoon'' Accurately Describes the Animal

Commenters also argued that ''Asiatic Raccoon'' describes the animal more accurately than ''Raccoon Dog.'' FICA, citing FWS's Name Guide Hearing comments, explained that '' 'Asiatic Raccoon' accurately describes an animal that originated in Asia and that has raccoon-like characteristics. Specifically, much like a raccoon, it has rings around its eyes and it climbs trees.'' [32] FICA further explained,

> Although the Asiatic Raccoon is part of the Canidae family, like many other animals (*e.g.,* fox, wolves, coyotes), it is completely dissimilar from a domestic dog and should not be confused with a dog or referenced as a dog. . . . The fox and the wolf are also members of the Canidae family and they have never been identified as dogs.[33]

Saga Furs Oyj (''Saga''), a Finnish auction house that sells *nyctereutes procyonoides* pelts, agreed that the animal ''differs significantly'' from domestic dog.[34] For support, it pointed to statements from scientific experts at the Name Guide hearing confirming that the animal is native to Asia and should not be confused with domestic dog.[35]

c. Risk of Consumer Confusion

Finally, fur industry commenters asserted that requiring ''Raccoon Dog'' would mislead consumers about the animal's relationship to domestic dogs. FICA, for example, reiterated its position in earlier comments that using ''Raccoon Dog'' to describe *nyctereutes procyonoides* would confuse consumers. Specifically, FICA reported that ''many companies'' have stopped selling the fur in response to a media campaign characterizing the animal as a ''raccoon dog.'' [36] Consistent with that view, BCI stated:

> The Asiatic Raccoon product . . . has suffered a setback in the marketplace in recent years, as a result of the attempt to link the product in the media with the term ''raccoon dog.'' That term is deceptive and

[26] 77 FR 57043 (Sept. 17, 2012).

[27] 78 FR 36693 (Jun. 19, 2013).

[28] The NPRM comments are available at *www.ftc.gov/os/comments/furrulesreview/index.shtm.* The Supplemental NPRM comments are available at *www.ftc.gov/os/comments/furlabelingsupplementnprm/index.shtm.* The Commission also received 28,000 mass mail comments from individual HSUS members. Over 25,000 of those were identical. This document discusses those comments cumulatively. Comments to the NPRM are referred to as ''[ ] comment at [ ]''; comments to the Supplemental NPRM are referred to as ''[ ] comment to the Supplemental NPRM at [ ].''

[29] BCI comment at 1.

[30] FICA comment at 3 (quoting 77 FR at 57048).

[31] FICA comment at 3.

[32] FICA comment at 3 (citation omitted).

[33] *Id.* In an earlier comment, FICA submitted a more detailed analysis of how the animal differs from domestic dog:

> [*Nyctereutes procyonoides'*] behavioral and anatomical characteristics are so unique that it qualifies the species for its own genus listing (*Nyctereutes*). . . . The Asiatic/Finnraccoon split from the ''true dog'' evolutionary line between seven and ten million years ago. The Asiatic Raccoon/Finnraccoon exhibits vastly different behaviors than the dog. For example, it hibernates, climbs trees, and it participates in social grooming. (Citations omitted.)

FICA comment in response to opening of Fur Rules Review, *available at www.ftc.gov/os/comments/furlabeling/.*

[34] Saga comment at 1.

[35] *Id.*

[36] FICA comment at 3.

has created immense consumer confusion. . . .[37]

Thus, both FICA and BCI predicted that if the Commission required ''Raccoon Dog,'' then ''there would no longer be a market for Asiatic Raccoon fur, and garments with this type of fur would be eliminated.'' [38]

2. Support for ''Raccoon Dog''

HSUS, Congressman Jim Moran, and the Committee on Animal Law of the New York City Bar Association (''NYC Bar'') urged the Commission to reconsider its proposal. Thousands of individual commenters also submitted identical (or very similar) comments supporting HSUS's position. These commenters argued that ''Raccoon Dog'' better describes the animal's taxonomic classification, it is the only true English name for the animal, and ''Asiatic Raccoon'' is an inappropriate trade name that confuses consumers. NYC Bar made an additional argument that, apart from the merits, retaining ''Asiatic Raccoon'' would be contrary to the TFLA's intent.

a. ''Raccoon Dog'' Better Describes the Animal's Taxonomic Classification

Commenters argued that *Nyctereutes procyonoides'* taxonomic classification in the Canidae family supported requiring ''Raccoon Dog.'' HSUS emphasized ''that the correct taxonomic identification of the species *Nyctereutes procyonoides* is within the Canidae (dog) family and not the Procyonidae (raccoon) family.'' [39] HSUS also responded to the NPRM's statement that the taxonomic classification should not control because *nyctereutes procyonoides* has characteristics similar to raccoons:

Such distinctions can be found between many species within the same taxonomic families—the distinctions noted *do not change the zoological characteristics that make raccoon dogs a member of the Canidae family.* Indeed, a kangaroo rat looks like a kangaroo, and while it has many of the same characteristics of so-called ''true-rats'' in the genus Rattus (*e.g.,* cheek pouches for food storage) kangaroo rats also have several distinct characteristics from ''true-rats'' (*e.g.,* their bi-pedal hopping gait that makes them appear kangaroo-like). But it would not be appropriate to call the kangaroo rat a ''small desert kangaroo[.''] [40]

Congressman Moran likewise noted that *nyctereutes procyonoides* is ''from the Canidae family [and] is unrelated to the raccoon . . . , making the term 'Asiatic Raccoon' highly misleading.'' [41] Similarly, the HSUS members comment states, ''raccoon dogs are a member of the Canidae (dog) family and are NOT, as the name 'Asiatic raccoon' implies, members of the Procyonidae (raccoon) family.'' [42]

NYC Bar also discussed the significance of the classification to determining the proper name. It argued that ''[b]ecause *Nyctereutes procyonides* [sic] are related to domestic dogs, and dogs are widely considered pets in the United States and raccoons are not, it follows that some consumers of fur products would have objections to wearing such fur even if the animals cannot wag their tails, are able to climb trees, and hibernate.'' [43]

b. ''Raccoon Dog'' Is the True English Name

In addition, commenters argued that ''Raccoon Dog'' is the true English name because it is most often used to describe the animal. As evidence, they documented uses of ''Raccoon Dog'' in various contexts. For example, HSUS and NYC Bar reported that American-English dictionaries list ''Raccoon Dog'' as the English word for *nyctereutes procyonoides.*[44] In addition, HSUS pointed out that federal agencies have referred to *nyctereutes procyonoides* as ''Raccoon Dog'' on at least four occasions.[45] NYC Bar similarly noted the name's use in a federal regulation and in fifteen state and local laws.[46] HSUS and NYC Bar further noted that several scientific organizations use ''raccoon dog'' and that the two American zoos that display the animal call it ''Raccoon Dog.'' [47]

HSUS and NYC Bar also submitted evidence of ''Raccoon Dog'' appearing in various popular media. For example, NYC Bar reported:

The *New York Times* uses the term ''raccoon dog'' in all articles that concern *Nyctereutes procyonides* [sic] except one which quotes a Humane Society representative stating that ''Asiatic raccoon'' is the name the fur is sold under. The *Albany Times Union, New York Post,* and *New York Daily News* use the term ''raccoon dog'' exclusively in articles concerning *Nyctereutes procyonides* [sic].[48]

Similarly, HSUS pointed to PBS and BBC programming referring to the animal as a ''raccoon dog,'' [49] and NYC Bar noted the term's use in books and in children's educational materials.[50]

Although no commenters submitted consumer perception evidence showing widespread recognition of ''Raccoon Dog,'' HSUS explained why the uses of the name discussed above is relevant:

[N]early everywhere a consumer would find information about the species *Nyctereutes procyonoides,* he or she would be presented with information under the true English name raccoon dog. This is important because information relevant to consumers' purchase of fur products—such as the manner in which this species is raised and killed for purpose of fur production—would most likely be associated with the true English name of the species.[51]

In response to fur-industry comments that ''Raccoon Dog'' could mislead consumers, HSUS and NYC Bar argued that the Commission should ignore the impact of ''Raccoon Dog'' on fur sales. HSUS observed that ''harm to industry sales has nothing to do with accuracy of product representation or consumer protection.'' [52]

c. ''Asiatic Raccoon'' Is Misleading

Commenters opposed to ''Asiatic Raccoon'' described it as misleading and improper. Congressman Moran, for example, characterized the term as ''a misleading and inaccurate industry-coined name.'' [53] NYC Bar also criticized ''Asiatic Raccoon,'' explaining:

The word ''Asiatic'' means ''Asian.'' *Nyctereutes procyonides* [sic] is not a raccoon (*Procyon lotor* and *Procyon cancrivorus*).

[37] BCI comment at 1.

[38] FICA comment at 3; BCI comment at 2. Saga raised a related concern that requiring labels with ''raccoon dog'' could confuse customs officials and delay imported *nyctereutes procyonoides* products' entry into the United States. Saga explained that confusing that species' fur with domestic dog fur could have serious legal consequences because the latter is banned in the United States. Saga comment at 2.

[39] HSUS comment at 2.

[40] *Id.* at 3 (emphasis in original).

[41] Congressman Moran comment at 1.

[42] HSUS Mass Mail comment (#00033 and #00034) (emphasis in original). *See also* Brett Bartleson comment (arguing that the taxonomic classification should control). In addition, two individual commenters expressed support for ''Raccoon Dog'' without explanation. *See* ''Miller'' and Kathy Wilkins comments.

[43] NYC Bar comment at 12.

[44] NYC Bar comment at 4; HSUS comment at 6.

[45] HSUS comment at 4. HSUS also reiterated its prior argument that the Commission should defer to the Integrated Taxonomic Information System (''ITIS''), a system administered by several federal agencies that lists *nyctereutes procyonoides'* common name as ''raccoon dog.'' HSUS comment at 4–5.

[46] NYC Bar comment at 6.

[47] HSUS comment at 5–6; NYC Bar comment at 5. HSUS also noted that several international institutions and scientific organizations use ''raccoon dog.'' HSUS comment at 4–6.

[48] NYC Bar comment at 6 (citations omitted).

[49] HSUS comment at 6.

[50] NYC Bar comment at 7–8.

[51] HSUS comment at 6. *See also* NYC Bar comment at 12 (''As far as retail consumers are concerned, it is important that the name of the fur match the only name that they are exposed to in dictionaries, zoos, and newspapers, and the most commonly used name in other materials so they can make an informed choice about whether to purchase a product containing fur.'').

[52] HSUS comment at 9.

[53] Moran comment at 1.

Using the adjective ''Asiatic'' to modify the word ''raccoon'' creates a fictitious and non-existent type of raccoon.[54]

Individual commenter Brett Bartleson likewise described ''Asiatic Raccoon'' as ''misleading'' and asserted that industry uses the term to ''disguise the live skinning and other mistreatment of raccoon dogs.'' [55]

HSUS challenged the NPRM's statement that the name is not deceptive because consumers have become familiar with it in the marketplace. Specifically, it asserted that the evidence cited by the Commission was insufficient to demonstrate consumer familiarity and that the record showed ''sporadic at best'' use of ''Asiatic Raccoon.'' [56] It also noted frequent mislabeling and false advertising of *nyctereutes procyonoides* fur, including some instances of marketers describing it as ''raccoon dog.'' [57] Finally, HSUS reiterated its comments at the Name Guide Hearing that ''Asiatic Raccoon'' is ''used frequently, *but no more frequently than we find it misused.*'' [58] Thus, HSUS concluded, the Commission's determination that consumers are familiar with ''Asiatic Raccoon'' is an ''unsupported *assumption.*'' [59]

Finally, HSUS and NYC Bar opposed ''Asiatic Raccoon'' as inconsistent with the Fur Rules' prohibitions on trade names and names that deceive consumers about the animal's zoological origin. NYC Bar described ''Asiatic Raccoon'' as a fictitious name coined by the fur industry, and argued that it therefore violated the Fur Rules' prohibition on trade names.[60] In addition, HSUS stated that the Commission' proposal ''ignores its obligation to require use of only those names that do not deceive as to an animal's 'zoological origin.' '' [61]

d. ''Asiatic Raccoon'' Is Contrary to TFLA's Intent

NYC Bar argued that, aside from the merits of ''Asiatic Raccoon'' compared to ''Raccoon Dog,'' the Commission should adopt the latter to effectuate Congressional intent. NYC Bar pointed to a Congressional Research Service summary of the Senate version of the legislation, which was not enacted. The summary described the law as directing the Commission ''to replace the term 'Raccoon, Asiatic' with 'Dog, Raccoon.' '' [62]

B. ''Finnraccoon''

Commenters disagreed over whether to include ''Finnraccoon'' in the Name Guide. Six commenters supported it, while two opposed. Commenters favoring ''Finnraccoon'' asserted that the name would help consumers identify products raised under stricter European Union standards. For example, the Finnish Fur Breeders' Association stated:

> [''Finnraccoon''] has achieved global recognition in the international fur marketplace as a result of the extensive marketing efforts. . . . Those marketing efforts highlight the strict national and EU-level animal welfare standards that regulate the farming of the Finnraccoon. . . . The FTC, by not permitting use of the name Finnraccoon . . . , has caused consumers mistakenly to believe that the product originates in Asia, where animal welfare standards are not as high as those in Europe, including Finland.[63]

The Association further noted that allowing ''Finnraccoon'' would harmonize United States and European Union regulatory standards.[64]

Finland's Ministries of Foreign Affairs and of Agriculture and Forestry submitted identical comments that provided additional detail on European fur standards:

> The EU is party to the European Convention for the protection of animals kept for farming purposes. The Convention aims to protect animals against any unnecessary suffering or injury. Countries that have signed the Convention must comply with specified rules concerning farming premises, feed, animal health and the organization of inspections of installations.[65]

The Ministries asserted that without ''Finnraccoon'' retailers would not be able to distinguish *nyctereutes procyonoides* fur raised in Asia from that raised in Europe.[66]

Saga agreed that retailers needed ''Finnraccoon'' to signal superior European fur-raising standards. In response to the NPRM's observation that the record lacked evidence that consumers understand ''Finnraccoon,'' Saga asserted that consumers understand the term because ''most of the high-end fur garments sold in the U.S. and containing the *nyctereutes procyonides* [sic] species are made of furs produced in Finland and are exclusively marketed under the nomenclature Finnraccoon.'' [67] Saga further asserted that labels disclosing ''Asiatic Raccoon'' from Finland are confusing to consumers because they cannot evaluate the conditions under which the product was raised.[68] In addition, fur retailer BCI reported that ''Finnraccoon'' had ''achieved name recognition comparable to'' ''Asiatic Raccoon.'' [69]

HSUS and NYC Bar, by contrast, agreed with the Commission's proposal not to allow ''Finnraccoon.'' HSUS, consistent with its position that *nyctereutes procyonoides* has only one true English name, argued that the Commission should not allow any names other than ''Raccoon Dog.'' [70] NYC Bar further contended that ''Finnraccoon'' is an improper trade name that consumers do not understand.[71] NYC Bar also observed that the Fur Rules require a specific country of origin disclosure that would cure any confusion about the animal's origin.[72]

C. Labeling Flexibility

The NPRM proposed removing or amending several provisions to provide more labeling flexibility, while continuing to ensure effective disclosures. Specifically, the NPRM proposed: (1) No longer requiring disclosures that fur comes from ''sides'' or ''flanks''; (2) eliminating specific label and font size requirements; (3) allowing items sold in pairs to have only one label, even if not physically attached; (4) no longer requiring a fur ''item number'' on labels and invoices; and (5) deleting unnecessary provisions. Commenters unanimously supported these proposals. In addition, three commenters urged the Commission to further relax the disclosure requirements.

1. Support for the Commission's Proposals

Industry commenters praised the proposed amendments for lowering compliance costs. The American Apparel and Footwear Association (''AAFA''), for example, lauded ''the

[54] NYC Bar comment at 10.

[55] Brett Bartleson comment; *see also* Megan Stalker comment (''Consumers who wish to avoid buying raccoon dog fur, or companies that wish to avoid selling it, will be duped by this inaccurate and misleading industry-coined name'').

[56] *Id.* at 7.

[57] *Id.* at 8.

[58] *Id.* at 9 (emphasis in original).

[59] HSUS comment at 9 (emphasis in original).

[60] NYC Bar comment at 9. *See also* HSUS comment at 3–4 (discussing history of ''Asiatic Raccoon'' and characterizing it as an industry trade name).

[61] HSUS comment at 2.

[62] NYC Bar comment at 12.

[63] Finnish Fur Breeders' Association comment at 1.

[64] *Id.* at 1.

[65] Finland Ministries of Foreign Affairs and of Agriculture and Forestry comments at 1.

[66] *Id.* at 1.

[67] Saga comment at 2.

[68] *Id.* at 3.

[69] BCI comment at 2.

[70] HSUS comment at 2 (arguing that the Commission should adopt ''Raccoon Dog'' and allow no other names).

[71] NYC Bar comment at 9–10.

[72] *Id.* at 11.

efforts by the FTC to alleviate'' the ''significant costs on manufacturers and importers—which are passed down to consumers. . . .'' [73] National Retail Federation (''NRF'') asserted that ''these sensible changes will facilitate compliance by retailers and consumer brand companies while providing effective disclosure information to consumers. . . .'' [74]

Commenters supported the increased labeling flexibility provided by a number of the proposals. The removal of prescribed label and font sizes received the most support. FICA, for example, explained that ''the [label] size prescribed by the current Rules is impractical for smaller items, . . . [and] the current requirements for the text of the label are overly burdensome and have forced companies to use multiple labels to comply with the FTC, state, and international fur regulations.'' [75] FICA noted the amendments would allow ''more practical labels on small items.'' [76] In addition, NRF ''strongly support[ed] . . . allowing a single label for products 'marketed or handled in pairs or ensembles,' such as shoes and gloves.'' [77] FDRA and the United States Association of Importers of Textile and Apparel (''ITA'') also appreciated that the NPRM confirmed that labels need only be attached with sufficient durability to ensure delivery to the consumer.[78] Finally, AAFA supported the proposals to eliminate certain provisions, such as the requirement that retailers assign an item number or mark to fur products. AAFA agreed that those provisions are unnecessary and do not benefit consumers.[79]

2. Comments Favoring Elimination of Other Requirements

Three commenters supported additional amendments that would further reduce disclosure requirements. ITA and FDRA argued that the Commission should eliminate what they described as redundant country of origin disclosures. Specifically, they noted that both the Fur and Textile Rules require separate country of origin disclosures for textile products that contain fur. Therefore, many garments that use fur trim disclose the same country of origin twice. FDRA and ITA, therefore, proposed eliminating the requirement for a fur origin disclosure when the fur originates from the same as the country as the textile product.[80]

In addition, individual commenter ''Gremmo'' suggested amending § 301.19(g) to no longer require branding and labeling of furs that are not pointed, bleached, dyed, tip-dyed or artificially colored as ''natural.'' Gremmo argued that the ''natural'' disclosure does not convey meaningful information to consumers.[81]

D. Guaranties

The Supplemental NPRM proposed changes to the Fur Rules' guaranty provisions to conform to those proposed in the Textile NPRM. The Commission did not propose a requirement, suggested by HSUS, that continuing guaranties designate the type of fur transferred from a guarantor.

In the comments, HSUS reiterated its support for this proposal. Fur-industry representatives supported most of the Supplemental NPRM proposals, but criticized the proposed annual renewal requirement.

1. HSUS Proposal

In the NPRM, the Commission explained that it could not require continuing guaranties to specify a type of fur transferred because doing so would conflict with the Fur Act's declaration that continuing guaranties apply ''to *any fur product or fur* handled by a guarantor.'' [82] In response, HSUS first asserted a policy argument. Specifically, it argued that the current continuing guaranty provisions are insufficient to ensure accountability. According to HSUS, current law does not allow the Commission ''to discern from the guaranty form whether or not the error was due to the retailers' actions or the vendor's actions.'' [83]

HSUS then addressed the Commission's legal argument. Although it acknowledged that the Fur Act would not permit limiting continuing guaranties to specific products, it contended that the Commission could prescribe a guaranty form requiring the type of fur in all products transferred.[84] HSUS argued that the Fur Act necessarily provides such discretion because it ''anticipates that not every guaranty will be sufficient.'' [85]

2. Supplemental NPRM Proposals

The Supplemental NPRM proposed two additional changes. First, it proposed altering the guaranty provisions to clarify that guaranties can be electronic documents. Second, it proposed requiring that guarantors annually renew continuing guaranties. In addition, the Fur Rules would incorporate the Textile amendments' alterations to the unified form for Textile, Fur, and Wool continuing guaranties so that guarantors would no longer sign under penalty of perjury.

Although commenters unanimously supported many of the proposed changes,[86] three commenters criticized requiring annual renewal of continuing guaranties. AAFA stated that annual renewal would impose unreasonable burdens:

> We believe [compliance] costs will actually be extensive considering the time and effort needed to complete the task. One AAFA member company estimates spending 5–8 hours on each continuing guaranty it files. Most companies file dozens of continuing guaranties, with many filing hundreds.[87]

AAFA further explained that the burden for companies is not only filing the guaranty, but also submitting copies to other buyers and retailers.[88]

FICA agreed. It explained that ''annual renewal . . . would increase compliance burdens throughout the supply chain with regard to administering the requirement and filing the documentation with the FTC.'' [89] FICA further explained that requiring annual renewal would require retailers and vendors ''to change their vendor agreements or terms and conditions language to provide for annual renewal, thereby increasing the administrative burdens and cost.'' [90] FICA also noted that processing forms renewed annually would increase the FTC's administrative burdens.[91]

NRF also opposed the proposal as overly burdensome. It reported that ''[o]ne national retailer has estimated

[73] AAFA comment at 2.

[74] NRF comment at 1–2.

[75] FICA comment at 3.

[76] *Id.* at 3. *See also* United States Association of Importers of Textile and Apparel comment at 1; NRF comment at 1; AAFA comment at 2; Footwear Distributors and Retailers of America comment at 2.

[77] NRF comment at 1. *See also* AAFA comment at 2.

[78] FDRA comment at 2; ITA comment at 1. FDRA also asked a question about obtaining Registered Identification Numbers. Commission staff can address those inquiries on a case-by-case basis.

[79] AAFA comment at 3.

[80] FDRA comment at 1; ITA comment at 1.

[81] Gremmo comment.

[82] 15 U.S.C. 69h(a)(2) (emphasis added).

[83] HSUS comment at 11.

[84] *Id.* at 12.

[85] *Id.* at 12.

[86] Specifically, FICA and NRF supported the amendments clarifying that entities can transmit guaranties electronically and eliminating the penalty of perjury language. Both commenters also praised the Commission's recent enforcement policy on goods imported directly to retailers. FICA comment to Supplemental NPRM at 2; NRF comment to Supplemental NPRM at 2–3. Although supportive of the policy statement's substance, NRF renewed its call for the Commission to codify that policy through rulemaking. As the Commission explained in the Supplemental NPRM, it cannot do so under the Fur Act, which provides for guaranties from only domestic entities.

[87] AAFA comment to Supplemental NPRM at 2.

[88] *Id.* at 1.

[89] FICA comment to Supplemental NPRM at 2.

[90] *Id.* at 2.

[91] *Id.* at 2.

that . . . the annual renewal requirement would cost around $60,000 per year. . . .'' [92]

E. Further Name Guide Updates and Miscellaneous Issues

Commenters also urged additional Name Guide updates and addressed miscellaneous issues. Dr. Alfred Gardner of the United States Geological Survey suggested six additional updates to the Guide.[93] HSUS objected to the removal of two common names, and noted that the Guide misspells the name ''suslik.'' [94]

In addition, several commenters submitted miscellaneous comments. An anonymous commenter supported the Commission's decision not to propose a labeling exemption for small items or to expand the Rules' scope to faux fur products.[95] However, the National Humane Education Society asked the Commission to require language ''that allows consumers to know whether a fur is real or fake.'' [96] Finally, many individuals submitted comments generally supporting the Fur Rules' labeling requirements because they benefit consumers.[97]

IV. Analysis

The Commission announces final amendments that mostly adopt those proposed in the NPRM and the Supplemental NPRM. These amendments update the Name Guide while retaining ''Asiatic Raccoon'' as *nyctereutes procyonoides'* only name in the Guide, provide more labeling flexibility, conform the Rules to TFLA, eliminate unnecessary provisions, and revise the guaranty provisions to conform to those governing textile products. The Commission does not adopt its proposal to require annual renewal of continuing guaranties.

A. Name Guide

This section first discusses why the Commission is retaining the name ''Asiatic Raccoon.'' It then responds to the arguments that ''Asiatic Raccoon'' is inappropriate. Next, it explains why it will not add ''Finnraccoon'' to the Name Guide. Finally, it discusses proposed amendments to update the Name Guide.

1. The Commission Retains ''Asiatic Raccoon''

The Fur Act directs the Commission to use, in its Name Guide, ''the true English names for the animals in question, or in the absence of a true English name for an animal, the name by which such animal can be properly identified in the United States.'' 15 U.S.C. 69e. The threshold question is whether a given animal has at least one ''true English name[ ].'' Only if the answer is negative does the Commission choose an alternative ''name by which such animal can be properly identified in the United States.''

Significantly, a given animal can have more than one ''true English name.'' For example, the species *puma concolor* goes by several alternative ''true English names,'' including Mountain Lion, Cougar, Puma, and Panther. Those terms are all commonly used synonyms, and no one of them occupies any special status as the *most* ''true'' English name for the animal in question. Certainly nothing in the statutory text reveals any congressional determination that, for each animal, there can be at most one ''true English name[ ]'' in common usage.[98] As the *puma concolor* example illustrates, that view would conflict with everyday speech, which is an additional reason to conclude that Congress did not intend this interpretation.

That said, Congress did intend for the Commission to ensure uniformity in fur labels and avoid consumer confusion by choosing, in general, one name that manufacturers must use to denote a given animal.[99] The Commission construes the Fur Act to provide broad discretion to choose among the ''true English names'' for an animal where there is more than one such name. Nothing in the Act limits how the Commission may exercise that discretion so long as it acts reasonably and ensures consistency with the broad purposes of the Fur Act. For example, nothing in the Act requires the Commission to base that choice solely on relative frequency of use, such as how often a given name has been used in books or Web sites. The Commission may instead consider a range of relevant factors, such as the need to avoid consumer confusion by ensuring consistency of usage over time within the marketplace for fur products.

In this case, the Commission finds that the animal in question—*nyctereutes procyonoides*—has two ''true English names'': Asiatic Raccoon and Raccoon Dog. Although commenters disagree about which of these terms is more appropriate, there can be no serious dispute that ''Asiatic Raccoon'' has been in common use for many decades. *See* Section IV.A.1, *infra.* Indeed, for more than half a century, that term has appeared on countless product labels to denote the animal in question, and consumers of fur products now closely associate that name with this animal. For the reasons discussed below, the Commission exercises its discretion to maintain the use of *that* ''true English name,'' rather than the alternative such name (Raccoon Dog) on the product labels for the furs of this animal. Although opponents of the name ''Asiatic Raccoon'' argue that the name is confusing because the animal in question is ''not a raccoon,'' NY City Bar Comments at 1, it is equally true that the animal is not a ''dog'' as consumers understand that term. Indeed, the animal is no more closely related to domestic dogs than are coyotes and jackals.

The Commission's conclusion would remain the same even if the Fur Act were construed to reflect a congressional assumption that there can be *at most one* ''true English name[ ]'' per animal. Under that alternative statutory construction, the Commission would conclude that, because there are two equally permissible names in common usage to describe the same animal, *neither* could qualify as the one ''true'' English name, any more than Cougar or Panther or Mountain Lion could qualify as the one ''true'' English name for *puma concolor.* In that event, the Commission would proceed to the second statutory step, choosing a ''name by which such animal can be properly identified in the United States.'' The

[92] NRF comment to Supplemental NPRM at 2 (citation omitted).

[93] Gardner comment.

[94] HSUS comment at 10–11. Relatedly, AAFA urged the Commission to update the Guide more frequently to ensure entries remain updated, ideally on an annual basis. AAFA comment at 2.

[95] ''Jane Doe'' comment at 2–4.

[96] National Humane Education Society comment to Supplemental NPRM.

[97] *See* Brett Corless comment; Mass Mail Campaign comments to Supplemental NPRM; Karen Rome comment to Supplemental NPRM. In addition, several individuals submitted non-germane comments, most expressing an opinion on the use of fur. *See* comments of Yeasir Arafat, Ann Fennell, R. Holt, Sandy Howard, and Fletcher Smith; comment of Morgan Mckenzie to Supplemental NPRM.

[98] As noted, Congress directed the Commission, in the plural, to use ''the true English names for the animals in question.'' To be sure, Congress separately provided that ''in the absence of *a* true English name for an animal,'' the Commission should use ''the name by which such animal can be properly identified in the United States.'' (Emphasis added.) But the use of the singular in the term ''a true English name'' does not imply that, for any given animal, there can be only one such name in common usage. Instead, it merely addresses the possibility that there may not be *any* ''true English name'' for a given animal.

[99] *See, e.g.,* 15 U.S.C. 69b(2)(A) (providing that a fur product is misbranded if the label does not show ''the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur''); 15 U.S.C. 69e(c) (''If the name of the animal (as set forth in the Fur Products Name Guide) connotes a geographical origin or significance other than the true country or place of origin of such animal, the Commission may require whenever such name is used . . . such qualifying statements as it may deem necessary to prevent confusion or deception.'').

Commission would choose ''Asiatic Raccoon'' under that approach as well.

As discussed in the NPRM,[100] ''Asiatic Raccoon'' describes the animal in a way that consumers in the United States can recognize it. At the Name Guide Hearing, a FWS representative explained that the word ''Asiatic'' ''gives you an idea where the animal originated naturally.'' [101] Critically, the representative did not agree with HSUS that ''Asiatic'' is misleading. In fact, she described the term as ''neutral.'' [102] The term ''Raccoon'' is also appropriate. As detailed in the NPRM, *nyctereutes procyonoides* has a raccoon-like fur pattern around its eyes and ''superficially resembles the raccoons * * * that are native to the Americas.'' [103] In addition, the animal exhibits behavioral characteristics, like tree climbing, that are raccoon-like. By contrast, the animal does not appear to exhibit characteristics that mimic domestic dogs, such as barking and tail-wagging.

Moreover, the record indicates that consumers of this fur have become familiar with the name ''Asiatic Raccoon'' through labels and marketing. Several commenters, including fur retailer BCI, report that labels and advertising have used ''Asiatic Raccoon'' for many years. Consistent with that evidence, FICA and Finnish Fur explained at the Name Guide hearing that products with *nyctereutes procyonoides* fur usually had labels with the name ''Asiatic Raccoon,'' even prior to the elimination of the *de minimis* exemption, thereby exposing consumers to the term.[104] NRF also noted that retailers have labeled fur products made of *nyctereutes procyonoides* with Asiatic Raccoon to the extent the products did not meet the *de minimis* exemption.[105]

Shopping searches conducted on Google Shopping further confirm this record evidence. For example, according to searches conducted on March 13, 2014, a shopper searching with the terms ''Asiatic Raccoon'' and ''Raccoon Dog'' would find many more fur products using the term ''Asiatic Raccoon.'' In fact, the vast majority of hits on a Google Shopping search for ''Raccoon Dog'' yielded almost no fur products in the first page of results.

Finally, the proposed alternative, ''Raccoon Dog,'' has significant problems. The record indicates that the name could significantly mislead consumers about the animal's relationship to domestic dog. Industry commenters unanimously agreed that the name ''Raccoon Dog'' would mislead consumers into thinking that animal is domestic dog.[106] HSUS and NYC Bar correctly argued that harm to fur sales is not a consideration in determining the name the Commission should list in the Guide. However, evidence that the name ''Raccoon Dog'' has or would mislead consumers is relevant to the Commission's determination of whether such name would confuse consumers about the animal.

In fact, comments submitted by individual HSUS members demonstrate that potential confusion. Specifically, 188 HSUS member comments indicate a mistaken assumption that *nyctereutes procyonoides* is the same species as domestic dog.[107] For example, one commenter wrote, ''Make no mistake. This is a DOG. A companion animal.'' [108] Similarly, another asserted that the animals ''are dogs, just like Fido and Spot.'' [109] Another expressed concern that companies selling *nyctereutes procyonoides* were violating the prohibition against selling domestic dog and cat fur.[110]

Indeed, many individual commenters appeared to think that ''Raccoon Dog'' was a breed of domestic dog rather than a different species. For example, one commenter asked, ''would you treat a Collie like this? How about Pomeranian, or a Beagle or a Poodle[?]'' [111] Finally, several commenters referenced the relationship between domestic dogs and humans. For example, one asked that the Commission require ''Raccoon Dog'' ''so consumers will know that they are wearing man[']s best friend on their backs.'' [112]

2. The Arguments Against ''Asiatic Raccoon'' Are Not Persuasive

Commenters favoring ''Raccoon Dog'' asserted that, notwithstanding the above, ''Asiatic Raccoon'' is inappropriate because it is technically inaccurate, deceptive, contrary to the Fur Rules, and inconsistent with TFLA's intent. For the reasons discussed below, these arguments are not persuasive.

a. Technical Accuracy

HSUS, NYC Bar, and the HSUS members asserted that ''Asiatic Raccoon'' was technically incorrect because the animal's taxonomic classification is in the Canidae family. However, those commenters did not explain the relevance of taxonomic classification to the statutory requirements for names: Either the ''true English name'' or a name by which the animal can be identified in the United States.[113] In particular, they failed to show how the animal's closer relationship with domestic dog than raccoon made ''Raccoon Dog'' a more helpful name in identifying the animal. Although NYC Bar speculated that some consumers would want to avoid fur more closely related to dogs than raccoons, it did not provide any supporting evidence. Considering that the animal is no more closely related to domestic dogs than are foxes, wolves, and coyotes, there is no reason to believe that a significant number of consumers would find its family classification meaningful. Indeed, the scientific experts who commented at the Name Guide Hearing disagreed that taxonomic schemes should determine the animal's common name.[114]

b. Deception

HSUS and NYC Bar argued the name ''Asiatic Raccoon'' is deceptive because consumers cannot be familiar with ''Asiatic Raccoon'' given the ubiquity of ''Raccoon Dog.'' These commenters, however, did not submit any consumer perception evidence demonstrating familiarity with ''Raccoon Dog'' or rebutting evidence of familiarity with ''Asiatic Raccoon.'' Rather, they cataloged the appearance of ''Raccoon Dog'' in authoritative sources and popular media.

This evidence, however, does not establish widespread consumer

[100] 77 FR at 57048.

[101] Tr. at 38, ln. 22–23. The Fur Act states that in issuing and revising the Name Guide, the FTC must do so with the ''assistance and cooperation of the Department of Agriculture and the Department of the Interior.'' 15 U.S.C. s 69e. The Fish and Wildlife Service is part of the Department of the Interior.

[102] Tr. at 39, ln. 6, 11–12. As described below, scientific representatives at the Name Guide Hearing also rejected the notion that taxonomic classifications determined the animal's common name. Tr. at 13, ln. 6–9; Tr. at 13–14, ln. 21–6.

[103] HSUS ANPR Comment at 14 (attached letter of Dr. Lauren Nolfo-Clements).

[104] Tr. at 79, ln. 14–16 (''I would say the majority of the use of the trim is over the $150 [threshold] and always has been over the exemption.'').

[105] Tr. at 81–82.

[106] *See, e.g.,* BCI comment at 1 (''Asiatic Raccoon . . . has suffered a setback in the marketplace in recent years, as a result of the attempt to link the product in the media with the term 'raccoon dog.' '').

[107] As noted above, HSUS members submitted thousands of form comments. 25,184 of those comments were identical. An additional 3,479 commenters submitted altered versions of the form comment.

[108] HSUS Mass Mail comment (#00034), file 0034–85303, Tiller Comment.

[109] HSUS Mass Mail comment (#00034), file 0034–85304, Arnott Comment.

[110] HSUS Mass Mail comment (#00034), file 0034–85303, Brunner Comment.

[111] HSUS Mass Mail comment (#00034), file 0034–85308, Justus Comment.

[112] HSUS Mass Mail comment (#00034), file 0034–85304, Abbott Comment.

[113] 15 U.S.C. 69e(a).

[114] Tr. at 13, ln. 6–9; Tr. at 13–14, ln. 21–6.

familiarity with ''Raccoon Dog,'' or unfamiliarity with ''Asiatic Raccoon.'' Scientific journals and organizations promote academic study and research; there is no reason to assume that consumers shopping for furs would consult them. The use of ''Raccoon Dog'' in dictionaries and popular media suggests that some consumers understand the term, but does not show whether a significant number of consumers do. Considering that ''Asiatic Raccoon'' has appeared on *nyctereutes procyonoides* marketing and labels for decades, the Commission cannot abandon that name absent evidence of widespread consumer familiarity with ''Raccoon Dog.''

Critically, neither HSUS nor NYC Bar identified a single instance where use of the term ''Asiatic Raccoon'' deceived a consumer as to the product's fur content. Considering that the Guide has required ''Asiatic Raccoon'' since 1961, if the term had confused or otherwise harmed consumers, evidence of such confusion should exist.[115] Perhaps anticipating this problem, HSUS and NYC Bar argued that consumers must know they are buying ''Raccoon Dog'' in order to conduct research about how fur producers treat the species. But as the Commission noted in the NPRM,[116] consumers researching information about ''Asiatic Raccoon''—as opposed to shopping for fur products on Google Shopping—can easily perform a web search on Google and obtain information that identifies the animal by both the species name and ''Raccoon Dog.'' For example, a Google web search for information about ''Asiatic Raccoon'' performed on March 13, 2014, retrieved dozens of links related to *nyctereutes procyonoides,* with five of the first six links referring to both the Latin name of the species and the term ''Raccoon Dog.''

c. Contrary to the Fur Rules

HSUS and NYC Bar also assert ''Asiatic Raccoon'' violates the Fur Rules' prohibition on trade names and deception. They point to § 301.11 and § 301.17's prohibitions on trade names and statements that are deceptive as to the animals' zoological origin. However, ''Asiatic Raccoon'' is not a trade name. Rather, it is the true English name prescribed in the Name Guide for over 50 years. Furthermore, as discussed above, the Commission disagrees that ''Asiatic Raccoon'' is deceptive.

d. Inconsistent With TFLA's Intent

Notwithstanding the merits of ''Asiatic Raccoon'' versus ''Raccoon Dog,'' NYC Bar asserted that the Commission should adopt the latter to carry out TFLA's intent as indicated in a Congressional Research Service Summary for S. 1076, an early draft of TFLA. That summary inaccurately described the bill as directing the FTC ''to replace the term 'Raccoon, Asiatic' with 'Raccoon, Dog.' '' [117] In addition, that summary referred to a draft of the bill with significantly different language than TFLA. Specifically, that version would have directed the Commission to ''initiate a rulemaking *to revise* the Fur Products Name Guide.'' [118] TFLA, by contrast, merely directs the Commission to initiate ''a *review* of the Fur Products Name Guide.'' [119] Indeed, the summary of the later version of the bill notes that it directs the Commission to review the guide, without mentioning ''Asiatic Raccoon'' or ''Raccoon Dog.'' The fact that Congress considered language directing the Commission to revise the Guide and then rejected that language does not support NYC Bar's position. Indeed, it supports the opposite interpretation.[120]

3. The Commission Declines To Add ''Finnraccoon.''

In the NPRM, the Commission declined to propose ''Finnraccoon'' as an alternate for *nyctereutes procyonoides.* Fur-industry commenters and Finnish Government Ministries urged the Commission to reconsider, arguing that ''Finnraccoon'' would help consumers identify *nyctereutes procyonoides* raised according to stricter European regulatory standards. As discussed above, the Fur Act requires Name Guide names to be the animal's ''true English name'' or a name by which consumers can identify the animal in the United States. The record indicates that ''Finnraccoon'' satisfies neither criterion.

In the NPRM, the Commission observed that there is no evidence that consumers understand that ''Finnraccoon'' is *nyctereutes procyonoides.* In response, fur-industry commenters reported that marketers of *nyctereutes procyonoides* products from Finland had extensively advertised the product as ''Finnraccoon'' in the last few years. However, the comments did not detail the extent of such marketing and, more importantly, did not provide any consumer perception evidence showing that a significant number of consumers understand the term.[121]

The NPRM also raised practical concerns that the commenters did not address. Specifically, the commenters justify the alternate name on purportedly superior European fur-farming practices. However, these practices can change and, in any event, the Commission cannot verify them. This issue is critical because the record shows no physiological difference between *nyctereutes procyonoides* raised in Asia and those raised in Europe. Moreover, the country of origin disclosure will alert consumers that the animal was raised in Europe, thereby mitigating any confusion. Accordingly, the Commission will not add ''Finnraccoon'' to the Name Guide.

4. Name Guide Updates

The NPRM proposed numerous Name Guide revisions to update references to species or correct typographical errors. No comments objected to these proposals. Therefore, the Commission will finalize them.[122]

HSUS and Dr. Gardner urged the Commission to make additional updates and correct errors. The final amendments incorporate four revisions to the scientific names that the

[115] HSUS challenged the Commission's conclusion that consumers have been exposed to ''Asiatic Raccoon'' in the marketplace. Specifically, it alleged that because retailers have frequently mislabeled *nyctereutes procyonoides* fur, there is no basis to infer consumer exposure. However, as discussed above, Name Guide Hearing comments indicate the name has been used frequently. HSUS's comments at the hearing, while emphasizing the alleged frequent mislabeling, conceded that *nyctereutes procyonoides* has been often labeled as ''Asiatic Raccoon.''

HSUS also stated that the NPRM misrepresented its views regarding consumer exposure to ''Asiatic Raccoon.'' HSUS comment at 9. However, the NPRM merely noted HSUS's agreement that the term ''Asiatic Raccoon'' has appeared in the marketplace, even if the animal has been frequently mislabeled. HSUS's most recent comments appear consistent with that position.

[116] 77 FR at 57048, fn. 112.

[117] NYC Bar comment at 3, citing Bill Summary S. 1076.

[118] Bill Text of S. 1076 as introduced, available at: *http://www.gpo.gov/fdsys/pkg/BILLS-111s1076is/pdf/BILLS-111s1076is.pdf* (emphasis added).

[119] Public Law 111–113, section 4 (emphasis added).

[120] *INS* v. *Cardoza-Fonseca,* 480 U.S. 421, 442 (1987) (' ''Few principles of statutory construction are more compelling than the proposition that Congress does not intend *sub silentio* to enact statutory language that it has earlier discarded in favor of other language.' ''') (quoting *Nachman Corp.* v. *PBGC,* 446 U.S. 359, 392–93 (1980) (Stewart, J., dissenting)).

[121] Unlike ''Asiatic Raccoon,'' ''Finnraccoon'' does not have a long history in the marketplace.

[122] HSUS also renewed its request from its earlier comment for several additional changes to the required name on labels. As explained in the NPRM, the Commission does not make those changes because there is no evidence of consumer harm from the currently required names.

Commission has independently verified with FWS.[123]

B. Labeling Amendments

The NPRM proposed several amendments to reduce the amount of required information and provide more labeling flexibility. Commenters supported all these amendments. Accordingly, the Commission now finalizes them as proposed.

1. Required Information

Currently, Section 301.20(a) requires disclosure of pointed, dyed, bleached, or artificially colored fur and fur consisting of, among other things, ''sides'' or ''flanks.'' [124] In light of the uncontroverted comments that the ''sides'' and ''flanks'' disclosures do not provide consumers with meaningful information, the Commission eliminates them.

2. Label Specifications

The Fur Rules include extensive requirements regarding the size, font, and mechanics of labeling. As discussed in the NPRM, the Commission understands from its experience enforcing the Textile Rules that it is sufficient to require that disclosures be ''clearly legible, conspicuous, and readily accessible to the prospective purchaser.'' [125] Accordingly, the Commission amends the Rules to provide more flexibility regarding label size, text, and use for items sold in pairs or groups.

a. Label Size Requirements

Section 301.27 currently requires that labels measure 1.75 inches by 2.75 inches.[126] The Commission agrees this size is impractical for smaller items, a consideration that carries greater significance now that TFLA has eliminated the *de minimis* exemptions. Furthermore, the Commission's textile labeling enforcement experience demonstrates that specifying exact label dimensions is unnecessary, so long as the required disclosures are conspicuous. Therefore, the Commission eliminates the size requirement. Consistent with the Textile Rules,[127] the new § 301.27 will require labels to be ''conspicuous and of such durability as to remain attached to the product throughout any distribution, sale or resale, and until sold and delivered to the ultimate consumer.''

b. Label Text Requirements

Section 301.29 requires label text to be 12-point or ''pica'' font size. It also prohibits non-FTC information on the front of the label, while § 301.30 prescribes a specific order for disclosures. As discussed in the NPRM, these requirements create substantial burdens, such as forcing marketers to use multiple labels to comply with FTC, state, and international fur regulations. Furthermore, the Commission finds that, based on its experience enforcing the Textile Rules, these requirements are unnecessary to disclose relevant information effectively. Accordingly, the Commission:

- Replaces § 301.29(a)'s 12-point or ''pica'' type font-size requirement with a requirement to disclose information ''in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser'';
- removes § 301.29(a)'s limits on information appearing on the front of the label, thereby allowing entities to include true and non-deceptive information on either side; and
- deletes § 301.30, which specifies a particular order for FTC disclosures.

c. Labels for Items Sold in Pairs or Groups

Section 301.31 requires that items ''manufactured for use in pairs or groups'' be ''firmly attached to each other when marketed and delivered in the channels of trade and to the purchaser.'' [128] In the NPRM, the Commission found that this requirement interferes with marketing smaller items like shoes and gloves, which are typically sold in pairs. Furthermore, there is no apparent benefit, and likely some inconvenience, to consumers from requiring actual attachment of items through the point of sale. Accordingly, the Commission eliminates the requirement and incorporates the Textile Rules' provision allowing a single label for items ''marketed or handled in pairs or ensembles,'' regardless of whether they are attached to each other at the point-of-sale.[129] Thus, if retailers sell the items as pairs or ensembles and each item contains the same fur with the same country of origin, retailers may use a single label.

3. Additional Suggested Labeling Amendments Not Adopted

Three commenters supported additional amendments that would eliminate supposedly redundant ''fur origin'' disclosures, and the requirement to label certain furs as ''natural.'' The Commission declines to adopt either amendment.

Commenters FDRA and ITA argued that requiring ''fur origin'' disclosures on products, like textiles, that already have a country of origin label is redundant. The Commission does not agree. The required country of origin disclosure for textiles relates to the location the product was manufactured. Thus, textile disclosures typically read ''Made in [ ].'' [130] Because fur skins are not manufactured, a ''Made in'' disclosure applying to both the textile and fur portion of a product would likely confuse consumers. Therefore, the Commission will continue to require that fur labels disclose ''Fur Origin: [country].''

Individual commenter ''Gremmo'' suggested eliminating § 301.19(g)'s requirement to brand and label certain furs as ''natural.'' Although the comment asserted that the ''natural'' disclosure does not convey meaningful information to consumers, it did not submit any supporting evidence. Moreover, no industry commenter reported that the requirement imposed a significant burden. Thus, there is no basis to remove that requirement.

C. Amendments Required by TFLA

TFLA's amendments to the Fur Act require conforming changes to the Fur Rules. Accordingly, the Commission replaces the *de minimis* exemption (§ 301.39), as well as all related provisions,[131] with TFLA's hunter/trapper exemption.

D. Amendments Eliminating Unnecessary Provisions

The NPRM proposed eliminating unnecessary provisions to simplify the Rules. No commenter objected. Therefore, the Commission deletes three sections. First, it deletes § 301.19(l)(1) through (7). These subsections provide

[123] Specifically, the Commission updates the Order classification for ''antelope'' and the species names for ''jaguarondi, ''peschanik,'' and ''suslik.'' Entries for ''kolinsky'' and ''lynx'' that were omitted from the NPRM have been restored in the final rule.

[124] 16 CFR 301.19; 301.20.

[125] 16 CFR 303.16(b).

[126] 16 CFR 301.27.

[127] 16 CFR 303.15(a).

[128] 16 CFR 301.31(b).

[129] 16 CFR 303.29(b).

[130] *See* 16 CFR 303.33(a).

[131] Because TFLA eliminated the *de minimis* exemption, it also eliminated the provision that excepted dog and cat fur from that exemption (*i.e.,* a savings clause to require labeling of all dog and cat fur). Accordingly, the Commission deletes the definitions of ''cat fur,'' ''dog fur,'' and ''dog or cat fur products,'' as well as the cat and dog fur exceptions in § 301.39(a), because those terms are used only in the *de minimis* exemption provision. In addition, the Commission adopts several non-substantive amendments to ensure that references to other provisions and the Act are accurate and to correct typographical errors.

a suggested, but not required, method for determining whether a fur has been treated with iron or copper and, therefore, requires a ''color altered'' or ''color added'' disclosure. The suggestion is unnecessary because § 301.19 requires that an entity coloring furs must disclose the treatment on an invoice.[132]

Second, the Commission deletes § 301.28, which provides further guidance on attaching labels. Because the new § 301.27 clarifies the method for attaching labels, § 301.28 is now redundant.

Third, § 301.40 requires entities to assign an ''item number or mark'' to furs and to disclose it on invoices and labels.[133] In the Commission's experience, it does not need this information to enforce the Fur Act and Rules. Furthermore, it does not provide any meaningful information to consumers. Therefore, the Commission eliminates this provision and the internal references to it.

E. Amendments to Guaranty Provisions

The Supplemental NPRM proposed several amendments to conform the Fur Rules' guaranty provisions to those proposed in the Textile NPRM. These amendments would ensure that the Rules facilitate the electronic transmittal and submission of guaranties, and require annual renewal of continuing guaranties. Commenters supported the changes to facilitate electronic guaranties, but opposed annual renewal. In addition, HSUS renewed its request that continuing guaranties specify fur type. In light of the comments, the Commission adopts the provisions facilitating electronic guaranties, but not the annual renewal requirement or HSUS's suggested amendment.

1. Electronic Guaranties

To clarify that the Fur Rules do not prohibit electronically transmitted guaranties and conform the fur guaranty provisions to those governing textiles, the Commission adopts four amendments. First, it changes the term ''invoice'' in § 301.47 and the phrase ''invoice or other paper'' in § 301.48(b) to ''invoice or other document.'' These amendments are consistent with the fact that ''invoice'' includes documents that are electronically stored or transmitted.

Second, the Commission amends § 301.47 to include, as the Textile Rules currently do, a statement that the guarantor's printed name and address will satisfy the signature requirement for separate guaranties. Specifically, the Commission adds language to § 301.47 providing that a printed name and address will suffice to meet the signature and address requirements. This additional language will make clear that entities can sign guaranties electronically, consistent with the Electronic Signatures in Global and National Commerce Act.[134]

Third, the Commission deletes text in § 301.47 requiring separate guaranties to show ''the date of shipment of the merchandise.'' This change will further conform to the textile guaranty provisions.

Finally, the Commission adopts the definition of ''invoice'' and ''invoice or other document'' proposed in the Textile NPRM. This definition clarifies that ''invoices,'' which guarantors often use to transmit separate guaranties, include documents transmitted and stored electronically.

2. Annual Renewal of Continuing Guaranties

As discussed above, commenters unanimously opposed requiring annual renewal of continuing guaranties. Significantly, commenters on the Textile NPRM likewise unanimously opposed the requirement as unreasonably burdensome, and noted that the Commission lacked a basis to find that annual renewal would increase reliability.[135]

Thus, the record lacks evidence demonstrating that the proposal would increase the reliability of continuing guaranties. Accordingly, the Commission has decided not to adopt this proposed amendment in the Fur and in the Textile Rules.

Nonetheless, the Commission continues to have concerns that continuing guaranties' reliability may degrade over time. If the Commission obtains evidence that continuing guaranties have become less reliable after the guaranty amendments take effect, it will revisit this issue.

3. Requiring Continuing Guaranties To Designate Fur Type

HSUS urged the Commission to require that continuing guaranties designate the specific animal that produced the fur for all products transferred. In practice, this would limit continuing guaranties' coverage to only certain furs a guarantor transferred.

The Commission declines to adopt HSUS's proposal because it disagrees with HSUS's reading of the Fur Act. HSUS asserted that the Fur Act allows limiting continuing guaranties to certain products because Section 10(a)(2) of the Act states that continuing guaranties shall be ''in such form as the Commission by rules and regulations may prescribe.''[136] The language cited by HSUS is proceeded by a statement that continuing guaranties will apply ''to *any fur product or fur* handled by a guarantor.''[137] Thus, the Fur Act does not limit ''any fur product or fur'' to a specific type of fur. Although the Act gives the Commission discretion in prescribing the guaranty form, the Commission cannot require a form that would override clear statutory language. As the Commission stated in the NPRM, the Act provides for continuing guaranties that cover all fur products handled by the guarantor, regardless of the type of fur.

F. Applicability to Faux Fur Products

Commenter National Humane Education Society appeared to request that the Commission require all real and faux fur products to have labels indicating whether the fur is real. This would require applying the Fur Rules to items without fur. As the Commission stated in the NPRM, it cannot expand the Rules' coverage to include faux fur because those rules are authorized by the Fur Act, which applies only to ''furs'' or ''fur products,'' defined as ''animal skin . . . with hair, fleece, or fur fibers attached thereto'' and products made of ''fur or used fur,'' respectively.[138]

V. Paperwork Reduction Act

The final amendments do not constitute a ''collection of information'' under the Paperwork Reduction Act (44 U.S.C. 3501–3521). The labeling amendments provide greater flexibility and, as such, potentially reduce disclosure burdens. The changes to the Name Guide simply alter the required, but Government-supplied, information on some labels.[139] Deleting the *de minimis* exemption will increase burden for some entities to the extent they will have to make disclosures regarding previously exempt products, but this has already been accounted for in the Commission's most recently approved

[132] 16 CFR 301.19(h).

[133] 16 CFR 301.40(a).

[134] 15 U.S.C. 7001, *et seq.*

[135] *See* discussion in the Commission's announcement of final amendments to the Textile Rules at 79 FR 18766, 18768 (Apr. 4, 2014).

[136] 15 U.S.C. 69h(a)(2).

[137] *Id.* (emphasis added).

[138] 15 U.S.C. 69(b) and (d).

[139] According to OMB, ''[t]he public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public is not included'' within in the definition of a PRA ''collection of information.'' 5 CFR 1320.3(c)(2).

clearance request and burden estimates for the Fur Rule.[140]

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act [141] requires an agency to provide a Regulatory Flexibility Analysis with a final rule unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.[142] As part of the Commission's recent PRA clearance request, the Commission estimated that 1,230 retailers, 90 manufacturers, and 1,200 importers are subject to the Rules.[143] The Commission further estimated that these entities incur a total recordkeeping burden of 51,870 hours and a total disclosure burden of 116,228 hours.[144] The entities subject to these burdens will be classified as small businesses if they satisfy the Small Business Administration's relevant size standards, as determined by the Small Business Size Standards component of the North American Industry Classification System (''NAICS'').[145] The relevant NAICS size standards, which are either minimum annual receipts or number of employees, are as follows:

NAICS Industry title	Small business size standard
Fur-Bearing Animal and Rabbit Production.	$750,000.
Fur and Leather Apparel Manufacturing.	500 employees.
Men's Clothing Stores	$10,000,000.
Women's Clothing Stores	$25,000,000.
Department Stores	$30,000,000.

The Commission is unable to determine how many of the above-listed entities qualify as small businesses. Neither the record in this proceeding nor in the recent PRA clearance proceeding contains information regarding the size of entities subject to the Fur Rules. No commenter addressed this subject. Moreover, the relevant NAICS categories include many entities that are not in the fur industry. Therefore, estimates of the percentage of small businesses in those categories would not necessarily reflect the percentage of small businesses subject to the Fur Rules in those categories.

Even absent this data, however, the Commission concludes that the amendments will not have a significant economic impact on small entities. As discussed above in Section V, the amendments do not impose any new costs. The greater flexibility should reduce disclosure burdens, and the changes to the Name Guide simply alter the required information on some labels. Furthermore, businesses should not have to remove labels from existing fur products, which are mostly seasonal items, because they can continue to sell those products with old labels until the amendments' effective date. Finally, the Commission is not adopting its proposal that continuing guaranty certifications be updated annually.

This document serves as notice to the Small Business Administration of the agency's certification of no effect.

List of Subjects in 16 CFR Part 301

Furs, Labeling, Trade practices.

For the reasons discussed in the preamble, the Federal Trade Commission amends title 16, Chapter I, Subchapter C, of the Code of Federal Regulations, part 301, as follows:

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

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

Authority: 15 U.S.C. 69 *et seq.*

■ 2. Revise § 301.0 to read as follows:

§ 301.0 Fur products name guide.

Name	Order	Family	Genus-species
Alpaca	Artiodactyla	Camelidae	Lama pacos.
Antelope	Artiodactyla	Bovidae	Hippotragus niger and Antilope cervicapra.
Badger	Carnivora	Mustelidae	Taxida sp. and Meles sp.
Bassarisk	.....do	Procyonidae	Bassariscus astutus.
Bear	.....do	Ursidae	Ursus sp.
Bear, Polar	.....do	.....do	Ursus maritimus.
Beaver	Rodentia	Castoridae	Castor canadensis.
Burunduk	.....do	Sciuridae	Eutamias asiaticus.
Calf	Artiodactyla	Bovidae	Bos taurus.
Cat, Caracal	Carnivora	Felidae	Caracal caracal.
Cat, Domestic	.....do	.....do	Felis catus.
Cat, Leopard	.....do	.....do	Prionailurus bengalensis.
Cat, Lynx	.....do	.....do	Lynx rufus.
Cat, Manul	.....do	.....do	Felis manul.
Cat, Margay	.....do	.....do	Leopardus wiedii.
Cat, Spotted	.....do	.....do	Felis sp. (South America).
Cat, Wild	.....do	.....do	Felis catus and Felis lybica.
Cheetah	.....do	.....do	Acinonyx jubatus.
Chinchilla	Rodentia	Chinchillidae	Chinchilla chinchilla.
Chipmunk	.....do	Sciuridae	Tamias sp.
Civet	Carnivora	Viverridae	Viverra sp., Viverricula sp., Paradoxurus sp., and Paguma sp.
Desman	Soricomorpha	Talpidae	Desmana moschata and Galemys pyrenaicus.
Dog	Carnivora	Canidae	Canis familiaris.
Ermine	.....do	Mustelidae	Mustela erminea.
Fisher	.....do	.....do	Martes pennanti.
Fitch	.....do	.....do	Mustela putorius.
Fox	.....do	Canidae	Vulpes vulpes, Vulpes macrotis.
Fox, Blue	.....do	.....do	Vulpes lagopus.
Fox, Grey	.....do	.....do	Urocyon cinereoargenteus and Urocyon littoralis.
Fox, Kit	.....do	.....do	Vulpes velox.

[140] OMB Control No. 3084–0099 (clearance granted April 3, 2012, through April 30, 2015).

[141] 5 U.S.C. 601–612

[142] *See* 5 U.S.C. 603–605.

[143] 77 FR 10744, 10745 (Feb. 23, 2012).

[144] *Id.*

[145] The standards are available at *www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.*

Name	Order	Family	Genus-species
Fox, White	Carnivora	Canidae	Vulpes lagopus.
Genet	.....do	Viverridae	Genetta genetta.
Goat	Artiodactyla	Bovidae	Capra hircus.
Guanaco, or its young, the Guanaquito.	.....do	Camelidae	Lama guanicoe.
Hamster	Rodentia	Cricetidae	Cricetus cricetus.
Hare	.....do	Leporidae	Lepus sp. and Lepus europaeus occidentalis.
Jackal	Carnivora	Canidae	Canis aureus and Canis adustus.
Jackal, Cape	.....do	.....do	Canis mesomelas.
Jaguar	.....do	Felidae	Panthera onca.
Jaguarundi	.....do	.....do	Herpailurus yagouaroundi.
Kangaroo	Diprotodontia	Macropodidae	Marcopus sp.
Kangaroo-rat	.....do	Potoroidae	Bettongia sp.
Kid	Artiodactyla	Bovidae	Capra hircus.
Kinkajou	Carnivora	Procyonidae	Potos flavus.
Koala	Diprotodontia	Phascolarctidae ..	Phascolarctos cinereus.
Kolinsky	Carnivora	Mustelidae	Mustela sibirica.
Lamb	Artiodactyla	Bovidae	Ovis aries.
Leopard	Carnivora	Felidae	Panthera pardus.
Llama	Artiodactyla	Camelidae	Lama glama.
Lynx	Carnivora	Felidae	Lynx canadensis and Lynx lynx.
Marmot	Rodentia	Sciuridae	Marmota bobak.
Marten, American	Carnivora	Mustelidae	Martes americana and Martes caurina.
Marten, Baum	.....do	.....do	Martes martes.
Marten, Japanese	.....do	.....do	Martes melampus.
Marten, Stone	.....do	.....do	Martes foina.
Mink	.....do	.....do	Mustela vison and Mustela lutreola.
Mole	Soricomorpha	Talpidae	Talpa sp.
Monkey	Primates	Cercopithecidae	Colobus polykomos.
Muskrat	Rodentia	Muridae	Ondatra zibethicus.
Nutria	.....do	Myocastoridae	Myocastor coypus.
Ocelot	Carnivora	Felidae	Leopardus pardalis
Opossum	Didelphimorphia	Didelphidae	Didelphis sp.
Opossum, Australian	Diprotodontia	Phalangeridae	Trichosurus vulpecula.
Opossum, Ringtail	.....do	Pseudocheiridae	Pseudocheirus sp.
Opossum, South American	Didelphimorphia	Didelphidae	Lutreolina crassicaudata.
Opossum, Water	.....do	.....do	Chironectes minimus.
Otter	Carnivora	Mustelidae	Lontra canadensis, Pteronura brasiliensis, and Lutra lutra.
Otter, Sea	.....do	.....do	Enhydra lutris.
Pahmi	.....do	.....do	Helictis moschata and Helictis personata.
Panda	Carnivora	Ailuridae	Ailurus fulgens.
Peschanik	Rodentia	Sciuridae	Spermophilus fulvus.
Pony	Perissodactyla	Equidae	Equus caballus.
Rabbit	Lagomorpha	Leporidae	Oryctolagus cuniculus.
Raccoon	Carnivora	Procyonidae	Procyon lotor and Procyon cancrivorus.
Raccoon, Asiatic	.....do	Canidae	Nyctereutes procyonoides.
Raccoon, Mexican	.....do	Procyonidae	Nasua sp.
Reindeer	Artiodactyla	Cervidae	Rangifer tarandus.
Sable	Carnivora	Mustelidae	Martes zibellina.
Sable, American	.....do	.....do	Martes americana and Martes caurina.
Seal, Fur	Carnivora	Otariidae	Callorhinus ursinus.
Seal, Hair	.....do	Phocidae	Phoca sp.
Seal, Roc	.....do	Otariidae	Otaria flavescens.
Sheep	Artiodactyla	Bovidae	Ovis aries.
Skunk	Carnivora	Mephitidae	Mephitis mephitis, Mephitis macroura, Conepatus semistriatus and Conepatus sp.
Skunk, Spotted ..	.....do	.....do	Spilogale sp.
Squirrel	Rodentia	Sciuridae	Sciurus vulgaris.
Squirrel, Flying	.....do	.....do	Eupetaurus cinereus, Pteromys volans and Petaurista leucogenys.
Suslik	.....do	.....do	Spermophilus citellus, Spermophilus major rufescens and Spermophilus suslicus.
Vicuna	Artiodactyla	Camelidae	Vicugna vicugna.
Viscacha	Rodentia	Chinchillidae	Lagidium sp.
Wallaby	Diprotodontia	Macropodidae	Wallabia sp., Petrogale sp., and Thylogale sp.
Weasel	Carnivora	Mustelidae	Mustela frenata.
Weasel, Chinese	.....do	.....do	Mustela sibirica.
Weasel, Japanese	.....do	.....do	Mustela itatsi (also classified as Mustela sibirica itatsi).
Weasel, Manchurian	Carnivora	Mustelidae	Mustela altaica and Mustela nivalis rixosa.
Wolf	.....do	Canidae	Canis lupus.
Wolverine	.....do	Mustelidae	Gulo gulo.
Wombat	Diprotodontia	Vombatidae	Vombatus sp.
Woodchuck	Rodentia	Sciuridae	Marmota monax.

■ 3. Amend § 301.1 by removing paragraphs (a)(6), (7), and (8), revising paragraph (a)(4), and adding new paragraph (a)(6) to read as follows:

§ 301.1 Terms defined.

(a) * * *

(4) The terms *Fur Products Name Guide* and *Name Guide* mean the register of names of hair, fleece, and fur-bearing animals issued and amended by the Commission pursuant to the provisions of section 7 of the act.

* * * * *

(6) The terms *invoice* and *invoice or other document* mean an account, order, memorandum, list, or catalog, which is issued to a purchaser, consignee, bailee, correspondent, agent, or any other person, electronically, in writing, or in some other form capable of being read and preserved in a form that is capable of being accurately reproduced for later reference, whether by transmission, printing, or otherwise, in connection with the marketing or handling of any fur or fur product transported or delivered to such person.

■ 4. Amend § 301.2 by revising paragraphs (b) and (c) to read as follows:

§ 301.2 General requirements.

* * * * *

(b) Each and every fur, except those exempted under § 301.39, shall be invoiced in conformity with the requirements of the act and rules and regulations.

(c) Any advertising of fur products or furs, except those exempted under § 301.39, shall be in conformity with the requirements of the act and rules and regulations.

§ 301.19 [Amended]

■ 5. Amend § 301.19 by removing paragraphs (l)(1) through (7).

■ 6. Revise § 301.20(a) to read as follows:

§ 301.20 Fur products composed of pieces.

(a) Where fur products, or fur mats and plates, are composed in whole or in substantial part of paws, tails, bellies, gills, ears, throats, heads, scrap pieces, or waste fur, such fact shall be disclosed as a part of the required information in labeling, invoicing, and advertising. Where a fur product is made of the backs of skins, such fact may be set out in labels, invoices, and advertising.

* * * * *

■ 7. Revise § 301.27 to read as follows:

§ 301.27 Labels and method of affixing.

At all times during the marketing of a fur product the required label shall be conspicuous and of such durability as to remain attached to the product throughout any distribution, sale, or resale, and until sold and delivered to the ultimate consumer.

§ 301.28 [Removed and Reserved]

■ 8. Remove and reserve § 301.28.

■ 9. Revise § 301.29(a) to read as follows:

§ 301.29 Requirements in respect to disclosure on label.

(a) The required information shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser, and all parts of the required information shall be set out in letters of equal size and conspicuousness. All of the required information with respect to the fur product shall be set out on one side of the label. The label may include any nonrequired information which is true and non-deceptive and which is not prohibited by the act and regulations, but in all cases the animal name used shall be that set out in the Name Guide.

* * * * *

§ 301.30 [Removed and Reserved]

■ 10. Remove and reserve § 301.30.

■ 11. Revise § 301.31(b) to read as follows:

§ 301.31 Labeling of fur products consisting of two or more units.

* * * * *

(b) In the case of fur products that are marketed or handled in pairs or ensembles, only one label is required if all units in the pair or group are of the same fur and have the same country of origin. The information set out on the label must be applicable to each unit and supply the information required under the act and rules and regulations.

■ 12. Amend § 301.35 by revising paragraph (b) to read as follows:

§ 301.35 Substitution of labels.

* * * * *

(b) The original label may be used as a substitute label provided the name or registered number of the person making the substitution is inserted thereon without interfering with or obscuring in any manner other required information. In connection with such substitution the name or registered number as well as any record numbers appearing on the original label may be removed.

* * * * *

■ 13. Revise § 301.39 to read as follows:

§ 301.39 Exempted fur products.

The requirements of the act and regulations in this part do not apply to fur products that consist of fur obtained from an animal through trapping or hunting and that are sold in a face-to-face transaction at a place such as a residence, craft fair, or other location used on a temporary or short-term basis, by the person who trapped or hunted the animal, where the revenue from the sale of apparel or fur products is not the primary source of income of such person.

§ 301.40 [Removed and Reserved]

■ 14. Remove and reserve § 301.40.

■ 15. Amend § 301.41 by removing paragraph (a)(7) and revising paragraph (a)(4) to read as follows:

§ 301.41 Maintenance of records.

(a) * * *

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

* * * * *

■ 16. Revise § 301.47 to read as follows:

§ 301.47 Form of separate guaranty.

The following is a suggested form of separate guaranty under section 10 of the Act which may be used by a guarantor residing in the United States, on and as part of an invoice or other document in which the merchandise covered is listed and specified and which shows the date of such document and the signature and address of the guarantor:

We guarantee that the fur products or furs specified herein are not misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Fur Products Labeling Act and rules and regulations thereunder.

Note to § 301.47. The printed name and address on the invoice or other document will suffice to meet the signature and address requirements.

■ 17. Amend § 301.48 by revising the section heading and paragraph (b) to read as follows:

§ 301.48 Continuing guaranties.

* * * * *

(b) Any person who has a continuing guaranty on file with the Commission may, during the effective dates of the guaranty, give notice of such fact by setting forth on the invoice or other document covering the marketing or handling of the product guaranteed the following: ''Continuing guaranty under the Fur Products Labeling Act filed with the Federal Trade Commission.''

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–11047 Filed 5–27–14; 8:45 am]

BILLING CODE 6750–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4041A, 4231, and 4281

RIN 1212–AB13

Multiemployer Plans; Valuation and Notice Requirements

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's (PBGC) multiemployer regulations to make the provision of information to PBGC and plan participants more efficient and effective and to reduce burden on plans and sponsors. The amendments reduce the number of actuarial valuations required for certain small terminated but not insolvent plans, shorten the advance notice filing requirements for mergers in situations that do not involve a compliance determination, and remove certain insolvency notice and update requirements. The amendments are a result of PBGC's regulatory review under Executive Order 13563 (Improving Regulation and Regulatory Review).

DATES: Effective June 27, 2014. See Applicability in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*klion.catherine@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, or Daniel Liebman (*liebman.daniel@pbgc.gov*), Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Executive Summary—Purpose of the Regulatory Action

This final rule amends certain regulations governing PBGC's multiemployer program to make the provision of information to PBGC and plan participants more efficient and effective. This rule is needed to reduce burden on multiemployer plans and sponsors and to facilitate potentially beneficial plan merger transactions. The rule reduces burden by allowing certain small terminated but not insolvent plans to provide valuations less frequently, easing reporting requirements for plan sponsors contemplating a merger transaction, and streamlining and removing certain notice requirements for insolvent plans.[1] This will reduce administrative costs and preserve plan assets that could otherwise have been used to fund plan benefits.

PBGC's legal authority for this regulatory action comes from section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 (ERISA), which authorizes PBGC to issue regulations to carry out the purposes of title IV of ERISA; section 4041A(f)(2), which gives PBGC authority to prescribe reporting requirements for terminated plans; section 4231(a), which gives PBGC authority to prescribe regulations setting the requirements for one or more multiemployer plans to merge; and section 4281(d), which directs PBGC to prescribe by regulation the notice requirements to plan participants and beneficiaries in the event of a benefit suspension.

Executive Summary—Major Provisions of the Regulatory Action

Annual Valuations

When a multiemployer plan terminates, the plan must perform an annual valuation of the plan's assets and benefits. This final rule allows valuations for plans that were terminated by mass withdrawal but are not insolvent and where the value of nonforfeitable benefits is $25 million or less to be performed every three years instead of annually as required under the current regulations.

Filing Requirements for Mergers

Under PBGC's regulations, a merger or a transfer of assets and liabilities between multiemployer plans must satisfy certain requirements, including a requirement that plan sponsors of all plans involved in a merger or transfer must jointly file a notice with PBGC before the transaction. This final rule shortens the notice period from 120 days to 45 days where no compliance determination is requested.

Insolvency Notices and Updates

Terminated multiemployer plans that determine that they will be insolvent for a plan year must provide a series of notices and updates to notices to PBGC and participants and beneficiaries, including a notice of insolvency. The final rule eliminates the requirement to provide annual updates to the notice of insolvency.

Background

PBGC administers two insurance programs for private-sector defined benefit plans under title IV of the Employee Retirement Income Security Act of 1974 (ERISA): A single-employer plan termination insurance program and a multiemployer plan insolvency insurance program.

A multiemployer plan is a collectively bargained pension arrangement involving several employers that are not within the same controlled group, usually in a common industry, such as construction, trucking, textiles, or coal mining. By contrast, a single-employer plan may be sponsored by either one employer (pursuant or not pursuant to a collective bargaining agreement) or by several unrelated employers (but not pursuant to a collective bargaining agreement).

ERISA section 4041A provides for two types of multiemployer plan terminations: Mass withdrawal and plan amendment. A mass withdrawal termination occurs when all employers withdraw or cease to be obligated to contribute to the plan. A plan amendment termination occurs when the plan adopts an amendment that provides that participants will receive no credit for service with any employer after a specified date, or an amendment that makes it no longer a covered plan. Unlike terminated single-employer plans, terminated multiemployer plans continue to pay all vested benefits out of existing plan assets and withdrawal liability payments. PBGC's guarantee of the benefits in a multiemployer plan—payable as financial assistance to the plan—starts only if and when the plan is unable to make payments at the statutorily guaranteed level.

This final rule reduces certain requirements for multiemployer plans that are terminated by mass withdrawal and mergers and transfers among multiemployer plans.

On January 18, 2011, the President issued Executive Order 13563 ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals, and that agencies give careful consideration to the benefits and costs of those regulations. PBGC's Plan for Regulatory Review,[2] identifies several

[1] Under 29 CFR § 4041A.2, ''insolvent'' means that a plan is unable to pay benefits when due during the plan year.

[2] See *http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf.*

regulatory areas for review, including the multiemployer regulations referred to above. PBGC will continue to review its regulations with a view to developing more ideas for improvement. Public comment on specific proposals will help PBGC determine whether its regulatory review process is moving in the right direction.

On January 29, 2014 (at 79 FR 4642), PBGC published a proposed rule to amend these regulations to reduce burden on plan sponsors. PBGC received one comment (from a business federation) on the proposed rule. This commenter applauded PBGC for the proposal and encouraged PBGC to finalize the proposed changes, remarking that the proposed rule would noticeably reduce certain reporting burdens associated with multiemployer defined benefit plan administration.

The final regulation is unchanged from the proposed regulation.

Regulatory Changes

Annual Valuation Requirement

ERISA section 4281(b) provides that the value of nonforfeitable benefits under a terminated plan to which section 4041A(d) applies, and the value of the plan's assets shall be determined in writing as of the end of the plan year during which section 4041A(d) becomes applicable, and each plan year thereafter. Part 4041A of PBGC's regulations establishes rules for notifying PBGC of the termination of a multiemployer plan and rules for the administration of multiemployer plans that have terminated by mass withdrawal. Subpart C prescribes basic duties of plan sponsors of plans terminated by mass withdrawal, including the annual valuation requirement at § 4041A.24. Section 4281.11(a) states that the valuation dates for the annual valuation required under section 4281(b) of ERISA is the last day of the plan year in which the plan terminates and the last day of each plan year thereafter. The details of the annual valuation requirement are set forth in the remainder of Subpart B of Part 4281, Duties of Plan Sponsor Following Mass Withdrawal.

The annual valuation requirement serves the statutory purpose of allowing the terminated plan to determine whether it needs to eliminate benefits that are not eligible for PBGC's guarantee. However, once the plan has reached the point where it has eliminated all nonguaranteed benefits, further valuations serve only to help PBGC estimate the liabilities it will incur when the plan becomes insolvent. While measuring PBGC's liabilities annually provides PBGC with information needed to understand its potential exposure, the requirement to do so results in the plan using scarce resources, at a potentially significant cost, for a limited purpose.[3] This may result in a faster diminution of assets that could lead to a reduced ability to pay plan benefits, an earlier insolvency, and an earlier elimination of any nonforfeitable benefits that exceed PBGC's statutory guarantee.

The final rule amends § 4041A.24 to ensure that PBGC has reasonably reliable data to measure its liabilities without significantly depleting plan assets. Under the amendment, terminated plans that are not insolvent and where the value of nonforfeitable benefits is $25 million or less (as of the valuation date of the most recent required valuation), are required to perform the next valuation in accordance with Subpart B of Part 4281 within three years instead of within one year as under the unamended regulation. To comply with the statutory requirement that there be a written determination of the value of nonforfeitable benefits each year, such plans may use the most recently performed valuation for the next two plan years.

All other plans will continue to be required to perform valuations in accordance with Subpart B of Part 4281 annually.[4] Plans can move in and out of the three-year or annual valuation cycle, as applicable, as the value of nonforfeitable benefits changes. Thus, a plan that has been performing new valuations every three years will be required to perform valuations annually if the next valuation indicates that the value of nonforfeitable benefits exceeds $25 million. Similarly, a plan that has been performing the valuation annually will have three years to do the next valuation in accordance with Subpart B of Part 4281 if the most recent valuation shows the value of nonforfeitable benefits to be $25 million or less.

This amendment targets the plans that expose PBGC to larger liability, while reducing burden on plans that present smaller exposure. PBGC believes that this amendment appropriately balances PBGC's need to fairly measure its exposure with minimizing the cost to plans and potentially to participants.

Advance Notice of Multiemployer Mergers

ERISA section 4231 sets forth the statutory requirements for mergers of two or more multiemployer plans and transfers of plan assets or benefit liabilities among two or more multiemployer plans, including a requirement that a plan must give 120 days' advance notice of a merger or transfer to PBGC. Part 4231 of PBGC regulations implements this statutory requirement.

29 CFR § 4231.8 provides that plan sponsors of all plans involved in a merger or transfer, or their duly authorized representatives, must jointly file a notice with PBGC in advance of the transaction. Before the amendment, this notice was due to PBGC 120 days prior to the transaction. The notice must include information about the plans, the plan sponsors, the transaction, the proposed effective date, a copy of each provision stating that no participant's or beneficiary's accrued benefit will be lower immediately after the effective date of the transaction than the benefit immediately before that date, and various actuarial and plan asset and benefit valuation information.

The purpose of the notice provision is to confirm that plan sponsors have met the four criteria listed in section 4231(b) for a statutory transaction.[5] Plan sponsors may request a determination from PBGC that a merger or transfer that may otherwise be prohibited by sections 406(a) or (b)(2) of ERISA satisfies the requirements of ERISA section 4231.[6] Under § 4231.8(f), PBGC may waive the statutory notice requirement.[7]

[3] Once a plan terminates, professional and administrative costs of paying plan benefits and continuing regulatory compliance come out of plan assets without additional contributions being made by the former employers as would be the case prior to termination. Thus, with the exception of the potential inflow of some funds from withdrawal liability recoveries, plan assets continue to decrease in a wasting trust.

[4] There are two other exceptions to the requirement that a valuation be performed annually that are preserved from the unamended regulation. No valuation is required for a plan year (1) for which the plan receives financial assistance from PBGC under section 4261 of ERISA, or (2) in which the plan is closed out in accordance with subpart D of Part 4041A.

[5] The four criteria under ERISA section 4231(b) are:

(1) The 120-day notice requirement is met.

(2) No accrued benefits will be lower immediately after the transaction's effective date than immediately before that date.

(3) Benefits are not reasonably expected to be subject to suspension under ERISA section 4245.

(4) The applicable actuarial valuation of assets and liabilities of each affected plan has been performed.

[6] See § 4231.3(b). Plan sponsors requesting a compliance determination must submit the information required by § 4231.9 in addition to the information required by § 4231.8.

[7] In 1998, PBGC amended its regulations to expand the applicability of the waiver of this notice under § 4231.8(f). Prior to that amendment, the requirement for 120 days' notice could be waived only if PBGC was satisfied that failure to complete the transaction in a shorter time would harm participants or beneficiaries. However, at the time

However, PBGC now believes that the interests of PBGC and plan participants involved in such transactions are adequately protected by other parts of ERISA, particularly Title I, and there is little benefit to having such a long period to merely confirm that the notice requirements have been met.

Thus, to reduce burden, the final rule shortens the advance notice period to 45 days for transactions that do not involve a compliance determination under § 4231.9. PBGC's experience has been that many merger requests are received by PBGC with less than 120 days' notice and ask for a waiver of the notice requirement so that the merger can proceed as of the end of the plan year. The change to 45 days avoids the need for a waiver and still allows PBGC enough time to review these later-filed requests. PBGC believes the change to 45 days strikes the appropriate balance to better accommodate work flows and end-of-year rushes for both plan sponsors and PBGC staff. The current reporting requirements will remain in effect where a compliance determination is requested, as well as for transactions involving a transfer of plan assets or benefit liabilities, because those transactions may require a substantive investigation by PBGC that may well require more than 45 days to complete.[8]

Annual Notice Updates Following Mass Withdrawal

When a multiemployer plan terminates by mass withdrawal under ERISA section 4041A(a)(2), the plan's assets and benefits are required to be valued annually and plan benefits may have to be reduced or suspended to the extent provided in ERISA section 4281(c) or (d). Before being amended, part 4281 of PBGC's regulations required a terminated multiemployer plan that determines that it will be insolvent for a plan year to provide a series of notices and updates to notices to PBGC and participants and beneficiaries.

Once the plan projects that it can only pay benefits at the PBGC guarantee level, ERISA section 4281.43(b) requires the plan to issue a notice of insolvency and annual updates to PBGC and plan participants and beneficiaries. Subpart D of Part 4281 of PBGC's regulations sets forth the notice requirements for a terminated plan when plan assets are sufficient to pay PBGC guaranteed benefits, but not sufficient to pay at the promised plan level. In such situations, the plan sponsor must determine what benefits the assets will cover, and suspend benefits above that amount. At all times, however, the plan has a ''floor'' benefit set at the PBGC guarantee level (i.e., benefits cannot be suspended to an amount that would pay less than the guarantee).[9]

When PBGC first issued this regulation, PBGC anticipated that a plan's insolvency would be short in duration and that it could financially recover. However, PBGC's experience has been that once a multiemployer plan becomes insolvent, it will remain so. Thus, once a plan has made the initial notices, there is little need to require similar subsequent notices. After reviewing the regulation, PBGC now believes that eliminating such annual updates will not pose any increase in the risk of loss to PBGC or to plan participants.

These notice requirements can be detrimental to plan participants because the costs of compliance may deplete assets that otherwise would be available to pay plan benefits. PBGC's experience is that the rules for annual updates to a notice of insolvency can be confusing to practitioners. While the incremental cost to the plan is small, PBGC believes that the professional time spent understanding the rules and other costs in the actual compliance would be better spent on benefits.[10]

Consequently, for these reasons this final rule eliminates the annual updates to the notice of insolvency.[11]

Applicability

The amendment to § 4041A.24 that changes the annual valuation requirement for terminated but not insolvent plans where the value of nonforfeitable benefits is $25 million or less is applicable to the first post-termination valuation after June 27, 2014.

The amendment to § 4231.8 that changes the notification requirements for a proposed merger is applicable to mergers planned to be consummated on or after the 45th day after June 27, 2014.

The amendment to § 4281.43 that eliminates the annual update notices to PBGC and participants and beneficiaries is applicable as of June 27, 2014.

Executive Orders 12866 and 13563

PBGC has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866.

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is associated with retrospective review and analysis in PBGC's Plan for Regulatory Review issued in accordance with Executive Order 13563.

Under Section 3(f)(1) of Executive Order 12866, a regulatory action is economically significant if ''it is likely to result in a rule that may . . . [h]ave 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.'' PBGC has determined that this final rule does not cross the $100 million threshold for economic significance and is not otherwise economically significant.

As explained below, PBGC estimates that aggregate annual savings from the combined regulatory changes will be about $460,000.

Annual Valuation Requirement

PBGC has estimated the value of this final rule on the annual valuation requirement for plans terminated by mass withdrawal. As of the end of its 2012 fiscal year, PBGC's total estimated liability for nonforfeitable benefits of the 61 mass withdrawal-terminated plans that were not insolvent was $1.7 billion. Of that total, there were 23 plans in the over $25 million category; such plans constituted nearly 80 percent of such liabilities in all 61 terminated plans, thus preserving a high degree of exactitude for PBGC's measurement of its financial contingencies. At the same time, each year that the 38 plans where the value of nonforfeitable benefits was $25 million or less will not have to do

PBGC was typically completing its reviews in 60 to 90 days, and there was usually no reason to wait the full 120 days. Thus, the regulation was amended to also permit a merger or transfer to be consummated if PBGC determined that the transaction complied with ERISA section 4231, or PBGC completed its review of the transaction. See 63 FR 24421 (May 4, 1998).

[8] Transfers take more time for PBGC to analyze than mergers, primarily because of the need to perform a rigorous solvency test that is not needed for merger transactions. Because assets are leaving a plan, PBGC analyzes a transfer to make sure there are adequate assets available to fund the remaining benefit obligations and the receiving plan can adequately fund its obligations. In a merger, the assets and liabilities are combined and therefore the same types of concerns are not present.

[9] The floor benefit is set for each participant at the participant's retirement.

[10] See footnote 2 above.

[11] The final rule also makes a minor change to the insolvency notice's content by deleting an outdated reference to IRS Key District offices.

an annual valuation, there will be an annual aggregate savings of approximately $399,000 (assuming an annual valuation cost of $10,500 per plan) to these plans. These savings will grow as the terminated plan universe grows.

Advance Notice of Multiemployer Mergers

PBGC believes that reducing the required notice period in advance of a proposed merger transaction from 120 days to 45 days prior to the effectiveness of the merger will result in a small decrease in administrative burden on plan sponsors. By reducing the notice period, PBGC expects that there will be less interaction between plan sponsors, their representatives, and PBGC staff to address timing and approval issues. PBGC estimates that 18 plans submit advance notice of a merger in a given year. PBGC further estimates that an affected plan will save about one-quarter hour of professional time, at $350 per hour, and one-quarter hour managerial time, at $115 per hour, resulting in an aggregate annual savings of $2,093, as a result of the reduced length of the notice period.

Annual Notice Updates Following Mass Withdrawal

PBGC estimates that the annual aggregate cost of conducting the annual insolvency update is $61,425. This estimate is based on an estimated 54 plans required to issue the update annually at 12.5 hours of combined professional, clerical, and managerial time at an average rate of $91 per hour. Eliminating the annual update will save plan sponsors approximately $1,138 each per year and $61,425 in the aggregate.

Regulatory Flexibility Act

The Regulatory Flexibility Act imposes certain requirements with respect to rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposed rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the Regulatory Flexibility Act requires that the agency present an initial regulatory flexibility analysis at the time of the publication of the proposed rule describing the impact of the rule on small entities and seeking public comment on such impact. Small entities include small businesses, organizations and governmental jurisdictions.

For purposes of the Regulatory Flexibility Act requirements with respect to this final rule, PBGC considers a small entity to be a plan with fewer than 100 participants. This is the same criterion PBGC uses in other aspects of its regulations involving small plans, and is consistent with certain requirements in Title I of ERISA and the Internal Revenue Code, as well as the definition of a small entity that the Department of Labor (DOL) has used for purposes of the Regulatory Flexibility Act.[12] Using this definition, less than one percent of the 27,000 of plans covered by Title IV of ERISA in 2011 were small multiemployer plans.[13]

Generally, it is only after a plan terminates and employers withdraw from the plan that a plan might reduce in size to fewer than 100 participants. Thus, PBGC believes that assessing the impact of the proposal on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business based on size standards promulgated by the Small Business Administration (13 CFR 121.201) pursuant to the Small Business Act.

On the basis of its definition of small entity, PBGC certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that the amendments in this rule will not have a significant economic impact on a substantial number of small entities. Based on data for the 2012 fiscal year, PBGC estimates that 61 plans, very few of which are considered a small plan, will be required to do the valuation requirement (19 will be required to perform the valuation annually while 42 will do so every three years). Seventeen plans, very few of which are considered a small plan, will be required to submit a notice of proposed merger. Fifty-four plans, very few of which are considered a small plan, will be relieved of the burden to issue an annual insolvency update. Accordingly, as provided in section 605 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), sections 603 and 604 do not apply.

[12] In the proposed rule, PBGC requested comments on this size standard. No comments were received on this issue.

[13] Although PBGC does not have data on multiemployer plans with fewer than 100 participants, approximately 165 multiemployer plans have 250 participants or fewer. See *http://www.pbgc.gov/documents/pension-insurance-data-tables-2011.pdf.*

Paperwork Reduction Act

PBGC is submitting the information requirements under this final rule to the Office of Management and Budget (OMB) under the Paperwork Reduction Act. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The collection of information in Part 4231 is approved under control number 1212–0022 (expires May 31, 2014). PBGC estimates that there will be 21 respondents each year and that the total annual burden of the collection of information will be about 5 hours and $6,900.

The collection of information in Part 4281 is approved under control number 1212–0032 (expires May 31, 2014). PBGC estimates that there will be 378 respondents each year and that the total annual burden of the collection of information will be about 6,160 hours and $43,050.

The collection of information in Part 4041A is not affected by this final rule.

List of Subjects

29 CFR Part 4041A

Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4231

Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4281

Pensions, Reporting and recordkeeping requirements.

For the reasons given above, PBGC is amending 29 CFR parts 4041A, 4231, and 4281 as follows:

PART 4041A—TERMINATION OF MULTIEMPLOYER PLANS

■ 1. The authority citation for part 4041A continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341a, 1441.

■ 2. Amend § 4041A.24 by:
■ a. Revising the section heading;
■ b. Revising paragraph (a); and
■ c. In the first sentence of paragraph (b) introductory text, removing the word ''annual''.

The revisions read as follows:

§ 4041A.24 Plan valuations and monitoring.

(a) *Annual valuation.* The plan sponsor shall determine or cause to be determined in writing the value of nonforfeitable benefits under the plan and the value of the plan's assets, in accordance with part 4281, subpart B.

This valuation shall be done not later than 150 days after the end of the plan year in which the plan terminates and each plan year thereafter except as provided in this paragraph. A plan year for which a valuation is performed is called a valuation year.

(1) If the value of nonforfeitable benefits for the plan is $25 million or less as determined for a valuation year, the plan sponsor may use the valuation for the next two plan years and, subject to paragraphs (a)(2) and (3) of this section, perform a new valuation pursuant to this paragraph for the third plan year after the previous valuation year.

(2) No valuation is required for a plan year for which the plan receives financial assistance from PBGC under section 4261 of ERISA.

(3) No valuation is required for the plan year in which the plan is closed out in accordance with subpart D of this part.

* * * * *

PART 4231—MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

■ 3. The authority citation for part 4231 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1411.

■ 4. Amend § 4231.8 by:

■ a. Revising the first sentence of paragraph (a)(1) introductory text; and

■ b. In paragraph (f)(1) by removing the words ''120 days after filing the notice'' and adding in their place the words ''the applicable notice period set forth in paragraph (a) of this section''.

The revision reads as follows:

§ 4231.8 Notice of merger or transfer.

(a) *Filing of request*—(1) *When to file.* Except as provided in paragraph (f) of this section, a notice of a proposed merger or transfer must be filed not less than 120 days, or not less than 45 days in the case of a merger for which a compliance determination under § 4231.9 is not requested, before the effective date of the transaction. * * *

* * * * *

PART 4281—DUTIES OF PLAN SPONSOR FOLLOWING MASS WITHDRAWAL

■ 5. The authority citation for part 4281 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341(a), 1399(c)(1)(D), and 1441.

■ 6. Amend § 4281.43 by:

■ a. Revising the section heading; and

■ b. Removing paragraphs (b), (d), and (f) and redesignating paragraphs (c) and (e) as paragraphs (b) and (c), respectively.

The revision reads as follows:

§ 4281.43 Notices of insolvency.

* * * * *

■ 7. Amend § 4281.44 by:

■ a. Revising the section heading;

■ b. Removing paragraph (a)(4) and redesignating paragraphs (a)(5) through (13) as paragraphs (a)(4) through (12), respectively; and

■ c. Removing paragraphs (c) and (d).

The revision reads as follows:

§ 4281.44 Contents of notices of insolvency.

* * * * *

§ 4281.46 [Amended]

■ 8. In § 4281.46, paragraph (a) introductory text is amended by removing the words ''§ 4281.44(a)(1) through (a)(5) and (a)(7) through (a)(11)'' and adding in their place the words ''§ 4281.44(a)(1) through (4) and (a)(6) through (10)''.

§ 4281.47 [Amended]

■ 9. In § 4281.47, paragraph (c) introductory text is amended by removing the reference ''(a)(5)'' and adding in its place the reference ''(a)(4)''.

Issued in Washington, DC, this 19th day of May, 2014.

Joshua Gotbaum,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–12154 Filed 5–27–14; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 300

Defense Logistics Agency

32 CFR Part 1285

[Docket ID: DOD–2012–OS–0019]

RIN 0790–AI87

Defense Logistics Agency Freedom of Information Act Program

AGENCY: Defense Logistics Agency, DoD.

ACTION: Final rule.

SUMMARY: The Defense Logistics Agency (DLA) is revising and updating its existing rule concerning the DLA Freedom of Information Act (FOIA) Program. This rule implements changes to conform to the requirements of the Electronic Freedom of Information Act Amendments of 1996, and the OPEN Government Act of 2007. In addition, part 1285 will be redesignated as part 300.

DATES: *Effective Date:* This rule is effective June 27, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Teer, (703) 767–5247.

SUPPLEMENTARY INFORMATION: This rule supplements 32 CFR part 286 to accommodate specific requirements of DLA's FOIA Program.

Executive Summary

I. Purpose of This Regulatory Action

a. This rule assigns responsibilities and establishes policies and procedures for a uniform DLA Freedom of Information Act program pursuant to the provisions of the Freedom of Information Act.

b. Authority: 5 U.S.C. 552

II. Summary of the Major Provisions of This Regulatory Action

This rule implements changes to conform to the requirements of the Electronic Freedom of Information Act Amendments of 1996, Public Law 104–231, and the OPEN Government Act of 2007, Public Law 110–175.

III. Costs and Benefits of This Regulatory Action

This regulatory action imposes no monetary costs to the Agency or public. The benefit to the public is the accurate reflection of the Agency's FOIA Program to ensure that policies and procedures are known to the public.

REGULATORY PROCEDURES

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

It has been certified that 32 CFR part 300 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)

It has been determined that 32 CFR part 300 is not subject to the Regulatory Flexibility Act because it would not, if promulgated, have significant economic

impact on a substantial number of small entities.

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

It has been determined that 32 CFR part 300 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Public Law 104–4, Unfunded Mandates Reform Act of 1995

It has been certified that 32 CFR part 300 does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995.

Executive Order 13132, Federalism

It has been certified that 32 CFR part 300 does 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.

Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

32 CFR part 300 is not subject to Executive Order 13045.

Public Comments

The proposed rule was published on October 15, 2012 at 77 FR 62469. A discussion of the comments and the changes made to the proposed rule as a result of those comments are provided as follows:

1. General Comments

Comments: Office of Government Information Services (OGIS) and Electronic Privacy Information Center (EPIC) commends DLA for the emphasis on customer service and electronic databases in the proposed rule.

Response: Although no response is required, DLA appreciates all comments.

2. Out-of-Scope Comments

Comments: Several respondents stated that DLA does not offer any changes to existing regulatory exemptions governing the Agency under the Freedom of Information Act (FOIA). DLA assumes the continuing viability of these exemptions. However, in Milner v. Department of the Navy, 131 S.Ct. 1259 (2011), the Supreme Court reversed the lower court interpretation of certain of the FOIA statutory exemptions, upon which interpretation the exemptions regulations relied. The present Comment urges DLA and the Department of Defense (DoD) to revisit these regulatory exemptions and to recraft them both to comply with the Court's Milner holding and to clarify the proper regulatory interpretation of the statutory exemptions.

EPIC makes a number of comments on the wording of 32 CFR part 286, DoD FOIA Program Regulation.

Response: The purpose of this rule is to implement 32 CFR part 286. Issues relating to the scope or coverage of 32 CFR part 286 are outside the scope of this final rule.

3. Specific Comments

§ 300.3 Definitions

Comment: EPIC suggests adding language to make clear that this section is intended to supplement 32 CFR part 286.

Response: The final rule opening paragraph has been revised to state that other definitions may be found in 32 CFR part 286, Subpart A.

Comment: OGIS suggests adding terms, including requester category and fee waiver, to the glossary. OGIS has found that even experienced requesters can still confuse those terms. Additionally, because DLA refers to both in § 300.3(l), this will ensure shared understanding.

Response: The final rule has been revised to include the requester category. The definition of fee waiver is unnecessary as DLA adopts Subpart F of 32 CFR part 286 which defines fee waiver.

(a) Administrative Appeal.

Comment: EPIC suggests adding language to state that failure to respond within the statutory time limit is appealable.

Response: The final rule definition has been revised.

(b) Adverse Determination.

Comment: EPIC suggests adding language to state that definition includes but is not limited to.

Response: The final rule definition has been revised.

(d) Consultation.

Comment: EPIC suggests amending the definition to clarify when consultation is necessary.

Response: The final rule has been revised.

(e) Defense Freedom of Information Program Office.

Comment: EPIC suggests changing the word Program to Policy.

Response: The final rule has been revised.

(g) DLA Component.

Comment: EPIC suggests modifying the current definition will result in limitless authority to any delegate within DLA to deny FOIA requests.

Response: DLA will not retain the current definition. Due to DLA reorganization of Components, including FOIA offices, not all components are authorized to receive and act independently on FOIA requests. To address EPIC's comment, DLA incorporates language from the DoD FOIA Program Regulation directing DLA Components to limit the number of IDAs appointed and to balance the goals of centralization of authority to promote uniform decisions and decentralization to facilitate responding to each request within the time limitations of the FOIA. Refer to definition (o) DLA FOIA Requester Service Center.

Comment: *(l) FOIA Public Liaison.* OGIS applauds DLA for including FOIA Public Liaison in its Definitions section and suggests additional language to reflect the position's statutorily enhanced role in the 2007 FOIA amendments that comes directly from 5 U.S.C. 552(l).

Response: The final rule has been revised to expand the definition of FOIA Public Liaison.

Comment: (m) FOIA Request. EPIC suggests retaining current DLA definition.

Response: The final rule definition is amended in part. The definition does not require advance payment but to state a willingness to pay fees should they be assessed. See current regulation at 1285.5(d). DLA does not deny a request if a willingness to pay fees is not indicated but before processing begins the requester is contacted to obtain a fee declaration.

§ 300.4 Policy

(a) General.

Comment: EPIC suggests that the proposed changes provide the agency with greater discretion to deny FOIA requests.

Response: DLA has amended this paragraph, since this regulation does not impact disclosures outside of FOIA (refer to DoD Directive 5230.09, Clearance of DoD Information for Public Release).

(c) Creating a Record.

Comment: EPIC suggests the regulations would significantly limit the circumstances under which DLA will process a FOIA request.

Response: DLA partially accommodates EPIC's comment regarding agency burden and significant inference with business as usual.

(d) Consultations and Referrals.

Comment: OGIS suggests that in addition to the adoption of 32 CFR part 286, Subpart A, 286.4(i) and 286.22(e), Policy, that DLA offices notify requesters in writing of a referral, and

the part of the request that has been referred and the name of a contact at the other agency.

Response: The final rule implements this section of 32 CFR part 286, Subpart A, 286.4(i), which incorporates OGIS's suggestion.

Comment: EPIC suggests DLA not adopt 32 CFR part 286, Subpart A, 286.4 unless it is revised.

Response: DLA adheres to DoD policies, to create uniformity across DoD which provides greater understanding of the DoD FOIA Program to requesters. Paragraph 300.7(d) contains the language recommended by EPIC in its comment (B).

§ 300.6 General

(a)(2) Requests from the public.

Comment: EPIC states that the new language gives DLA unharnessed discretion whether to comply with time limits; unnecessarily delay the processing of FOIA requests; and contains a broken link.

Response: Per 32 CFR 310.17(i), DLA is required by law to abide by the statutory time limit. DLA has revised this paragraph to re-emphasize that requirement; and included a link to the homepage of DoD Issuances.

§ 300.7 FOIA Request Processing Procedures

(a) Receipt and Control.

Comment: OGIS suggests including a new subsection that addresses acknowledgment of a request. Specifically OGIS suggests that DLA state that it will provide an acknowledgment letter confirming receipt of a request that includes the unique tracking number as well as a brief description of the subject of the request. This would help requesters as well as the agency keep track of multiple pending requests.

Response: Per 5 U.S.C. 552(a)(7)(A), the final rule has been revised at § 300.7 (a)(4) to include acknowledgement of a FOIA request.

(a)(2) Receipt and Control.

Comment: EPIC states that the proposed language increases the burden on the requester to produce errorless requests and suggests addressing tolling the time limit due to defects. EPIC suggests that sentences be struck from this section. EPIC also states the proposed language outright bans referrals outside the DoD.

Response: At the screening phase a request that is not perfected cannot be tolled. There is no ban of referrals outside of DoD, to the contrary, DLA refers records to the originating agency both inside and outside of DoD. The regulation is revised to address tolling and the language relating to misdirected requests is removed.

(b) Multi-track processing.

Comment: EPIC believes that DLA is supplanting the statute with this section as it reduces the ''unusual circumstances'' provision of the agency.

Response: Pursuant to the authority granted by 5 U.S.C. 552(a)(6)(D), DLA's establishment of multi-track processing complies with DoD regulation and assists both DLA and the requester in recognizing when the request is complex in nature due to ''unusual circumstances,'' and may require an additional ten days for processing. DLA's focus on customer service ensures the requester is informed of its processes and the use of multi-track assists DLA and requesters in achieving better response times.

(d) Misdirected requests.

Comment: EPIC recommends retaining the language in the current regulation.

Response: DLA has amended this paragraph based on guidance in both the DOJ FOIA Guide and DoD regulation. DLA is not required to forward misdirected requests to outside DoD agencies.

§ 300.8 Initial Determinations

(a)

Comment: OGIS suggests including additional information addressing the content of the denial letter. Specifically, OGIS suggests providing a brief description of the information DLA is withholding if it is possible without revealing exempt information. OGIS also recommends that DLA specifically address the new requirements in 5 U.S.C. 552(b) that agencies shall (1) indicate, if technically feasible, the precise amount of information deleted and the exemption under which the deletion is made at the place in the record where the deletion is made, and (2) indicate the exemption under which a deletion is made on the released portion of the record, unless including that indication would harm an interest protected by the exemption.

Response: The final rule has been revised at § 300.8(c) to include the elements of an initial determination response letter.

(b)

Comment: EPIC states that the proposed rule eliminates the mention of advising a requester when segregation was not reasonable when a release is denied in full.

Response: The final rule has been revised at § 300.9(c) to address EPIC's comment. DLA does not deny records in full on the grounds of reasonable segregability. Full denials are based on FOIA exemptions and should be appealed on this basis.

§ 300.9 Appeals

Comment: EPIC suggests language adding the right to appeal if the requester receives no determination. This subsection changes the window of time in which requesters may file an appeal from sixty to thirty calendar days.

Response: DLA has revised the definition of an adverse determination (see § 300.3(b)) to include this language. The length of time to appeal is set by DoD, therefore, is outside the scope of DLA's authority.

§ 300.10 Mediation Services

Comment: OGIS suggests renumbering the current § 300.10 as § 300.11 and inserting a new § 300.10 to inform requesters of the mediation services provided by OGIS to resolve disputes between FOIA requesters and DLA in accordance with FOIA and DoD policy.

Response: DLA recognized the value of mediation and appreciates its role in the FOIA process, however, DoD has not established guidelines for using mediation services provided by OGIS to resolve disputes between FOIA requesters and the Agency, therefore this comment is not adopted.

§ 300.11 General

Comment: OGIS suggests that in addition to the adoption of 32 CFR part 286, Subpart F, Fee Schedule that DLA address fee estimates and administrative waiver of fees.

Response: The purpose of this rule is to implement 32 CFR part 286 and DLA finds it unnecessary to duplicate information published by DoD.

List of Subjects in 32 CFR Parts 300 and 1285

Freedom of Information Act.

For the reasons stated in the preamble, DoD amends 32 CFR chapters I and XII as follows:

TITLE 32—NATIONAL DEFENSE

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

CHAPTER XII—DEFENSE LOGISTICS AGENCY

PART 1285 [REDESIGNATED AS PART 300 AND TRANSFERRED TO CHAPTER I]

■ 1. Part 1285 is redesignated as part 300 and transferred from chapter XII, subchapter B, to chapter I, subchapter N.

■ 2. Newly redesignated part 300 is revised to read as follows:

PART 300—DEFENSE LOGISTICS AGENCY FREEDOM OF INFORMATION ACT PROGRAM

Subpart A—General Provisions

Sec.
300.1 Purpose.
300.2 DLA FOIA regulatory precedence.
300.3 Definitions.
300.4 Policy.

Subpart B—Exemptions

Sec.
300.5 General.

Subpart C—FOIA Request Processing

Sec.
300.6 General.
300.7 FOIA request processing procedures.
300.8 Initial determinations.
300.9 Appeals.
300.10 Judicial actions.

Subpart D—Fees and Fee Waivers

Sec.
300.11 General.

Appendix A to Part 300—Access to DLA Records

Authority: 5 U.S.C. 552.

Subpart A—General Provisions

§ 300.1 Purpose.

This part provides policies and procedures for the Defense Logistics Agency (DLA) implementation of the Freedom of Information Act (FOIA) (5 U.S.C. 552). This part supplements and implements the Department of Defense (DoD) FOIA Program Directive (32 CFR part 285) and DoD FOIA Program Regulation (32 CFR part 286). This part applies to DLA Components and takes precedence over all DLA regulations that supplement the FOIA program.

§ 300.2 DLA FOIA regulatory precedence.

This part is published in accordance with the authority contained in 5 U.S.C. 552 and 32 CFR parts 285 and 286. It supplements 32 CFR part 286 to accommodate specific requirements of DLA's FOIA Program. For all FOIA issues not covered by this part, the rules set forth in 32 CFR part 286 will govern.

§ 300.3 Definitions.

Definitions not included in this subpart may be found in 32 CFR part 286, subpart A. The following terms and meanings apply for the purposes of this part:

(a) *Administrative appeal.* A written request by a member of the public, made under the FOIA, to DLA's Appellate Authority requesting reversal of an adverse determination. An appeal may be mailed, emailed to *hq-foia@dla.mil*, or faxed to 703–767–6091. Appeals are to be addressed to the Appellate Authority, Defense Logistics Agency, Suite 1644, 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060–6221.

(b) *Adverse determination.* Adverse determinations include, but are not limited to decisions that: Withhold all or part of a requested record; deny a fee category claim by a requester; deny a request for waiver or reduction of fees; deny requesters challenge of fee estimates; denies a request for expedited processing; state that no records were located; do not provide a response within the statutory time limit; or what the requester believes is adverse in nature.

(c) *Appellate authority.* The General Counsel, DLA, who upon receipt of an administrative appeal, reviews the initial determination and may uphold, reverse or amend any adverse determination.

(d) *Consultation.* The process whereby a DoD Component receives a FOIA request for a record in which another DoD Component or Federal agency has a clear and substantial interest in the subject matter, the responsive record is sent to another DoD Component or Federal agency to obtain recommendations on the releasability of the document and is returned to the originator for further action.

(e) *Defense Freedom of Information Policy Office (DFOIPO).* The office responsible for the formulation and implementation of DoD policy guidance for FOIA. For information about DFOIPO refer to *http://www.dod.mil/pubs/foi/dfoipo/.*

(f) *Direct costs.* Expenditures made in searching for, reviewing, and duplicating documents in response to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay plus 16 percent of that rate to cover benefits) and the costs of operating duplicating machinery. Not included in direct costs are overhead expenses such as the cost of space, heating, or lighting the facility in which the records are stored.

(1) *Search.* This term includes all time spent looking, both manually and electronically, for records that are responsive to a FOIA request, such as:

(i) Searching for responsive emails or electronic documents located on individually-assigned computers or servers;

(ii) Time taken by a programmer to create a program to run a requested report from a database; or

(iii) Searching through hardcopy files to include records stored at a Federal Records Center. The term ''search'' also includes a page-by-page and line-by-line identification of a record to determine if it, or portions, are responsive to the request.

(2) *Duplication.* The process of making a copy of a document in response to a FOIA request. Copies can take the form of paper, microfiche, audiovisual or machine-readable documentation (e.g., magnetic tape or compact disc), among others. Personnel time spent performing tasks to enable a computer system to output information in a particular digital form or format for a requester is considered search time. Search time is calculated according to 32 CFR part 286, subpart F.

(3) *Review.* The examination of documents located in response to a FOIA request to determine if any of the statutory exemptions permit withholding. Review also includes the time taken to redact documents, preparing them for release and reviewing submitter responses under Executive Order 12600. Review does not include the time spent resolving general legal or policy issues regarding the application of exemptions.

(g) *DLA component.* DLA Components consist of Headquarters Organizations, Primary Level Field Activities, Defense Business Services, Regional Commands, and other Organizational entities. A description of DLA Components can be found at *www.dla.mil.*

(h) *DLA FOIA Requester Service Center.* DLA Office's authorized to receive and process FOIA requests and where a FOIA requester can gain information concerning DLA's FOIA Program, the status of the person's FOIA request, or information about the agency's FOIA response. Refer to Appendix A of this part for locations of FOIA Requester Service Centers or for additional information refer to DLA's public Web site at *www.dla.mil/FOIA-Privacy.*

(i) *Electronic records.* Records (including email) created, stored, and retrieved by electronic means.

(j) *Federal agency.* This term is defined at 5 U.S.C. 551(1) and 5 U.S.C. 552(f)(1).

(k) *FOIA officer.* DLA employee who is responsible for processing FOIA requests and is a point of contact for the FOIA program. The FOIA Officer grants or denies requests for fee waivers or expedited processing and makes requester category determinations.

(l) *FOIA Public Liaison.* The member of DLA's Headquarters FOIA staff to whom a FOIA requester can raise concerns about the service the requester received from a DLA FOIA Requester Service Center. The FOIA Public Liaison is available to assist in reducing delays,

increasing transparency; increasing understanding of the status of requests and assists with resolving disputes.

(m) *FOIA request.* A written request for DLA records that reasonably describes the record(s) sought, enabling a DLA employee familiar with the files to locate the record(s) with a reasonable amount of effort; indicates a willingness to pay processing fees or requests a fee waiver; and includes a postal mailing address and contact information. A willingness to pay fees is not required when, based upon the request, fees will not be assessed (e.g. an ''other'' requester requests a document that is certain to be less than 100 pages and will take less than two hours of search time). Written requests may be received by U.S. Postal Service or other commercial delivery means, by facsimile, or electronically. A FOIA request meeting these conditions, arriving at DLA's FOIA Requester Service Center in possession of the requested records, is considered perfected or properly received at which time the statutory time limit for response begins. In no case shall the statutory time limit for processing a perfected request begin later than ten business days after receipt by any of DLA's FOIA Request Service Centers.

(n) *Initial denial authority (IDA).* By this regulation, the Director, DLA, delegates to Heads of DLA Components the authority to withhold information requested under the FOIA pursuant to one or more of the nine FOIA exemptions and to confirm that no records were located in response to a request. The designation of IDA may be further delegated by the Heads of DLA Components to their Deputies. DLA Components shall limit the number of IDAs appointed. In designating its IDAs, a DLA Component shall balance the goals of centralization of authority to promote uniform decisions and decentralization to facilitate responding to each request within the time limitations of the FOIA. IDAs may also deny a fee category claim by a requester, deny a request for expedited processing, deny a request for a waiver or reduction of fees, or review a fee estimate, although these determinations are usually made by the FOIA Officer.

(o) Referral. The process of transferring records found in response to a FOIA request to another DLA or DoD Component, or any Federal agency for review and direct response to the requester. This process is used when documents located during a search are found to have originated or there is a substantial interest in the record with another DLA or DoD Component, or Federal agency.

(p) *Requester category.* One of three categories that agencies place requesters in for the purpose of determining fees for search, review and duplication. The three categories are:

(1) Commercial;

(2) Non-commercial scientific or educational institutions or news media; and

(3) All others.

§ 300.4 Policy.

DLA adopts and supplements the DoD FOIA Program policy and procedures codified at 32 CFR part 286, subpart A, General Provisions and subpart B, FOIA Reading Rooms and 32 CFR part 285.

(a) *General.* As a matter of policy, DLA shall make discretionary disclosures of exempt records or information whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court. The public has a right to information concerning the activities of its Government. DLA policy is to conduct its activities in an open manner and provide the public with a maximum amount of accurate and timely information concerning its activities, consistent always with the legitimate public and private interests of the American people. A DLA record requested by a member of the public who follows rules established herein shall be withheld only when it is exempt from mandatory public disclosure under the FOIA.

(b) *Customer Service.* Executive Order 13392, Improving Agency disclosure of Information, December 14, 2005, requires agencies to emphasize a new citizen-centered approach to the FOIA that is results-oriented. Because FOIA requesters are seeking a service from the Federal Government, all DLA Components shall respond courteously and professionally to FOIA requesters. Additionally, the Components shall provide the public with information about agency records that are already publicly available, as well as information about the status of a person's FOIA request and an estimated date on which DLA's Component will complete the request. Refer to Appendix A of this part for DLA FOIA Requester Service Center contact information.

(1) To meet the requirements of Executive Order 13392, each FOIA Requester Service Center shall have an internet Web site that serves to educate the public on the FOIA process. At a minimum, each Web site shall have the address, telephone number, facsimile number, and electronic mail address to which FOIA requests can be sent; a link to DoD's FOIA handbook; the name and contact information of DLA's FOIA Officer and Public Liaison; and information on how a requester can obtain the status of a request. Additionally, each FOIA Requester Service Center Web site will have links to DLA's Headquarters FOIA/Privacy Web site reading room.

(2) [Reserved]

(c) *Creating a Record.* (1) There is no obligation to create nor compile a record to satisfy an FOIA request. A DLA activity, however, may compile a new record when doing so would result in a more useful response to the requester or be less burdensome to the activity provided the requester does not object. The cost of creating or compiling such a record may not be charged to the requester unless the fee for creating the record is equal to or less than the fee which would be charged for providing the existing record. Fee assessments shall be in accordance with part 286, subpart F, of this title.

(2) A record must exist and be in the possession and control of DLA at the time the search begins to be considered subject to this part and the FOIA.

(3) When processing FOIA requests for electronic data, if DLA's Component has the capability to respond to the request, and the effort is reasonable and would be a business as usual approach, then the request should be processed. However, the request need not be processed where the capability to respond does not exist without a significant expenditure of resources, thus not being a normal business as usual approach. For example: Processing a request that would cause a significant interference with the operation of DLA's Component's automated system or require a significant amount of programming effort.

(d) *Consultations and Referrals.* The rules published in part 32 CFR part 286, subpart A, §§ 286.4(i) and 286.22(e), Policy, apply to this rule.

(e) *Forms.* This part authorizes the use of forms developed by DoD and DLA for the express use of the FOIA Program. Refer to *www.dla.mil* for a list of all forms prescribed by this part.

Subpart B—Exemptions

§ 300.5 General.

Refer to the DoD FOIA Program regulations codified at 32 CFR part 286, subpart C, Exemptions.

Subpart C—FOIA Request Processing

§ 300.6 General.

DLA adopts and supplements the DoD FOIA Program regulations codified at 32

CFR part 286, subpart E, Release and Processing Procedures.

(a) Requests from the public. (1) Individuals seeking DLA information should address their FOIA requests to one of the FOIA Requester Service Center addresses listed in Appendix A of this part.

(2) When personally identifying information in a record is requested by the subject of the record or the subject's representative, and the information is contained within a Privacy Act system of records, the request will be processed under both the FOIA and the Privacy Act. Due to the dual nature of the processing, the FOIA time limits will be used. DLA Components must comply with the provisions of 32 CFR 310.17(c) to confirm the identity of the requester.

(b) [Reserved]

§ 300.7 FOIA request processing procedures.

(a) *Receipt and Control.* Requests received after 5:00 p.m. EST will be considered received the following business day. Upon receipt of a request for records, the FOIA Officer must:

(1) Open a file in DLA's specified control system designed to ensure accountability and compliance with the FOIA. The control system will include the data elements needed to compile the statistics required in the annual Department of Justice FOIA report or other reports required by another authority. Each request shall automatically be assigned a unique tracking number.

(2) Screen the request for defects in the description, the requester category, the fee declaration, and full postal address. The FOIA Officer will notify the requester of any such defects and provide assistance to help remedy the defects. The FOIA Officer will place the request on-hold until the request is perfected. When a DLA FOIA Requester Service Center receives a request for records that clearly belong to an agency outside of DoD, the requester shall be told these are not agency records and, if possible, provide the name of the agency that may hold the records. No referral of the request is made outside of DoD.

(3) Once a request is perfected, DLA may make one request for additional information unrelated to fees and toll the 20 working-day period while awaiting the information. Tolling the 20 working-day period is not limited for fee related issues.

(4) DLA will provide the requester with the FOIA tracking number and the track in which the FOIA was placed (see § 300.7(b)). Each DLA FOIA Requester Service Center has a telephone line to inform the requester of the status of their request (see Appendix A of this part).

(5) DLA uses the date-of-search cut-off (this cut-off is the day before the search begins) to ensure that as many records as possible will be captured by the agency's search. A FOIA request may not be on-going or open-ended in nature. DLA Components are responsible for providing records in possession and control of DLA at the time the search for records begins. DLA Components are not required to expend DLA funds to establish data links that provide real-time or near-real-time data to a FOIA requester.

(b) *Multi-track Processing.* DLA components shall process requests with all due diligence according to their order of receipt. A DLA component uses three processing tracks by distinguishing between simple, complex, and expedited requests based on the need to search and collect from multiple directorates/locations; the need to search for, collect and appropriately examine a voluminous amount of records; and/or the need to consult with other DLA or DoD Components having a substantial interest in the releasability of the record. Requesters are notified in the acknowledgement letter of the track the request is placed in. Requests placed in the simple track will typically be completed within the statutory time limit for responding to requests. Requests placed in the complex track may be narrowed or modified in order to qualify for faster processing within the specified limits of DLA's simple track. Expedited processing must be requested and a requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. Within ten calendar days of its receipt of a request for expedited processing, the proper component shall decide whether to grant expedited processing and shall notify the requester of the decision. If a request for expedited processing is granted, the request shall be given priority and processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision shall be acted on expeditiously. Refer to the DoD FOIA Handbook for information on multi-track processing (*http://www.dod.mil/pubs/foi/dfoipo/foiaHandbook.html#long*).

(c) *Payments in Arrears.* Where a requester has previously failed to pay a fee charged within 30 calendar days, DLA may require the requester to pay the full amount owed, plus any applicable interest, before beginning to process a new or pending request from the requester (see OMB Fee Guidelines (*http://www.dod.gov/pubs/foi/dfoipo/docs/OMBGuidelines_FOIAFees.pdf*)). Interest will be at the rate prescribed in 31 U.S.C. 3717, and confirmed with the servicing Financial Operations Office.

(d) *Misdirected Requests.* A misdirected request is a request received by DLA's FOIA Office for records maintained by another DLA or DoD Component. Misdirected requests shall be forwarded promptly, but in any event not later than ten days after the request is first received by any component of the agency that is designated in this regulation to receive requests (see Appendix A of this part). The receiving FOIA Office shall route the request to the proper DLA or DoD FOIA Office and the response time will commence on the date that the request is received by the proper FOIA Office, but not later than ten working days after the request is first received by any DLA or DoD FOIA Office. Misdirected FOIA requests are not forwarded outside of DoD.

§ 300.8 Initial determinations.

(a) The initial determination is whether to make a record available in response to a FOIA request. A full release may be made by an official knowledgeable of the record, with authority to determine that no harm would come from release. Adverse determinations (refer to § 300.3(b)) must be made by the designated Initial Denial Authority (IDA) except for determinations made regarding the requester category and requests for fee waivers or expedited processing. By this regulation, the Director, DLA, delegates to Heads of DLA Components (see § 300.3(h)) the designation of IDA. The designation of IDA may be further delegated by the Heads of DLA Components to their Deputies. The IDA shall review all recommendations for withholding information and whether the criteria for withholding under one or more FOIA exemptions are met. DLA has IDAs throughout the agency; and each IDA will make the determination for records within their area of functional responsibility. If a request involves records from more than one functional area, consultation will be done with all responsible IDAs but will be signed by the IDA assigned the primary responsibility for processing the request.

(b) The FOIA requires that any reasonably segregable portion of a record must be released after appropriate application of the Act's nine exemptions. Segregation is not reasonable when it would produce an

essentially meaningless set of words and phrases, or even sentences which taken separately or together have minimal or no information content.

(c) If information is withheld in whole or part, DLA will provide in a response letter the exemption under which the withholding is made, a description of the type of information redacted, the name and title or position of the IDA and the administrative appeal rights. When information is withheld in full, DLA will provide an estimate of the volume withheld. This estimate should be in number of pages or in some other reasonable form of estimation. When information is withheld in part, DLA will show the redacted amount of information and the exemption under which the redaction is made on the released portion of the record, unless including that indication would harm an interest protected by the exemption under which the redaction is made.

§ 300.9 Appeals.

When an IDA makes an adverse determination (see § 300.3(b)) the requester may appeal that decision in writing to the designated appellate authority (see § 300.3(a)). An appeal must be made in writing to DLA's Appellate Authority and must be postmarked within the appeal time limits of the DoD FOIA Program Regulation at 32 CFR 286.24. The appeal should be accompanied by copies of the initial request and the denial letter.

§ 300.10 Judicial actions.

DLA adopts the DoD FOIA Program regulations codified at 32 CFR part 286, subpart E, Release and Processing Procedures.

Subpart D—Fees and Fee Waivers

§ 300.11 General.

DLA adopts the rules and rates published in 32 CFR part 286, subpart F, Fee Schedule. In addition, DLA considers fees charged by a Federal Records Center to retrieve and re-file records a part of the direct costs charged to requesters.

APPENDIX A TO PART 300—GAINING ACCESS TO DLA RECORDS

(a) *General.* (1) The Defense Logistics Agency, established pursuant to authority vested in the Secretary of Defense, is an agency of DoD under the direction, authority, and control of the Assistant Secretary of Defense for Logistics and Materiel Readiness, and is subject to DoD policies, directives, and instructions.

(2) DLA is comprised of several Components and each DLA Component is responsible for maintaining its own records; therefore, FOIA requests should be addressed to the FOIA Requester Service Center that has custody of the record sought. (See paragraph (c) of this appendix.) DLA FOIA Officers will assist requesters in determining the correct DLA Requester Service Center to address requests. (See paragraph (c) of this appendix and DLA's public Web site at *www.dla.mil.*)

(3) On DLA's public Web site is an index to assist in locating DLA records by category, organization, keyword search, or by contract prefix. The index is titled ''Index of Information at DLA FOIA Service Centers'' at *www.dla.mil/FOIA-Privacy/servindex/pages/category.aspx.*

(b) *Requester Requirements.* (1) Requesters are responsible for submitting a perfected request as defined in § 300.3(m), FOIA Request.

(2) *Addressing Requests.* Address requests to DLA's FOIA Requester Service Center most likely to hold the records (see paragraph (c) of this appendix for the contact information of DLA FOIA Requester Service Centers designated to receive FOIA requests). If DLA's FOIA Requester Service Center is undeterminable, address requests to DLA Headquarters FOIA Requester Service Center for proper routing.

(3) *Availability of DLA Publications.* Many unrestricted DLA regulations, manuals, and handbooks are available online. Visit DLA's FOIA/Privacy Web site for more information at *http://www.dla.mil/foia-privacy/.*

(c) *Locations of DLA FOIA Requester Service Centers.* Refer to the FOIA/Privacy Web page at *http://www.dla.mil/FOIA-Privacy/pages/foiapocs.aspx* for current points of contact at each of the DLA's FOIA Requester Service Centers.

(1) Defense Logistics Agency Headquarters, ATTN: DGA, 8725 John J. Kingman Rd., Ste 1644, Fort Belvoir, VA 22060–6221, Fax: 703–767–6091, Email: *hq-foia@dla.mil*—Responsible for broad functional areas, such as Office of the Director, General Counsel, Small Business Programs, DLA Office of Inspector General, Legislative Affairs, Equal Employment Opportunity Office, Installation Support, Human Resources, Logistics Operations, Information Operations, Acquisition, and Financial Operations. This FOIA Requester Service Center also processes FOIA requests for the following locations:

(i) DLA Transaction Service, Wright-Patterson AFB, Ohio—Editing/routing of logistics transactions, network interoperability and eBusiness services.

(ii) DLA Strategic Materials, Fort Belvoir, Va.—Manages the strategic and critical raw material stockpile that supports national defense needs.

(iii) DLA Europe & Africa, Kaiserslautern, Germany—Focal point for U.S. European Command's and U.S. Africa Command's theater of operations.

(iv) DLA Pacific, Camp Smith, Hawaii—Focal point for U.S. Pacific Command's theater of operations.

(v) DLA Central, MacDill AFB, Fla.—Focal point for U.S. Central Command's theater of operations.

(2) DLA Energy, 8725 John J. Kingman Rd., Ste 3729, Fort Belvoir, VA 22060–6222, Fax: 703–767–5022, Email: *dlaenergy.efoia@dla.mil*—Fuel, energy support and services, and bulk petroleum.

(3) DLA Land and Maritime, ATTN: GC, 3990 E. Broad Street, Columbus, OH 43218–3990, Fax: 614–692–4385, Email: *dscc.efoia@dla.mil*—Maritime and land weapons system supply chains.

(4) DLA Aviation, 8000 Jefferson Davis Highway, Richmond, VA 23297–5000, Fax: 804–279–4137, Email: *foia.dscr@dla.mil*—Aviation supply chain.

(5) DLA Troop Support, 700 Robbins Avenue, Bldg 36, Philadelphia, PA 19111–5096, Fax: 215–737–2151, Email: *DLATroopSupportFOIAerequest@dla.mil*—Subsistence, clothing, and textiles, medical, and construction and equipment supply chains.

(6) DLA Distribution, ATTN: DDC–GC, Mission Drive, Bldg 81, New Cumberland, PA 17070–5000, Fax: 717–770–5685, Email: *ddc-efoia@dla.mil*—Worldwide network of 25 distribution depots and nine map support offices.

(7) DLA Disposition Services and DLA Logistics Information Service, 74 Washington Avenue North, Battle Creek, MI 49017–3084, Fax: 269–961–4534, Email: *drmsefoia@dla.mil.*

(i) Disposition Services: Reutilization, transfer, demilitarization, and environmental disposal and reuse.

(ii) Logistics Information Service: Manages a wide range of logistics information and identification systems.

(8) DLA Document Services, 5450 Carlisle Pike, Bldg 9, P.O. Box 2020, Mechanicsburg, PA 17055–0788, Fax: 717–605–3999, Email: *foia.docsvcs@dla.mil*—Automated document production, printing services, digital conversion and document storage.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12099 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 212, 225, 237, 242, and 252

RIN 0750–AI01

Defense Federal Acquisition Regulation Supplement: Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States (DFARS Case 2013–D015)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to align it with revisions to the DoD Instruction on operational contract support.

DATES: Effective May 28, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

DoD published a proposed rule in the **Federal Register** at 78 FR 65244 on October 31, 2013, to revise and update the prescription and the clause at DFARS 252.225–7040, previously titled ''Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States,'' to align it with the changes in applicability, terminology, and other revisions made by Department of Defense Instruction (DoDI) 3020.41, entitled ''Operational Contract Support (OCS).''

II. Discussion and Analysis

A. Public Comment

One respondent submitted a public comment in response to the proposed rule, which was considered in development of the final rule.

Comment: The respondent requested a change to the DFARS clause 252.225–7040 to include provisions clearly stating that contractors may withdraw from contingency operations without the threat of termination for default when security conditions dictate withdrawal as a prudent course of action. The respondent also recommended a consultation process with the local commander or contracting officer's representative to discuss security situations and appropriate remedies for contractors.

Response: In response to the public comment, DFARS 252.225–7040, paragraph (h)(2) is revised in the final rule to provide that with the appropriate approvals, even mission-essential personnel may be withdrawn due to security considerations.

B. Other Changes

Beyond the changes initially proposed, the clause at 252.225–7040 has been modified as a result of internal comments, as follows:

- Based on feedback from in-theater, paragraph (c)(1)(ii) no longer includes the statement that the Contracting Officer will specify in the contract the level of protection to be provided to Contractor personnel. This is not feasible due to constant fluctuation in the circumstances in theater. It is necessary to recognize the reality in theater that changing conditions cannot always be foreseen. The clause still retains the commitment in paragraph (c)(1) that the Combatant Commander will develop a security plan for protection of Contractor personnel in locations where there is not sufficient or legitimate civil authority and the Combatant Commander decides it is in the interest of the Government to provide security through military means. However, the level of protection that will be necessary or appropriate cannot be specified in the contract in advance. Moreover, taken in conjunction with the change regarding withdrawal of mission-essential personnel, the contractor personnel may be authorized to leave the area if the Combatant Commander is not in a position to provide adequate security.
- Paragraph (b)(1) emphasizes that the clause applies to both contractors authorized to accompany the Force (CAAF) and non-CAAF. The proposed rule included the proposed change of applying the clause to non-CAAF as well as CAAF. This change in paragraph (b)(1) just adds ''to both CAAF and non-CAAF'' for emphasis. It is necessary to make this point clearly, because this was one of the most fundamental changes proposed, the basis for changing the title of the clause from ''Contractor Personnel Authorized to Accompany U.S. Armed Forces . . .'' to ''Contractor Personnel Supporting U.S. Armed Forces . . .''
- Paragraph (b)(3) replaces the phrase ''individual defense'' with ''individual self-defense.'' Likewise, at paragraph (j)(1), the phrase ''personal protection'' has been revised to ''individual self-defense,'' for consistency with the wording of the DoDI 3020.41.
- Paragraph (c)(3) now requires that Contractor personnel who are issued a letter of authorization must carry it with them at all times while deployed. This change is a relatively minor requirement, consistent with the DoDI 3020.41. Paragraph (d)(1)(iii) of the clause already requires that the Contractor shall ensure that its personnel comply with all applicable United States regulations, directives, instructions, policies, and procedures.
- Paragraph (e) has been re-titled ''Preliminary personnel requirements'' rather than ''Pre-deployment requirements,'' because some of the requirements relate to non-CAAF, who do not deploy. This is just a semantic correction.
- Paragraph (e)(1)(iii) no longer contains the requirement for Contractor personnel to return all U.S.-Government issued identification at the end of their deployment. This requirement has been relocated to paragraph (h)(4), because the requirement is not a preliminary personnel requirement.
- Paragraph (j)(2) clarifies that if contractor personnel are authorized to carry weapons in accordance with paragraph (j)(1) of the clause, the contracting officer will notify the contractor what weapons and ammunition are authorized. This change removes some inconsistent statements and re-enforces the overarching policy currently stated in paragraph (j)(1), that it is the Combatant Commander who authorizes the carrying of weapons for individual self-defense, in accordance with DoDI 3020.41. The Combatant Commander determines whether to authorize in-theater Contractor personnel to carry weapons, and what weapons and ammunition will be allowed. It is not the contracting officer that authorizes the carrying of weapons, ''subject to the approval of the Combatant Commander.'' Rather the contracting officer passes along to the contractor the authorization of the Combatant Commander.

III. Executive Orders 12866 and 13563

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

IV. Regulatory Flexibility Act

A final regulatory flexibility analysis has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* and is summarized as follows.

This rule updates the clause and prescription for DFARS 252.225–7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, to align the DFARS with the changes in applicability, terminology, and other revisions made by Department of Defense Instruction (DoDI) 3020.41, entitled ''Operational Contract Support (OCS).''

DoDI 3020.41 was revised and reissued in December 2011. The DoDI ''establishes policy, assigns responsibilities, and provides procedures for OCS, including OCS program management, contract support integration, and integration of defense contractor personnel into contingency

operations outside the United States . . .'' (DoDI 3020.41, section 1.a.).

There were no significant issues raised by the public comments in response to the initial regulatory flexibility analysis. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments in response to the rule.

The final rule will impact small businesses with personnel who provide direct support to U.S. Armed Forces personnel deployed outside the United States. Given the concerted effort by the U.S. to procure products and services from local vendors (see, e.g., sections 841 and 842 of the National Defense Authorization Act for Fiscal Year 2013, entitled Extension and Expansion of Authority to Acquire Products and Services Produced in Countries Along a Major Route of Supply to Afghanistan), the impact on U.S. small businesses should be minimal. In its Paperwork Reduction Act estimate for SPOT, DoD estimated that up to 1,300 companies ultimately could be supporting U.S. armed forces deployed outside the United States. Approximately 20 percent of these companies are non-U.S. firms (and therefore are not categorized as either small or large), and approximately 20 percent of the U.S. companies are small businesses, i.e. approximately 200 small businesses.

This rule does not impose any new reporting, recordkeeping, or other compliance requirements. The requirement to use the SPOT database is not new to this case. It has been in place for several years and is applied to all sizes of businesses that have personnel deployed in a contingency operation. The SPOT database can be accessed with a laptop and is user friendly to encourage real-time updates of the information provided.

DoD did not identify any significant alternatives to the rule that would accomplish the stated objective of implementing DoDI 3020.41 and that would reduce the impact on small entities.

V. Paperwork Reduction Act

The rule contains information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35; however, these changes to the DFARS do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 0704–0460, entitled ''Synchronized Predeployment and Operational Tracker (SPOT) System,'' in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 212, 225, 237, 242, and 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 212, 225, 237, 242, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212, 225, 237, 242, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Amend section 212.301 by revising paragraph (f)(xlv) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(xlv) Use the clause at 252.225–7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, as prescribed in 225.7402–5(a).

* * * * *

PART 225—FOREIGN ACQUISITION

■ 3. Revise the heading of section 225.7402 to read as follows:

225.7402 Contractor personnel supporting U.S. Armed Forces deployed outside the United States.

* * * * *

■ 4. Revise section 225.7402–2 to read as follows:

225.7402–2 Definition.

Designated operational area is defined in the clause at 252.225–7040. See PGI 225.7402–2 for additional information on designated operational areas.

■ 5. Revise section 225.7402–5(a) to read as follows:

225.7402–5 Contract clauses.

(a) Use the clause at 252.225–7040, Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States, instead of the clause at FAR 52.225–19, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, for performance in a designated operational area that authorize contractor personnel (including both contractors authorized to accompany the Force (CAAF) and non-CAAF) to support U.S. Armed Forces deployed outside the United States in—

(1) Contingency operations;

(2) Humanitarian assistance operations;

(3) Peace operations consistent with Joint Publication 3–07.3; or

(4) Other military operations or military exercises, when designated by the combatant commander or as directed by the Secretary of Defense.

* * * * *

PART 237—SERVICE CONTRACTING

237.171–4 [Amended]

■ 6. Amend section 237.171–4(a) by removing ''a Force'' and adding ''U.S. Armed Forces'' in its place.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.302 [Amended]

■ 7. Amend section 242.302(S–72) by removing the phrase ''Authorized to Accompany'' and adding ''Supporting'' in its place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Amend section 252.225–7040 by—

■ a. Revising the section heading;

■ b. Removing from the clause title the phrase ''Authorized to Accompany'' and adding in its place ''Supporting'';

■ c. Removing the clause date ''(FEB 2013)'' and adding ''(MAY 2014)'' in its place;

■ d. Adding to paragraph (a), in alphabetical order, the definitions ''contractors authorized to accompany the Force'', ''designated reception site'', and ''non-CAAF'';

■ e. Revising paragraph (b);

■ f. Removing paragraph (c)(1)(ii) and redesignating paragraph (c)(1)(iii) as paragraph (c)(1)(ii);

■ g. Revising paragraph (c)(2)(i);

■ h. Amending paragraph (c)(2)(iii) by removing the phrase ''unless specified elsewhere in this contract'';

■ i. Removing paragraph (c)(3) and redesignating paragraph (c)(4) as (c)(3);

■ j. Amending the newly redesignated paragraph (c)(3) by adding a new sentence at the end of the paragraph.

■ k. Adding a new paragraph (c)(4);

■ l. Amending paragraph (d)(1) introductory text by removing the phrase ''authorized to accompany'' and adding ''supporting'' in its place;

■ m. Amending paragraph (d)(3) introductory text by removing ''contractor employees accompanying U.S. Armed Forces'' and adding ''CAAF'' in its place;
■ n. Revising the heading of paragraph (e) and paragraph (e)(1);
■ o. Amending paragraph (e)(2)(iv) by removing ''Contractor personnel authorized to accompany U.S. Armed Forces in the field'' and adding ''CAAF'' in its place;
■ p. Adding paragraphs (e)(2)(v) and (vi);
■ q. Amending paragraph (f) introductory text by removing the words ''Deployed Contractor personnel'' and adding ''CAAF'' in its place;
■ r. Amending paragraph (f)(3) by—
■ i. Removing the phrase ''Joint Reception Center (JRC)'' and adding ''designated reception site (DRS)'' in its place; and
■ ii. Removing the words ''The JRC'' and adding ''The DRS'' in its place;
■ s. Revising paragraph (g);
■ t. Revising paragraph (h);
■ u. Amending paragraph (j)(1) by removing ''carry weapons,'' and adding ''carry weapons for individual self-defense,'' in its place, and removing '', paragraph 6.3.4.1 or, if the contract is for security services, paragraph 6.3.5.3'';
■ v. Revising paragraph (j)(2);
■ w. Amending paragraph (j)(3)(ii), by removing ''and'';
■ x. Amending paragraph (j)(3)(iii), by removing the ''.'' and adding '';'' in its place;
■ y. Adding paragraphs (j)(3)(iv) and (v);
■ z. Revising paragraph (o); and
■ aa. Revising paragraph (q).

The revisions and additions read as follows:

252.225–7040 Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States.

* * * * *

(a) * * *

Contractors authorized to accompany the Force, or *CAAF,* means contractor personnel, including all tiers of subcontractor personnel, who are authorized to accompany U.S. Armed Forces in applicable operations and have been afforded CAAF status through a letter of authorization. CAAF generally include all U.S. citizen and third-country national employees not normally residing within the operational area whose area of performance is in the direct vicinity of U.S. Armed Forces and who routinely are collocated with the U.S. Armed Forces (especially in non-permissive environments). Personnel collocated with U.S. Armed Forces shall be afforded CAAF status through a letter of authorization. In some cases, Combatant Commander subordinate commanders may designate mission-essential host nation or local national contractor employees (e.g., interpreters) as CAAF. CAAF includes contractors previously identified as contractors deploying with the U.S. Armed Forces. CAAF status does not apply to contractor personnel in support of applicable operations within the boundaries and territories of the United States.

* * * * *

Designated reception site means the designated place for the reception, staging, integration, and onward movement of contractors deploying during a contingency. The designated reception site includes assigned joint reception centers and other Service or private reception sites.

* * * * *

Non-CAAF means personnel who are not designated as CAAF, such as local national (LN) employees and non-LN employees who are permanent residents in the operational area or third-country nationals not routinely residing with U.S. Armed Forces (and third-country national expatriates who are permanent residents in the operational area) who perform support functions away from the close proximity of, and do not reside with, U.S. Armed Forces. Government-furnished support to non-CAAF is typically limited to force protection, emergency medical care, and basic human needs (e.g., bottled water, latrine facilities, security, and food when necessary) when performing their jobs in the direct vicinity of U.S. Armed Forces. Non-CAAF status does not apply to contractor personnel in support of applicable operations within the boundaries and territories of the United States.

* * * * *

(b) *General.*

(1) This clause applies to both CAAF and non-CAAF when performing in a designated operational area outside the United States to support U.S. Armed Forces deployed outside the United States in—

(i) Contingency operations;

(ii) Humanitarian assistance operations;

(iii) Peace operations, consistent with Joint Publication 3–07.3; or

(iv) Other military operations or military exercises, when designated by the Combatant Commander or as directed by the Secretary of Defense.

(2) Contract performance in support of U.S. Armed Forces deployed outside the United States may require work in dangerous or austere conditions. Except as otherwise provided in the contract, the Contractor accepts the risks associated with required contract performance in such operations.

(3) When authorized in accordance with paragraph (j) of this clause to carry arms for personal protection, Contractor personnel are only authorized to use force for individual self-defense.

(4) Unless immune from host nation jurisdiction by virtue of an international agreement or international law, inappropriate use of force by contractor personnel authorized to accompany the U.S. Armed Forces can subject such personnel to United States or host nation prosecution and civil liability (see paragraphs (d) and (j)(3) of this clause).

(5) Service performed by Contractor personnel subject to this clause is not active duty or service under 38 U.S.C. 106 note.

(c) * * *

(2)(i) Generally, CAAF will be afforded emergency medical and dental care if injured while supporting applicable operations. Additionally, non-CAAF employees who are injured while in the vicinity of U.S. Armed Forces will normally receive emergency medical and dental care. Emergency medical and dental care includes medical care situations in which life, limb, or eyesight is jeopardized. Examples of emergency medical and dental care include examination and initial treatment of victims of sexual assault; refills of prescriptions for life-dependent drugs; repair of broken bones, lacerations, infections; and traumatic injuries to the dentition. Hospitalization will be limited to stabilization and short-term medical treatment with an emphasis on return to duty or placement in the patient movement system.

(3) * * * Contractor personnel who are issued a letter of authorization shall carry it with them at all times while deployed.

(4) Unless specified elsewhere in this contract, the Contractor is responsible for all other support required for its personnel engaged in the designated operational area under this contract.

* * * * *

(e) *Preliminary personnel requirements.*

(1) The Contractor shall ensure that the following requirements are met prior to deploying CAAF (specific requirements for each category will be specified in the statement of work or elsewhere in the contract):

(i) All required security and background checks are complete and acceptable.

(ii) All CAAF deploying in support of an applicable operation—

(A) Are medically, dentally, and psychologically fit for deployment and performance of their contracted duties;

(B) Meet the minimum medical screening requirements, including theater-specific medical qualifications as established by the geographic Combatant Commander (as posted to the Geographic Combatant Commander's Web site or other venue); and

(C) Have received all required immunizations as specified in the contract.

(1) During predeployment processing, the Government will provide, at no cost to the Contractor, any military-specific immunizations and/or medications not available to the general public.

(2) All other immunizations shall be obtained prior to arrival at the deployment center.

(3) All CAAF and selected non-CAAF, as specified in the statement of work, shall bring to the designated operational area a copy of the Public Health Service Form 791, ''International Certificate of Vaccination'' that shows vaccinations are current.

(iii) Deploying personnel have all necessary passports, visas, and other documents required to enter and exit a designated operational area and have a Geneva Conventions identification card, or other appropriate DoD identity credential, from the deployment center.

(iv) Special area, country, and theater clearance is obtained for all personnel deploying. Clearance requirements are in DoD Directive 4500.54, Official Temporary Duty Abroad, and DoD 4500.54–G, DoD Foreign Clearance Guide. For this purpose, CAAF are considered non-DoD contractor personnel traveling under DoD sponsorship.

(v) All deploying personnel have received personal security training. At a minimum, the training shall—

(A) Cover safety and security issues facing employees overseas;

(B) Identify safety and security contingency planning activities; and

(C) Identify ways to utilize safety and security personnel and other resources appropriately.

(vi) All personnel have received isolated personnel training, if specified in the contract, in accordance with DoD Instruction 1300.23, Isolated Personnel Training for DoD Civilian and Contractors.

(vii) Personnel have received law of war training as follows:

(A) Basic training is required for all CAAF deployed outside the United States. The basic training will be provided through—

(1) A military-run training center; or

(2) A web-based source, if specified in the contract or approved by the Contracting Officer.

(B) Advanced training, commensurate with their duties and responsibilities, may be required for some Contractor personnel as specified in the contract.

* * * * *

(e) * * *

(2) * * *

(v) Such employees are required to report offenses alleged to have been committed by or against Contractor personnel to appropriate investigative authorities.

(vi) Such employees will be provided victim and witness protection and assistance.

* * * * *

(g) *Personnel data.*

(1) The Contractor shall use the Synchronized Predeployment and Operational Tracker (SPOT) web-based system, to enter and maintain the data for all CAAF and, as designated by USD (AT&L) or the Combatant Commander, non-CAAF supporting U.S. Armed Forces deployed outside the United States as specified in paragraph (b)(1) of this clause.

(2) The Contractor shall enter the required information about their contractor personnel prior to deployment and shall continue to use the SPOT web-based system at *https://spot.altess.army.mil/privacy.aspx* to maintain accurate, up-to-date information throughout the deployment for all Contractor personnel. Changes to status of individual Contractor personnel relating to their in-theater arrival date and their duty location, to include closing out the deployment with their proper status (e.g., mission complete, killed, wounded) shall be annotated within the SPOT database in accordance with the timelines established in the SPOT business rules.

(h) *Contractor personnel.*

(1) The Contracting Officer may direct the Contractor, at its own expense, to remove and replace any Contractor personnel who jeopardize or interfere with mission accomplishment or who fail to comply with or violate applicable requirements of this contract. Such action may be taken at the Government's discretion without prejudice to its rights under any other provision of this contract, including the Termination for Default clause.

(2) The Contractor shall identify all personnel who occupy a position designated as mission essential and ensure the continuity of essential Contractor services during designated operations, unless, after consultation with the Contracting Officer, Contracting Officer's representative, or local commander, the Contracting Officer directs withdrawal due to security conditions.

(3) The Contractor shall ensure that Contractor personnel follow the guidance at paragraph (e)(2)(v) of this clause and any specific Combatant Commander guidance on reporting offenses alleged to have been committed by or against Contractor personnel to appropriate investigative authorities.

(4) Contractor personnel shall return all U.S. Government-issued identification, to include the Common Access Card, to appropriate U.S. Government authorities at the end of their deployment (or, for non-CAAF, at the end of their employment under this contract).

* * * * *

(j) * * *

(2) If Contractor personnel are authorized to carry weapons in accordance with paragraph (j)(1) of this clause, the Contracting Officer will-notify the Contractor what weapons and ammunition are authorized.

(3) * * *

(iv) Comply with applicable Combatant Commander and local commander force-protection policies; and

(v) Understand that the inappropriate use of force could subject them to U.S. or host-nation prosecution and civil liability.

* * * * *

(o) *Mortuary affairs.* Contractor personnel who die while in support of the U.S. Armed Forces shall be covered by the DoD mortuary affairs program as described in DoD Directive 1300.22, Mortuary Affairs Policy, and DoD Instruction 3020.41, Operational Contractor Support.

* * * * *

(q) *Subcontracts.* The Contractor shall incorporate the substance of this clause, including this paragraph (q), in all subcontracts when subcontractor personnel are supporting U.S. Armed Forces deployed outside the United States in—

(1) Contingency operations;

(2) Humanitarian assistance operations;

(3) Peace operations consistent with Joint Publication 3–07.3; or

(4) Other military operations or military exercises, when designated by the Combatant Commander or as directed by the Secretary of Defense.

* * * * *

[FR Doc. 2014–12133 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

Defense Federal Acquisition Regulation Supplement; Technical Amendment

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective May 28, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

SUPPLEMENTARY INFORMATION: This final rule amends DFARS 252.211–7003(a) to correct the hyperlink in the definition of ''issuing agency.''

List of Subjects in 48 CFR Part 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR part 252 is amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

252.211–7003 [Amended]

■ 2. Section 252.211–7003 paragraph (a) is amended by removing ''*http://www.nen.nl/web/Normen-ontwikkelen/ISOIEC-15459-Issuing-Agency-Codes.htm*'' from the definition of ''issuing agency'' and adding ''*http://www.nen.nl/Normontwikkeling/Certificatieschemas-en-keurmerken/Schemabeheer/ISOIEC-15459.htm*'' in its place.

[FR Doc. 2014–12135 Filed 5–27–14; 8:45 am]

BILLING CODE 6820–ep–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[Docket No. FWS–HQ–MB–2013–0135; FF09M21200–145–FXMB1232099BPP0]

RIN 1018–AX82

Migratory Bird Permits; Extension of Expiration Dates for Double-Crested Cormorant Depredation Orders

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; availability of environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS), revise the two depredation orders for double-crested cormorants (*Phalacrocorax auritus,* DCCOs). We extend the expiration dates for the orders for 5 years to allow State and Tribal resource management agencies to continue to manage DCCO problems and gather data on the effects of DCCO control actions. We have prepared a final environmental assessment (FEA) to analyze the environmental impacts associated with this extension. We change the annual reporting date for the depredation order to protect public resources, remove requirements for DCCO control activities around bald eagles and bald eagle nests for both orders, and require use of the National Bald Eagle Management Guidelines for both orders. We also add a requirement for the use of nontoxic rifle bullets for anyone using centerfire rifles to control DCCOs under the orders, beginning on January 1, 2017.

DATES: This rule will be effective on June 27, 2014.

ADDRESSES: *Document availability:* The FEA and public comments that we received on the proposed rule are available at *http://www.regulations.gov* under Docket No. FWS–HQ–MB–2013–0135, and on our Service Web site at *http://www.fws.gov/migratorybirds/*.

FOR FURTHER INFORMATION CONTACT: George Allen at 703–358–1825.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), the U.S. Fish and Wildlife Service has primary Federal responsibility for managing migratory birds. We carry out this responsibility through regulations in title 50 of the Code of Federal Regulations (CFR). Part of this process includes issuing permits for certain actions dealing with migratory birds. In part 21 of title 50 of the CFR, we have established depredation orders for the control of certain depredating birds. A depredation order is a regulation that allows the take of specific species of migratory birds, at specific locations, and for specific purposes, without a depredation permit.

The Aquaculture Depredation Order at 50 CFR 21.47 allows take of double-crested cormorants (DCCOs) to protect stock at aquaculture facilities, and the Public Resource Depredation Order at 50 CFR 21.48 allows take of DCCOs to protect public resources, as set forth in the regulations. On March 5, 2014, we published a proposed rule to revise these depredation orders by, among other things, extending the expiration dates of the orders by 5 years (79 FR 12458). See the proposed rule for an explanation of the proposed changes.

Expiration Dates

We extend the regulations until June 30, 2019. Doing so will not pose a significant, detrimental effect on the long-term viability of DCCO populations. It will allow State and Tribal resource management agencies to continue to manage DCCO problems related to impacts on public resources and allow aquaculture producers to address DCCO depredation impacts on aquaculture stock under the terms and conditions of the depredation orders and gather data on the effects of DCCO control actions.

Entities acting under the depredation orders must follow applicable regulations. Depredation control efforts under the orders may take place only where cormorants are found committing or about to commit depredations under specified conditions, 50 CFR 21.47(c)(1) and 21.48(c)(1). The regulations include a requirement to initially use nonlethal control methods where practicable and effective and not harmful to other nesting birds, 50 CFR 21.47(d)(1) and 21.48(d)(1); provide notice to FWS indicating their intent to act under the depredation order, 50 CFR 21.48(d)(9); and notify the FWS in writing 30 days in advance if any single control action would individually, or a succession of such actions would cumulatively, kill more than 10 percent of the DCCOs in a breeding colony, 50 CFR 21.48(d)(9)(i). We can prohibit cormorant take under the depredation orders if we deem it a threat to the long-term sustainability of DCCOs or any other migratory bird species, 50 CFR 21.48(d)(9)(ii). Similarly, we can suspend or revoke the authority of any person or agency acting pursuant to the depredation orders who does not adhere to the orders' purposes,

terms, and conditions or if the long-term sustainability of DCCO populations is threatened, 50 CFR 21.47(d)(10) and 21.48(d)(13).

Updated population information indicates that the orders have not had a significant negative effect on regional DCCO populations (see data in the FEA). To summarize the FEA here, a 2006 study by Wetlands International estimated the continental DCCO population at between 1 to 2 million birds of four recognized subspecies. In the southeastern United States, though numbers of cormorants declined 46% in both Mississippi and Alabama from the peak count in 2004, cormorants in the region have undergone dramatic increases in the last 20 years; and, in a 2006 study, Mississippi populations at some colonies are likely greater than the pre-1990 levels. The Southern US estimates between 37,000–73,000 birds. In the U.S. Great Lakes from 1997 to 2011, the cormorant population was between 45,626 and 53,802 breeding pairs (nests). Under various DCCO management scenarios, we estimate that the Great Lakes DCCO population would be lower than current numbers but would remain significantly higher than populations in the early 1990s.

The depredation orders will now expire on June 30, 2019. If we determine that future changes to the depredation orders are necessary to eliminate an expiration date or make other changes, we will publish the requisite documents in the **Federal Register** to make those changes.

Other Changes to the Depredation Orders

We make other changes to the depredation orders at 50 CFR 21.47 and 21.48 to bring them in line with our current regulations and practices. We add a January 31st reporting deadline to the depredation order at aquaculture facilities (50 CFR 21.47), and we change the annual reporting date for the depredation order to protect public resources (50 CFR 21.48) to January 31 to give respondents an additional month to submit the requisite information. The two depredation orders now will have the same reporting date.

In addition, we update both depredation orders to remove the requirements for cormorant control activities around bald eagles (*Haliaeetus leucocephalus*) and bald eagle nests. These requirements for bald eagles and bald eagle nests were included in the depredation orders because the species was protected at that time by the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*). The bald eagle has since been removed from the Federal List of Endangered and Threatened Wildlife (72 FR 37345; July 9, 2007), so the requirements no longer apply. In lieu of those protections, we revise the depredation orders to require use of the National Bald Eagle Management Guidelines (72 FR 31156; June 5, 2007) for both depredation orders. The guidelines provide information to land managers, landowners, and others on ways to avoid disturbing bald eagles and their nests.

Comments on the Proposed Rule and Draft Environmental Assessment

We received 30 comments from individuals, organizations, State agencies, and Flyways on the March 5, 2014, proposed rule (79 FR 12458–12461) and draft environmental assessment (DEA). State natural resource agencies, the Flyway Councils, and several individuals encouraged continuation and expansion of the depredation orders. Most individuals, nongovernmental organizations, and academic institutions that commented opposed continuation of the orders. Below are the comments that we consider significant or representative and our responses to them.

Comment. ''By their own choice, fishermen on the Great Lakes and politicians blindly supporting them, have conveniently disregarded scientific data that demonstrate the minimal effect cormorants have on overall fish stocks. Cormorants are opportunistic feeders, feeding on the most available species at any particular time. Although capable of reaching greater depths, cormorants typically dive to about twenty feet during their pursuit dives, preying on forage species gathering for seasonal spawning, favorable temperatures, and searching for their own prey species. Some species are the same species sought by fishermen, such as smallmouth bass, yellow perch, and walleye, but when conditions change and these fish move to deeper waters cormorants move on to other non-game species such as alewives, sunfish, and round gobies. Gamefish constitute a small portion of the cormorant's total diet.''

Response. The numerous studies cited in the DEA document the difficulty in assessing the causes of sport fish and commercial fish population declines. However, as we noted, it is not just through direct take of game fish that DCCOs can contribute to sport fish and commercial fish declines; in some circumstances, DCCO predation on forage fish that comprise the diet of game fish can also impact the latter species. The Public Resource Depredation Order requires fisheries management agencies to describe the evidence that supports their conclusion that DCCOs are causing or will cause impacts to fish populations, and that DCCO management is needed. This justification is based on fish population assessments, angler harvest data, research studies, and/or expert opinion.

Comment. ''Both recreational and commercial fishermen have continually failed to recognize the effects of overfishing. It was no coincidence that the extinctions of the lake trout in Lake Ontario in the 1950s and followed by the Atlantic salmon in the early 1990s were followed by tremendous blooms in the populations of forage fish—with fewer predators in the lake the predator-prey relationship changed drastically. Hundreds perhaps thousands, of sport charter trips each season that encouraged clients to fill their coolers and home freezers with sport fish further taxed remaining predator stocks. (Some species were still contaminated with industrial and agricultural pollutants and not recommended for frequent human consumption—zero consumption by expectant mothers—by the New York State Department of Environmental Conservation). The resulting rapidly expanding forage populations suited nesting cormorants just fine. In the North, there were now virtually unlimited food sources available to feed their chicks, further enhancing cormorant expansion. (In the South, the new open catfish ponds provided winter forage, keeping cormorants healthy for their northern migration in the spring.)''

Response. We acknowledge that numerous factors (perhaps including overfishing) can affect fish population and community dynamics. This can result in increases in certain fish species that are readily preyed on by DCCOs. This, in turn, can increase their survival and productivity rates and, ultimately, their populations.

Comment. ''Another factor influencing the expansion of cormorant populations and territories was the introduction of new and invasive species such as alewives, through the construction of canals bypassing the barrier of Niagara Falls; round gobies, probably introduced through the ballast of foreign freighters; and the arrival of the parasitic sea lamprey through the St. Lawrence Seaway, which further decimated predatory salmon and trout in the Great Lakes. Cormorants had nothing to do with these destructive, human-generated influences, yet pay the price due to outmoded thinking.''

Response. We acknowledged in the FEIS and the DEA that introduced species, particularly the alewife (*Alosa*

pseudoharengus) and the round goby (*Apollonia melanostoma*), played a role in DCCO population and distribution changes. As noted in the DEA, the DCCO population changes also adversely affected both other bird species and habitats for other species; through physical and chemical means, DCCOs damage, and often kill, shrubs and trees where they nest and roost.

Comment. ''In the South, catfish farming came about in the 1960s as a result of depressed prices farmers were getting for row crops such as corn and soybeans. As a second effort, catfish ponds were constructed on shoestring budgets and weak business plans. Catfish farmers have now had at least four full decades to learn how to improve and protect their facilities and investments. They found time and funding to create numerous associations, build their own feed and processing plants, and develop advertising campaigns and distribution systems. But still their business plans depend on government ''technicians'' and taxpayer dollars to thin cormorant populations rather than incorporating realistic budgets for securing their unprotected ponds. When will it be time for the catfish growers to step up and assume responsibility for their own industry instead of four decades of ''crying wolf'' as a victim?''

Response. The regulations at 50 CFR 21.47(d)(1) of the Aquaculture Depredation Order specify that ''Persons operating under paragraph (c)(1) of this section may only do so in conjunction with an established nonlethal harassment program as certified by officials of the Wildlife Services program of the U.S. Department of Agriculture Animal and Plant Health Inspection Service.''

Most Control of depredating DCCOs at aquaculture facilities depends neither on ''government technicians'' nor government funding for control. Lethal control at aquaculture facilities usually is done by the permittees—in conjunction with nonlethal control. Most migratory bird depredation control, either under permits or depredation orders, is done by the permittees.

Comment. ''Here on lower Green Bay I have monitored cormorant nesting since I discovered the first handful of nests in 1976. Last year after shooting and oiling eggs for the past order period, we had only 640 nesting pairs, approximately a 70% decline from the peak nesting numbers. There was [*sic*] never any scientific studies demonstrating that cormorants had any effect on Yellow Perch populations on the bay. The one study done only used data from the once in decade exceptional perch reproduction year, which cormorants committed to their diet as the easiest thing to catch. Data from previous years and post years revealed a much different diet composition. That study also never took into consideration that Wisconsin DNR planted 89.2 million Walleye fry into the system which also ate Yellow Perch 24/7. No consideration was given to the fact that cormorants in late July through September consume vast numbers of Gizzard Shad which now have reached nuisance numbers on the lower bay and which not only compete with perch for food resources but also dine on perch eggs and larval young. Single species management to solve a complex problem never works and often compounds it. The order has also affected other colonial species nesting on Cat Island. Great Egrets and Black-crowned Night Herons (state watch species) have stopped nesting on Cat Island. In the past eggs of these species were ''accidently'' oiled along with cormorant eggs. Reproduction of White Pelicans on Cat Island has decreased with the amount of cormorant egg oiling activity. The Fish and Wildlife Service has not properly monitored control activities and their effects on other associated species.''

Response. While the impacts (if any) of DCCOs on yellow perch are difficult to measure, reducing DCCO consumption of yellow perch is not the main focus of DCCO control on lower Green Bay. The latest correspondence the FWS received from the Wisconsin Department of Natural Resources (WDNR) indicated a major focus of DCCO control on lower Green Bay is to ''. . . maintain a colony size [on the Cat-Lone Tree Island complex] that will not likely expand and threaten the remaining woody vegetation on nearby Lone Tree Island which supports nesting Great Egrets and Black-crowned Night-Herons, or onto newly created dredge spoil islands in future years.'' With respect to the impact of DCCO control activities on other bird species, the WDNR's latest annual report indicated that no incidental take of co-nesting birds occurred. Various measures are taken to minimize the likelihood of incidental take of other bird species during DCCO management activities, including minimizing the number and duration of visits to DCCO colonies, avoiding visits on days of extreme temperature or precipitation, shooting DCCOs in some cases at sites away from a nesting island, and training shooters in bird identification and marksmanship.

Comment. ''In the text of its proposal for extending the current depredation orders the USFWS claimed it collected data during the last five-year extension regarding cormorant populations in support of the new five-year extension. Merely reporting that depredation orders ''had not had any significant effect on double-crested cormorant populations'' is not sufficient evidence to extend the various versions of the depredation orders. The USFWS offers no positive evidence that killing cormorants has helped to rebuild wild fish stocks weakened primarily by overfishing, invasive species, pollution, and development. It appears that the agency is more willing to maintain the status quo of passing its duties to state bureaus than exercising its responsibility for ''managing'' cormorant issues.''

Response. We did not just report that the depredation orders ''had not had any significant effect on double-crested cormorant populations''; data in Table 2 of the DEA showed that the total Great Lakes population was about 26% larger in 2009 than it had been in 1997. Though the data in the DEA are the best available, other data indicate that DCCO populations continue to grow. For example, although the North American Breeding Bird Survey (BBS) is not intended for monitoring DCCOs, in every Bird Conservation Region, State, or Province around the Great Lakes for which there are BBS data, the population trend is generally positive since 1966, close to 5% nationally but ranging from 2 to over 20% depending on the state/region (*http://www.mbr-pwrc.usgs.gov/cgi-bin/atlasa12c.pl?01200&1&12*). Our obligation under the Migratory Bird Treaty Act is to ensure the well-being of populations of protected species, which we will continue to do for DCCOs. We continue to believe that efforts to address the adverse impacts of DCCOs on habitats and fisheries under the depredation orders have been limited in scope, and have not impacted the sustainability of regional DCCO populations.

The FWS does not ''pass its duties to state bureaus.'' We have a long history of working with the States and tribes on management of migratory birds and other shared resources. We will continue to work with them on DCCO management. With respect to DCCO impacts on fish, State natural resource agencies usually have legal responsibility for fisheries management and the FWS recognizes the States' role in documenting such impacts. Again, we can suspend or revoke the authority of any person or agency acting pursuant

to the depredation orders who does not adhere to the orders' purposes, terms, and conditions, 50 CFR 21.48(d)(13).

Comment. ''FWS offers no explanation for why it has been unable to conduct a thorough review of the issue during the past five years. Indeed, FWS implies that it has not taken the time to examine any aspect of the issues since it offers no report on what, if anything, it has learned or done in the past five years.

Instead, FWS states in the DEA that it will address concerns and alternatives ''in a subsequent analysis'' but without specifying when. Since FWS regards extending the Orders by another five years to be only ''an interim measure'' one can reasonably expect that its state of review will not have progressed when this extension expires in 2019.

In short, FWS appears to be using its lack of diligence and rigor as a justification for ''Xeroxing forward'' a largely unexamined policy.''

Comment. ''I also support this Alternative [A], in part, because all decisions on cormorant management seem to have been largely driven by the powerful aquaculture industry and sport angler/tourism-related citizen groups, with little to no voice given to the scientific community. Furthermore, there has been very little consistent monitoring to determine effectiveness of control, primarily because it is difficult to obtain the data and because the Fish and Wildlife Service is unwilling to extend the resources needed to evaluate the effects of the depredation orders.''

Response to these comments. We believe that the scientific community (including biologists and researchers who work for the FWS, State and Tribal agencies, and USDA Wildlife Services) has played an important and growing role in DCCO management by designing and conducting studies and monitoring programs that better document the impacts of DCCOs on public resources and aquaculture stock, assess the effectiveness of DCCO management actions, and track DCCO and co-nester population trends in response to management. This information is used in an adaptive context to adjust DCCO control activities. In the Great Lakes, the FWS works with State and Tribal agencies, USDA Wildlife Services, and researchers to monitor DCCO numbers, distribution, and trends as an index to assessing the health of the Interior population of DCCOs. Monitoring of impacted resources is also being done to document problems and evaluate whether DCCO control activities are effective in alleviating them; such monitoring is often challenging and expensive and not as comprehensive as some commenters would like. However, as shown in the DEA, the depredation orders are not affecting the sustainability of regional DCCO populations. In the U.S. Great Lakes region, where DCCO control has been most intensive, the population in 2009 was 27% greater than it had been in 1997.

Comment. In this instance, FWS has impermissibly sought to use the lack of information as the basis for its review of potential environmental impacts.

Response. This comment is not correct. Data in the FEA, such as the Great Lakes region, and other data show that DCCO populations have continued to expand with the depredation orders in place. Again, in the southeastern United States, cormorants in the Mississippi and Alabama region have undergone dramatic increases in the last 20 years, with some Mississippi populations at some colonies likely greater than the pre-1990 levels. The data support continuing the regulations allowing for depredation orders and allowing DCCO lethal control after nonlethal control has been attempted, for 5 more years.

Comment. According to the DEA, together the two Orders authorize lethal take of an estimated 160,000 DCCOs per year although the agency estimates that only 27% of the authorization is exercised, meaning that more than 43,000 birds were ''harvested'' annually during the period from 2004 to 2012.

The DEA contains population modeling which is the first time FWS has directly addressed effects of the Orders on future DCCO population. In one modeling scenario, the Service estimates that as much as a 48% decline in the entire DCCO population could result. While the percentages of the DCCO population lost vary in different modeling scenarios, there is no question that extension of the Orders will have a significant impact on these populations.

Response. This is not the first time the FWS has employed population modeling to evaluate various DCCO management scenarios; we did so in 2009 (FR 74 15394) when we originally extended the expiration dates of the depredation orders. Though some models indicate that the DCCO population could decline, data in the DEA, such as the Great Lakes, Alabama, and Mississippi described above, show that the population has continued to grow with the depredation orders in place. We expect to further refine our modeling efforts when we do a more comprehensive NEPA analysis.

Comment. ''CEQ regulation 40 CFR 1508.9(a)(1) stipulates that an EA must ''Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.''

This EA does not do so, despite the agency's statement in the 2011 **Federal Register** notice that the decision of whether to prepare a Supplement Environmental Impact Statement or an Environmental Assessment would be based on NEPA and its implementing regulations 76 FR 69226. FWS has provided no support for its conclusion that an EIS or SEIS is not required under NEPA—but rather has stated that it did not prepare an SEIS because of ''constraints on our ability to conduct the work necessary to complete a supplemental environmental impact statement.'' 79 FR 12458 (March 5, 2014). Again, failure to do the necessary work does not excuse compliance with NEPA.''

Response. This argument is incorrect. We completed an environmental assessment that supports continuing the depredation orders for five more years without major changes. We stated in the DEA that ''[t]his EA is sufficient to assess the environmental impacts of this action and assist our decision-making process.'' We established in a Finding of No Significant Impact that an environmental impact statement is not needed for us to extend the orders without substantial changes. As we noted earlier, we would like to do a more comprehensive NEPA analysis in which we may consider more substantive modifications and expansion of the depredation orders, as requested by States.

Comment. ''In accordance with the Council on Environmental Quality regulations, an environmental assessment must include a brief discussion of alternatives. 40 CFR 1508.9(b). ''[C]onsideration of alternatives is critical to the goals of NEPA even where a proposed action does not trigger the EIS process . . .''. *Bob Marshall Alliance* v. *Hodel,* 852 F.2d 1223, 1228–29 (9th Cir. 1988).

Limiting the alternatives to letting the Orders expire, renewing them for 5 years and renewing them indefinitely—without even considering modifications to the Orders—cannot meet the requirement to consider reasonable alternatives. *Save Our Cumberland Mts.* v. *Kempthorne,* 453 F.3d 334, 345 (6th Cir. 2006). See also *Davis* v. *Mineta,* 302 F.3d 1104 (10th Cir. 2002) (rejecting alternatives analysis limited to choice between build and no build); *Muckleshoot Indian Tribe* v. *U.S. Forest Serv.,* 177 F.3d 800, 813 (9th Cir. 1999) (consideration of no action and two

virtually identical alternatives insufficient).''

Response. We disagree, and believe that this comment misrepresents the alternatives. They ranged from the restrictive choice desired by some commenters (eliminating the depredation orders and allowing take only under permits) to continuing operating indefinitely under regulations that we believe have had no significant effect of the sustainability of regional DCCO populations.

Comment. The inability of the USFWS to follow the EIS procedure does little to promote science-based management, conserve migratory birds protected under the Migratory Bird Treaty Act, or promote the mission of the USFWS.

Response. We have followed appropriate NEPA procedures. We established in a Finding of No Significant Impact that an EIS is not needed for us to assess continuing the depredation orders for five more years without significant changes.

Comment. ''The loss of approximately one half million large, long-lived migratory birds is unquestionably a significant environmental impact requiring more than the cursory assessment FWS has given it. This action requires a full EIS or SEIS rather than merely this DEA.''

Response. We disagree. Data show that the DCCO population in the United States remains healthy, despite control under the depredation orders. Again nationally there is estimated between 1 to 2 million birds. In the U.S. Great Lakes from 1997 to 2011, the cormorant population has increased to between 45,626 and 53,802 breeding pairs (nests). We established in a Finding of No Significant Impact that an EIS or SEIS is not needed to allow us to continue the depredation orders for 5 more years without substantial changes.

Comment. ''Another problem connected with repeated shooting campaigns is that there is no valid way to evaluate or monitor their efficiency. So many factors contribute to the rise and fall of wild fish populations that isolating the effects of a single action is problematic. Without a way of measuring the effectiveness of the culling policies there is no way for managers to know when they are done. When is it over? How many dead wild cormorants does it take to finish the job?''

Response. We agree that it is challenging to evaluate the effects of DCCO management on fish populations. However, a number of State agencies are assessing various fish response parameters (population size, age structure, angler harvest) and their relationship to DCCO population changes following control. Furthermore, DCCOs can detrimentally impact plants and habitats of other bird species. Through physical and chemical means, DCCOs damage, and often kill, shrubs and trees where they nest and roost, if not modifying the plant community.

Comment. Significantly, the specific impacts the Orders will have depend upon factors such as the extent and manner of state implementation—factors that FWS chooses not to oversee or even meaningfully address. Thus, FWS proposes to continue policies that will have largely unknown impacts with no plan to fill in those data gaps.

Comment. ''Most FWS management plans for other migratory species seek to preserve and enhance the status of these species within healthy, functioning ecosystems. In the case of the DCCO, maintaining a healthy population status is barely an afterthought for FWS.''

Response to these comments. In the Great Lakes, the FWS has worked with USDA Wildlife Services and State and Tribal agencies to develop environmental assessments that step down the 2003 FEIS, and these documents set limits on DCCO take at the state level that will maintain the sustainability of DCCO populations. Data in the DEA and other data continue to show that the DCCO population is substantial. Again, the cormorant population was between 45,626 and 53,802 breeding pairs (nests) in the Great Lakes from 1997 to 2011. We will continue to oversee take under the depredation orders and to monitor DCCO numbers, distribution, and trends in the Great Lakes to ensure that the sustainability of regional DCCO populations is maintained. Again nationally, there are between 1 to 2 million birds.

Comment. ''. . . FWS should allow these orders to expire until such time that FWS has adequate resources to deal thoroughly with the issues involved and answer the comments, suggestions, and questions raised by the public since the Final Environmental Impact Statement (FEIS) was issued in 2003.'' ''The loss of approximately a half million large, long-lived migratory birds seems to be a fairly significant event deserving more attention than FWS has been willing to give it. The correct action is to let the Orders expire and discover whether or not they are important enough to free up the resources needed to do the job properly.''

Response. States and tribes have made it clear that they support continuing the Public Resource Depredation Order because it gives them an option (besides required non-lethal options) for dealing with DCCO impacts on fisheries and habitat. Data in the DEA show that the DCCO population is healthy. As we noted, in the U.S. Great Lakes region, where DCCO control has been most intensive, the population in 2009 was 27% greater than it had been in 1997. With respect to the Aquaculture Depredation Order, as reported in the DEA, anecdotal observations from APHIS–WS indicate that changes in aquaculture operations may be leading to greater concentrations of DCCOs in some remaining facilities, leading to even more severe damage to aquaculture stock at those facilities than has been previously observed. Continuation of the depredation order and monitoring the impacts of damage-management actions on DCCOs and nontarget species will continue to allow control of depredation problems in a responsible and efficient manner. We will still be able to assess take of DCCOs and its effects on their population sustainability.

Comment. ''The PRDO applies only to Public resources. Even though a convoluted argument can be constructed to link cormorants on private lands to potential predation on fish inhabiting public lands, to do so is absurd. Of course fish-eating birds eat fish, whether on private or public property. That is what predators do and to issue a blanket declaration that they are nuisances everywhere is to accept that predation is unacceptable at all times and places. That, in effect, is what the absurd legalistic language, ''committing or about to commit depredation'', does. All predators, including humans, commit depredations under this construct and it is silly to pretend otherwise; the issue here is not about the words but it is about extending the PRDO to private lands that are already adequately covered by the individual permit program. The PRDO requires documentation that control actions are directed at resolving a resource problem. The Texas Nuisance Permit has no such provision, it effectively declares all DCCO a nuisance and allows unlimited take by any Texas hunting license holder with $13 and permission of a landowner regardless of whether or not there is loss of public resources.''

Comment. ''In Texas, the PRDO that FWS would renew would continue the Nuisance Double-crested Cormorant Control Permit program in that state [see *http://www.tpwd.state.tx.us/business/permits/land/wildlife/cormorant/*]. This permit program appears to be lack [*sic*] any reasonable management control and

is in conflict with the PRDO in a number of respects.''

Response to these comments. We appreciate the commenters bringing this issue to our attention. Texas Administrative Code Rule § 65.901 (*http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=31&pt=2&ch=65&rl=901*) appears not to comply with 50 CFR 21.48 because it allows take of DCCOs on private land even though the DCCOs are not necessarily linked to any adverse effect on public resources. We will work with the State of Texas on this issue, and if the State does not revise its code to match the provisions of 50 CFR 21.48, we will remove Texas from the list of States that are authorized to implement the Public Resource Depredation Order.

All migratory bird permits and regulations that allow take disallow take of that species not covered under the permit or regulation—even the same species if the manner of that take is not permitted. Following the terms of the permit or regulation is an obligation of the permittee or any person, organization, or agency entity acting under a control or depredation order. Failure to abide to the terms of the depredation order may lead to suspending or revoking the authority of any person or agency acting pursuant to the depredation orders and prosecution under the MBTA.

Comment. ''We believe that implementing a regional management approach for this species is the optimal long term solution to balancing the viability of double-crested cormorant populations with conservation of public fisheries and wildlife while also being responsive to societal concerns about impacts to private property and human safety. The review and update of the Final Environmental Impact Statement on double-crested cormorant management is of paramount importance.

We support the proposed regulatory changes as the best option to address issues while protecting populations in the short term. This support is predicated on the timely completion of an update of the FEIS prior to the proposed 2019 expiration dates of the federal depredation orders.'' (*Michigan Department of Natural Resources*)

Response. We intend to complete a comprehensive NEPA analysis, which could result in a Supplemental EIS, as our resources allow. We wish to complete a more comprehensive NEPA analysis on DCCO management because additional State agencies have requested that they be covered under the Public Resource Depredation Order (see the comments from the Pacific Flyway) and because we received a number of other comments in response to our 2011 Notice of Intent to update our NEPA evaluation for the depredation orders (76 FR 69225) to make other changes to the depredation orders and to consider a regional (rather than to update NEPA local) approach to DCCO management, as suggested by the above comment.

Comment. The [Pacific Flyway] Council recognizes that the alternatives and modifications [to the depredation orders] proposed in our [April 6, 2012] letter addressing western conflicts and concerns [made in response to a November 2011 FWS Notice of Intent to update the 2003 DCCO EIS] were not considered in the draft Environmental Assessment (December 2013). We also understand that the depredation order needs to be extended to allow for central and southeastern states to continue to manage cormorant conflicts. Therefore, the Council requests extending the expiration dates of the existing depredation orders a maximum of two years (*i.e.,* June 30, 2016). This will allow time for the USFWS to complete a full analysis of the proposals provided during the 2011–2012 public comment period (including the Council recommendations attached), and finalize the SEIS for the management of cormorant populations across the United States.

Response. We appreciate the Flyway's interest in allowing States that need to use the Public Resource Depredation Order to continue to operate under it. However, two years is not sufficient time to consider additional issues and complete a comprehensive NEPA analysis, which could lead to a Supplemental EIS. In addition, we do not have the resources to work on the NEPA analysis at this time.

Comment. ''The population modeling presented in Appendices 3 and 4 is a welcome beginning toward resolving some of the issues involved in continuing the Orders. However, as complicated and elegant as these modeling exercises appear, they are impossible for most of the public to evaluate, particularly within the limited amount of time available for making comments. At best, these models are limited in value because they address only one narrow point of view in the overall discussion. That point is the potential of the Orders to threaten the continued existence of the species. Even though FWS has apparently decided that constitutes its primary, effectively sole, responsibility, this is a very limited perspective not generally adopted in other management actions by FWS. Most of the management plans adopted by FWS for other migratory species seek to preserve and enhance the status of these species within healthy, functioning ecosystems. Cutting through the mathematical complexity of this modeling approach, the important part of the modeling is the imposition of killing of adults and suppression of reproduction. This is the point of F_0 in the equations. The appendices presume that control at various levels is a given and only look at whether or not hypothetical populations will reach some stochastic equilibrium that has a low probability of including the possibility of extinction. The real question that should be first on the table for discussion is what the desired future state of the population should be and whether or not that will achieve underlying goals of population management. In plain language, this gets back to the issue of resource allocation. All the sophisticated mathematics within these appendices, while instructive in an academic sense, do not address this issue. FWS has again failed to address this fundamental issue and is not collecting the data necessary to inform decisions about the issue. The sophisticated mathematical models used here are misdirected relative to the Orders. Analytical resources should be focused on evaluating the effectiveness of the Orders in meeting objectives related to the original justification for issuing the Orders, namely, changes in fisheries, protection of vegetation, and protection of habitat for co-nesting species of birds.''

Response. The modeling shows take levels allowed using conservative assumptions about the DCCO population. Compared to the very conservative F_0 value of 0.5, take under the PRDO will allow continued maintenance of the DCCO population, assuming there are no large additional impacts to it, such as disease or contaminants. The models indicate that take under the Aquatic Resources Depredation Order needs to be rather conservative. We expect to continue to continue development and use of the models and the take under the orders more thoroughly in our future NEPA analysis.

Comment. We [*Mississippi Flyway Council*] believe that the proposed regulatory changes provide the best option to allow state and Tribal resource agencies to continue management of double-crested cormorants while maintaining long-term viability of the double-crested cormorant population. However, we feel that this is a temporary solution at best, and it is imperative that the Final Environmental

Impact Statement on double-crested cormorant management be reviewed and updated prior to the projected expiration of these depredation orders in 2019. We continue to support moving to a regional management paradigm for this species.

Response to these comments. We appreciate these suggestions. We will consider them when we undertake a comprehensive NEPA analysis of the existing EIS and regulations. Though budget and personnel cuts and sequestration preclude doing so now, we hope in the future to conduct comprehensive NEPA. We wish to complete the comprehensive NEPA analysis of DCCO management because additional States have requested that they be covered under the Public Resource Depredation Order (see the comments from the Pacific Flyway). In addition, we received a number of other comments, in response to our 2011 Notice of Intent (76 FR 69225), to make other changes to the depredation orders and to consider a regional (rather than local) approach to DCCO management.

Comment. ''The Arkansas Game and Fish Commission has reviewed the U.S. Fish and Wildlife Service's proposal to extend the two depredation orders for DCCOs for another five years. The extension of these depredation orders will continue to allow us the ability to control the DCCO populations at our state-run hatcheries and on selected public fishing waters and therefore we support the proposal.''

Comment. ''The Ohio Department of Natural Resources, Division of Wildlife supports the extension of the current depredation orders for 5 years. The Division of Wildlife has used the Public Resource Depredation Order since 2006, and the Order has allowed valuable nesting habitat of colonial waders to be preserved through cormorant management. We also support the other changes to the depredation orders including changing the reporting date and making changes to reflect the current status of bald eagles.

Response to these comments. None.

Comment. We would also like to propose one other minor change to be implemented with this rule. The Public Resource Depredation Order currently requires that all carcasses must be donated, incinerated, or buried. We believe that carcasses should be allowed to lie where they fall. Cormorant culls on the Ohio Lake Erie islands are conducted to conserve valuable nesting habitat for state-listed waders such as black-crowned night-herons and great egrets. During culls, substantial effort is made to reduce disturbance to the co-nesting waders through the use of suppressed rifles, camouflage clothing, maintaining distances from areas of concentrated heron nests, etc. However, all of these efforts are negated when carcasses are collected. Greater disturbance to nesting waders occurs during the hour of carcass collection than during the 4 hours of culling. If the carcasses were left to desiccate where they fell, no additional disturbance need occur. On another Lake Erie island (Middle Island) managed by Parks Canada, cormorant carcasses are left where they fall in an effort to minimize disturbance to the co-nesting waders and reduce damage to the herbaceous understory vegetation. No negative effects have been observed and Parks Canada staff report that carcasses rapidly decompose on the island. Cormorants are currently composted on two of the Ohio Lake Erie islands and the compost sites were tested for mercury levels in 2007 and 2010. All of the tests showed mercury levels far below levels of concern.

This proposed change would not have any effect on the take of double-crested cormorants or the spirit of the depredation orders. It is a minor change such as the submission date change; however, it would further enhance the conservation of wading bird habitat and reduce disturbance to colonial waders during cormorant management.'' (*Ohio Department of Natural Resources*)

Response. Leaving carcasses in place was considered when we prepared the 2003 EIS. However, because of disease concerns, particularly related to botulism, we required that carcasses be removed. Carcasses may, in some instances, attract scavengers that could disturb or prey on nesting birds. However, we believe that this issue merits further evaluation and we will consider it again when we undertake a more comprehensive NEPA analysis in the future. This five year extension will still require carcass removal.

Comment. Under the Orders, permit holders are required to use non-toxic shot only if shooting DCCO with a shotgun. Other firearms, such as rifles and handguns, carry no such restriction.

As a result, the Orders will have the effect of introducing significant amounts of additional lead-based ammunition into fragile aquatic environments.

In prohibiting use of lead-based ammunition on its National Wildlife Refuges, FWS acknowledges the severe adverse consequences that use of this toxic ammunition can have on the entire food chain. If it extends the Orders, FWS should require that all ammunition used in nuisance control permits should be non-toxic.''

Response. We recognize the environmental concerns regarding use of lead ammunition. However, the majority of DCCOs taken under the PRDO and AQDO are taken using shotguns.

When the orders were put in place, nontoxic rifle ammunition options were limited. We are aware that even though high performance non-lead ammunition has been developed for some types of firearms availability of the ammunition can be a significant problem. Therefore, we have added a requirement for the use of nontoxic bullets in centerfire rifles to the depredation orders, with an effective date of January 1, 2017. This will allow agencies to use ammunition that they have already acquired and to work with suppliers on replacing it with ammunition with nontoxic bullets. Requiring the use of nontoxic centerfire rifle ammunition will have a negligible economic effect on those who control DCCOs under the orders, and it will have small environmental benefits.

Comment. ''Many birds co-nest with the DCCO. The DEA makes scant mention of the impact that mass depredation of the DCCO has on its biological neighbors. The DEA offers no information about what steps are being taken (or required) to protect co-nesting species. Yet, the DEA offers the unsupported conclusion that ''We have no reason not to believe that [state] agencies would not continue to be highly conscientious in avoiding negative impacts to bird species . . . at management sites.''

Without an empirical or regulatory basis for this belief, the FWS posture is that it simply hopes for the best.''

Response. The annual reports that must be submitted to the FWS by the agencies acting under the Public Resource Depredation Order indicate that incidental take of birds that nest with DCCOs is extremely rare, and certainly would not affect populations of those species. The management agencies employ a number of standard operating procedures that are designed to minimize the likelihood of other birds being adversely impacted by DCCO control activities. These include using rifles with silencers (where effective), wearing camouflage clothing, minimizing the number and duration of visits to DCCO colonies, avoiding colony site visits at times of extreme temperature or precipitation to minimize stress to non-target species' eggs and nestlings, leaving a perimeter of untreated DCCO nests around non-target species (where practical), shooting DCCOs in some cases at sites away from a nesting island, oiling DCCO eggs and walking to and from blinds

from which shooting will occur during night hours (where appropriate and safe), removing DCCO carcasses in a manner that minimizes disturbance to co-nesters, maintaining set distances (per the depredation order regulations) from Federally threatened and endangered birds and bald eagles and golden eagles and their nests, and training shooters in bird identification and marksmanship.

Comment. ''. . . [T]he DEA ignores the problem of ''look alike'' species, such as the neotropic cormorant. This cormorant is virtually indistinguishable from the DCCO, especially to an untrained hunter.

Response. The DEA mentions two instances of take of Neotropic Cormorants in 2007 and 2008, and some other birds (e.g., gulls) due to DCCO control activities. These incidents, although regrettable, are extremely low relative to the number of DCCOs which are removed and are not of sufficient magnitude or frequency to adversely impact non-target species populations.

The depredation order addresses ''look alike'' species as follows.

(7) Nothing in this depredation order authorizes the take of any migratory bird species other than double-crested cormorants. Two look-alike species co-occur with double-crested cormorants in the southeastern States: The anhinga, which occurs across the southeastern United States, and the neotropic cormorant, which is found in varying numbers in Texas, Louisiana, Kansas, and Oklahoma. Both species can be mistaken for double-crested cormorants, but take of these two species is not authorized under this depredation order.

Take of anhingas (*Anhinga anhinga*) or neotropic cormorants (*Phalacrocorax brasilianus*) is not legal under the depredation order, and we advise all States and Tribes to ensure that individuals operating under the order be trained to recognize anhingas and neotropic cormorants to avoid taking them. All migratory bird permits and regulations that allow take disallow take of species not covered under the permit or regulation—even ''look-alike'' species. Identification and protection of look-alike species is an obligation of the permittee or any person, organization, or agency entity acting under a control or depredation order. Failure to abide to the terms of the depredation order may lead to suspending or revoking the authority of any person or agency acting pursuant to the depredation orders and prosecution under the MBTA.

Comment. ''Large Double-crested Cormorant die-off events that are associated with avian botulism (*Clostridiuim botulinum*) may have impacted or stabilized breeding DCCO populations, but we do not see this topic specifically addressed in any manner in the document, including in the population models used to evaluate impacts to DCCO. We suggest that this consideration should be added to the impact analysis and decision-making process. (*National Park Service*).

Response. In our 2003 FEIS, disease was noted as a sometimes significant cause of mortality for DCCOs—particularly Type E on the Great Lakes. Other sources have noted concern about botulism in cormorant populations (*e.g. http://www.ccwhc.ca/wildlife_health_topics/botulism/botulisme_org.php; http://www.dec.ny.gov/animals/28433.html;* and *http://www.seagrant.sunysb.edu/botulism/pdfs/Proc03/9-Overview.pdf*). We agree that it should be addressed in more depth in our future NEPA analysis, both for its potential effects on cormorant populations and on other waterbird species the nest or roost near DCCOs. But again, in the Great Lakes the cormorant population remains healthy between 45,626 and 53,802 breeding pairs (nests) in 1997 to 2011.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 further emphasizes that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small businesses, small organizations, and small government jurisdictions. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act. The changes to the depredation orders at 50 CFR 21.47 and 21.48 will provide assurance that State and Tribal resource management agencies may continue to manage DCCO problems under the terms and conditions of the depredation orders and gather data on the effects of DCCO control actions and will bring the two depredation orders in line with our current regulations and practices. These changes will not have a significant economic impact on a substantial number of small entities, so a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804 (2)). It will not have a significant impact on a substantial number of small entities.

a. This rule will not have an annual effect on the economy of $100 million or more.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, Tribal, or local government agencies, or geographic regions.

c. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following:

a. This rule will not ''significantly or uniquely'' affect small governments. A small government agency plan is not required. The revisions will not have significant effects. The regulation will very minimally affect small government

activities by changing the annual reporting date for 50 CFR 21.48.

b. This rule will not produce a Federal mandate of $100 million or more in any year. It will not be a ''significant regulatory action.''

Takings

This rule does not contain a provision for taking of private property. In accordance with Executive Order 12630, a takings implication assessment is not required.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under Executive Order 13132. It will not interfere with the States' abilities to manage themselves or their funds. No economic impacts are expected to result from the changes to the depredation orders.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection requirements at 50 CFR 21.47 and 21.48 are approved under OMB Control Number 1018–0121, which expires February 29, 2016. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have analyzed this rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 432–437(f), and U.S. Department of the Interior regulations at 43 CFR part 46. We have completed a final environmental assessment, and have determined that this action will have neither a significant effect on the quality of the human environment, nor unresolved conflicts concerning uses of available resources. The Finding of No Significant Impact is posted in the docket with this final rule.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have determined that there are no potential effects on Federally recognized Indian Tribes from the regulations change. The regulations changes will not interfere with Tribes' abilities to manage themselves or their funds or to regulate migratory bird activities on Tribal lands.

Energy Supply, Distribution, or Use (Executive Order 13211)

This rule will only affect depredation control of DCCOs, and will not affect energy supplies, distribution, or use. This action will not be a significant energy action, and no Statement of Energy Effects is required.

Compliance With Endangered Species Act Requirements

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that ''The Secretary [of the Interior] shall review other programs administered by him and utilize such programs in furtherance of the purposes of this chapter'' (16 U.S.C. 1536(a)(1)). It further states that the Secretary must ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat'' (16 U.S.C. 1536(a)(2)). This regulations change will not affect listed species.

Since the FEIS was completed in 2003, 250 species have been added to the threatened and endangered species list. However, no species has been added for which consultation across the range of the DCCO is warranted. In unusual cases, consultations at the State or Regional level *might* be needed to address concerns about some of the species listed in Appendix 5 of the FEA.

Literature Cited

U.S. Fish and Wildlife Service. 2003. Final Environmental Impact Statement: Double-Crested Cormorant Management in the United States. Available at *http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/Cormorant/CormorantFEIS.pdf.*

List of Subjects in 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

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

PART 21—MIGRATORY BIRD PERMITS

■ 1. The authority citation for part 21 continues to read as follows:

Authority: 16 U.S.C. 703–712.

■ 2. Amend § 21.47 as follows:
■ a. By revising paragraph (d)(2) to read as set forth below;
■ b. By revising paragraph (d)(8)(i) to read as set forth below;
■ c. By removing the words ''and bald eagles'' from paragraph (d)(8)(ii);
■ d. By removing the words ''or bald eagles'' from paragraph (d)(8)(iii);
■ e. By adding a new paragraph (d)(8)(iv) to read as set forth below;
■ f. By removing the word ''Each'' and adding in its place the words ''By January 31 each'' at the beginning of paragraph (d)(9)(iii); and
■ g. In paragraph (f), by removing the word ''2014'' and adding in its place the word ''2019''.

§ 21.47 Depredation order for double-crested cormorants at aquaculture facilities.

* * * * *

(d) * * *

(2) Double-crested cormorants may be taken only by shooting with firearms, including shotguns and rifles.

(i) Persons using shotguns must use nontoxic shot, as listed in 50 CFR 20.21(j).

(ii) Beginning January 1, 2017, persons using centerfire rifles must use bullets that contain no more than 1% lead.

* * * * *

(8) * * *

(i) To protect wood storks, the following conservation measures must be observed anywhere Endangered Species Act protection applies to this species: all control activities are allowed if the activities occur more than 1,500 feet from active wood stork nesting colonies, more than 1,000 feet from active wood stork roost sites, and more than 750 feet from feeding wood storks.

* * * * *

(iv) Any agency or its agents or any individual or company planning to implement double-crested cormorant control activities that may affect bald eagles must comply with the National Bald Eagle Management Guidelines (*http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/Bald Eagle/NationalBaldEagleManagement Guidelines.pdf*) in conducting the activities.

* * * * *

■ 3. Amend § 21.48 as follows:
■ a. By revising paragraph (d)(2) as set forth below;

■ b. In the introductory text of paragraph (d)(8)(i), by removing the words ''wood storks, and bald eagles'' and adding in their place the words ''and wood storks'';
■ c. In paragraphs (d)(8)(i)(A) and (d)(8)(i)(B), by removing the words ''or occur more than 750 feet from active bald eagle nests;'' in each place that they occur;
■ d. By adding a new paragraph (d)(8)(i)(D) to read as set forth below;
■ e. In paragraph (d)(8)(iii), by removing the word ''four'';
■ f. By revising paragraph (d)(11) to read as set forth below; and
■ g. In paragraph (f), by removing the word ''2014'' and adding in its place the word ''2019''.

§ 21.48 Depredation order for double-crested cormorants to protect public resources.

* * * * *

(d) * * *

(2) Double-crested cormorants may be taken only by means of egg oiling, egg and nest destruction, cervical dislocation, firearms, and CO_2 asphyxiation.

(i) Persons using shotguns must use nontoxic shot, as listed in 50 CFR 20.21(j).

(ii) Beginning January 1, 2017, persons using centerfire rifles must use bullets that contain no more than 1% lead.

(iii) Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

* * * * *

(8) * * *

(i) * * *

(D) Any agency or its agents planning to implement double-crested cormorant control activities that may affect bald eagles must comply with the National Bald Eagle Management Guidelines (*http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf*) in conducting the activities.

* * * * *

(11) Each agency conducting control activities under the provisions of this regulation must provide annual reports, as described in paragraph (d)(10) of this section, to the appropriate Service Regional Migratory Bird Permit Office by January 31 for control activities undertaken the previous calendar year. We will regularly review agency reports and will periodically assess the overall impact of this program to ensure compatibility with the long-term conservation of double-crested cormorants and other resources.

* * * * *

Dated: May 19, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–12318 Filed 5–27–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130919816–4205–02]

RIN 0648–XD308

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2014 Sub-Annual Catch Limit (ACL) Harvested for Management Area 1B

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

ACTION: Temporary rule; directed fishery closure.

SUMMARY: NMFS is closing the directed herring fishery in management Area 1B, because it projects that 92 percent of the 2014 catch limit for that area will have been caught by the effective date. This action is necessary to comply with the regulations implementing the Atlantic Herring Fishery Management Plan and is intended to prevent over harvest in Area 1B.

DATES: Effective 0001 hr local time, May 24, 2014, through December 31, 2014.

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

SUPPLEMENTARY INFORMATION: The reader can find regulations governing the herring fishery at 50 CFR part 648. The regulations require annual specification of the overfishing limit, acceptable biological catch, annual catch limit (ACL), optimum yield, domestic harvest and processing, U.S. at-sea processing, border transfer, and sub-ACLs for each management area. The 2014 Domestic Annual Harvest is 107,800 metric tons (mt); the 2014 sub-ACL allocated to Area 1B is 4,600 mt, and 138 mt of the Area 1B sub-ACL is set aside for research (78 FR 61828, October 4, 2013). The 2014 Area 1B sub-ACL was reduced to 2,878 mt to account for a 1,584 mt overage in 2012 (79 FR 15253, March 19, 2014). For management Area 1B, the catch of sub-ACL is currently allocated to the seasonal period from May 1 through December 31. During the seasonal period from January 1 through April 30, there is no quota currently allocated to this season; therefore, vessels are prohibited from fishing for herring in or from Area 1B during this period.

The regulations at § 648.201 require that when the NMFS Administrator of the Greater Atlantic Region (Regional Administrator) projects herring catch will reach 92 percent of the sub-ACL allocated in any of the four management areas designated in the Atlantic Herring Fishery Management Plan (FMP), NMFS will prohibit herring vessel permit holders from fishing for, catching, possessing, transferring, or landing more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from the specified management area for the remainder of the directed fishery closure period. The Regional Administrator monitors the herring fishery catch in each of the management areas based on dealer reports, state data, and other available information. NMFS publishes notification in the **Federal Register** of the date that the catch is projected to reach 92 percent of the management area sub-ACL and closure of the directed fishery in the management area for the remainder of the closure period. Vessels that have entered port before the closure date may offload and sell more than 2,000 lb (907.2 kg) of herring from Area 1B, from that trip. During the directed fishery closure, vessels may transit Area 1B with more than 2,000 lb (907.2 kg) of herring on board only under the conditions specified below.

The Regional Administrator has determined, based on dealer reports and other available information, that the herring fleet will have caught 92 percent of the total herring sub-ACL allocated to Area 1B for the 2014 season (May 1 through December 31) by May 24, 2014. Therefore, effective 0001 hr local time, May 24, 2014, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 2,000 lb (907.2 kg) of herring per trip or calendar day, in or from Area 1B through December 31, 2014, except that vessels that have entered port before 0001 hr on May 24, 2014, may offload and sell more than 2,000 lb (907.2 kg) of herring from Area 1B from that trip after the closure. During the directed fishery closure, May 24, 2014, through December 31, 2014, a vessel may transit through Area 1B with more than 2,000 lb (907.2 kg) of herring on board, provided the vessel did not catch more than 2,000 lb of herring in Area 1B and stows all fishing gear aboard, making it unavailable for

immediate use as required by § 648.23(b). Effective 0001 hr, May 24, 2014, NMFS also advises federally permitted dealers that they may not receive herring from federally permitted herring vessels that harvest more than 2,000 lb (907.2 kg) of herring from Area 1B through 2400 hr local time, December 31, 2014, unless it is from a trip landed by a vessel that entered port before 0001 hr on May 24, 2014. During the seasonal period January 1, 2015, through April 30, 2015, vessels are prohibited from fishing for herring in or from Area 1B. Beginning on May 1, 2015, the 2015 allocation for Area 1B becomes available.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action closes the directed herring fishery for Management Area 1B through December 31, 2014, under current regulations. The regulations at § 648.201(a) require such action to ensure that herring vessels do not exceed the 2014 sub-ACL allocated to Area 1B. The herring fishery opened for the 2014 fishing year on January 1, 2014. Data indicating the herring fleet will have landed at least 92 percent of the 2014 sub-ACL allocated to Area 1B have only recently become available. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Area 1B for this fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must also be deducted from a future sub-ACL and would reduce future fishing opportunities. NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: May 22, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–12323 Filed 5–22–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 102
Wednesday, May 28, 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.

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1016

[Docket No. CFPB–2014–0010]

RIN 3170–AA39

Amendment to the Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act (Regulation P)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 13, 2014, the Bureau of Consumer Financial Protection (Bureau) published in the **Federal Register** a Notice of Proposed Rulemaking proposing an amendment to the annual privacy notice requirement set forth in subpart A of Regulation P (Annual Privacy Notice Proposal). The Annual Privacy Notice Proposal allowed a 30-day comment period that will end on June 12, 2014. To allow interested persons additional time to consider and submit their responses, the Bureau has determined that an extension of the comment period until July 14, 2014, is appropriate.

DATES: The comment period for the Annual Privacy Notice Proposal published May 13, 2014, at 79 FR 27214, is extended. Responses must now be received on or before July 14, 2014.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2014–0010 or RIN 3170–AA39, by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

Instructions: All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or social security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions, or any additional information, please contact Monica Jackson, Office of the Executive Secretary, 202–435–7275.

SUPPLEMENTARY INFORMATION: On May 6, 2014, the Bureau issued the Annual Privacy Notice Proposal. The Annual Privacy Notice Proposal was then published in the **Federal Register** on May 13, 2014. The Annual Privacy Notice Proposal seeks comment, data and information from the public about a proposed amendment to the annual privacy notice requirement set forth in subpart A of Regulation P, 12 CFR Part 1016. The amendment would create an alternative delivery method for this annual privacy disclosure, which financial institutions would be able to use under certain conditions.

The comment period on the Annual Privacy Notice Proposal was to close on June 12, 2014.

The Bureau has received a coordinated request from banking and financial service provider trade associations asking that the Bureau extend the Annual Privacy Notice Proposal comment period from 30 to 90 days. The request indicated that additional time would enable interested parties to more thoroughly evaluate and respond to the specific issues raised in the proposal.

The Bureau balances interested parties' desire to have additional time to consider the issues raised in the Annual Privacy Notice Proposal, gather data, and prepare their responses, with the need to proceed expeditiously to consider comments and determine whether to issue a final rule. As noted in the proposal, the Bureau anticipates that making the proposed alternative delivery mechanism available could benefit both industry and consumers. Moreover, the proposed rule is relatively brief and concerns a single alternative delivery method for a single notice. It also concerns a topic on which the Bureau has previously sought and received two rounds of public comment.[1] The Bureau believes in light of these factors that a 60-day extension of the comment period, resulting in a 90-day comment period, is not necessary or appropriate. However, the Bureau believes that a 30-day extension is appropriate. The comment period will therefore close on July 14, 2014.

Dated: May 20, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–12148 Filed 5–27–14; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0541; Directorate Identifier 2011–NM–097–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

[1] 76 FR 75825 (Dec. 5, 2011). The Streamlining Inherited Regulations project provided for an initial comment period and another period for replies to those comments. Although the request for an extension of the present comment period points out that the annual privacy notice amendment proposal has several specifics that were not included in the earlier streamlining project request for comments, the Bureau believes that those two rounds of comments provided robust and helpful input and afforded interested parties a meaningful chance to participate regarding the topic of the proposed rule.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA withdraws a notice of proposed rulemaking (NPRM) that would supersede certain existing airworthiness directives (ADs) for The Boeing Company Model 757–200, –200PF, and –200CB series airplanes. The NPRM proposed to require a determination of the type of trailing edge wedges of the leading edge slats, repetitive inspections on certain trailing edge wedges for areas of skin-to-core disbonding, and corrective actions if necessary; and proposed to revise the applicability of the existing ADs to include additional airplanes. The NPRM also provided an optional terminating action for the repetitive inspections. Since we issued the NPRM, we have determined that the manufacturer's service information is inadequate to accomplish the actions necessary to address the unsafe condition. Once the manufacturer has issued new service information to address the unsafe condition, we may issue new rulemaking action that positively addresses the unsafe condition identified in the NPRM. Accordingly, the NPRM is withdrawn.

DATES: As of May 28, 2014, the proposed rule, which was published in the **Federal Register** on July 2, 2013 (78 FR 39633), is withdrawn.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0541; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, the NPRM (78 FR 39633, July 2, 2013), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6440; fax: 425–917–6590; email: *Nancy.Marsh@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a notice of proposed rulemaking (NPRM) for a new AD to supersede AD 90–23–06, Amendment 39–6794 (55 FR 46499, November 5, 1990; AD 91–22–51, Amendment 39–8129 (57 FR 781, January 9, 1992; and AD 2005–07–08, Amendment 39–14032 (70 FR 16403, March 31, 2005), for certain Model 757–200, –200PF, and –200CB series airplanes. The NPRM published in the **Federal Register** on July 2, 2013 (78 FR 39633). The NPRM proposed to require a determination of the type of trailing edge wedges of the leading edge slats, repetitive inspections on certain trailing edge wedges for areas of skin-to-core disbonding, and corrective actions if necessary; and proposed to revise the applicability of ADs 90–23–06, 91–22–51, and 2005–07–08 to include additional airplanes. The NPRM also provided an optional terminating action for the repetitive inspections. The NPRM was prompted by reports of slat disbonding on airplanes on which the terminating actions of ADs 90–23–06, 91–22–51, and 2005–07–08 were completed; and we have received reports of slats disbonding on airplanes outside of the applicability of ADs 90–23–06, 91–22–51, and 2005–07–08.

Actions Since the NPRM (78 FR 39633, July 2, 2013) Was Issued

Since we issued the NPRM (78 FR 39633, July 2, 2013), we have determined that the manufacturer's service information is inadequate to accomplish the actions necessary to address the unsafe condition.

FAA's Conclusions

We have determined that the unsafe condition identified in the NPRM (78 FR 39633, July 2, 2013) still exists. Once the manufacturer has issued new service information to address the unsafe condition, we may issue new rulemaking action that positively addresses the unsafe condition identified in the NPRM. Accordingly, the NPRM is withdrawn.

Withdrawal of the NPRM (78 FR 39633, July 2, 2013) does not preclude the FAA from issuing the related actions or commit the FAA to any course of action in the future.

Regulatory Impact

Since this action only withdraws the NPRM (78 FR 39633, July 2, 2013), it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, we withdraw the NPRM, Docket No. FAA–2013–0541, Directorate Identifier 2011–NM–097–AD, which published in the **Federal Register** on July 2, 2013 (78 FR 39633).

Issued in Renton, Washington, on May 16, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–12258 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0283; Directorate Identifier 2012–NM–183–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2010–03–05, which applies to all The Boeing Company Model 747–200C and –200F series airplanes. AD 2010–03–05 currently requires, for section 41 upper deck floor beam upper chords, an inspection for cracks of certain fastener holes, and corrective action if necessary; and repetitive replacements of the upper chords, straps (or angles), and radius fillers of certain upper deck floor beams and, for any replacement that is done, inspections for cracks, and corrective actions if necessary. Since we issued AD 2010–03–05, we have determined that the upper deck floor beams are subject to widespread fatigue damage (WFD), the existing inspection program is not sufficient to maintain an acceptable level of safety, and section 42 upper deck floor beam upper chords are subject to the unsafe condition. This proposed AD would add post-replacement inspections for section 41 and reduce certain compliance times. This proposed AD would also require repetitive inspections of section 42 upper deck floor beam upper chords, repetitive replacements of the upper chords, post-replacement inspections,

and corrective action if necessary. We are proposing this AD to detect and correct cracking of the upper chords and straps (or angles) of the floor beams, which could lead to failure of the floor beams and consequent loss of controllability, rapid decompression, and loss of structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by July 14, 2014.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0283; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Roger Caldwell, Aerospace Engineer, Technical Operations Center, ANM–100D, FAA, Denver Aircraft Certification Office (ACO), 26805 East 68th Avenue, Room 214, Denver, CO 80249; phone: 303–342–1086; fax: 303–342–1088; email: *roger.caldwell@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0283; Directorate Identifier 2012–NM–183–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

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

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

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

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

On January 21, 2010, we issued AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010), for all The Boeing Company Model 747–200C and –200F series airplanes. AD 2010–03–05 requires a high frequency eddy current (HFEC) inspection for cracks of certain fastener holes, and corrective action if necessary. AD 2010–03–05 also requires repetitive replacements of the upper chords, straps (or angles), and radius fillers of certain upper deck floor beams and, for any replacement that is done, detailed and open-hole HFEC inspections for cracks of the modified upper deck floor beams, and corrective actions if necessary. AD 2010–03–05 resulted from a report from the manufacturer that the accomplishment of certain existing inspections, repairs, and modifications is not adequate to ensure the structural integrity of the affected upper chords of the upper deck floor beams made of 7075 series aluminum alloy on airplanes that have exceeded certain thresholds. We issued AD 2010–03–05 to prevent cracking of the upper chords and straps (or angles) of the floor beams, which could lead to failure of the floor beams and

consequent loss of controllability, rapid decompression, and loss of structural integrity of the airplane.

Actions Since AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010), Was Issued

Since we issued AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010), we have determined that replacement of the upper chord of the upper deck floor beam is necessary at body stations aft of station 520. Upper chords of the upper deck floor beam aft of STA 520 (540 through 740) are made from 2024 aluminum, and these upper chords aft of STA 520 have been determined to be a structure that is also susceptible to WFD. Ongoing inspection of this structure is not sufficient to maintain an acceptable level of safety, and therefore replacement of the structure is necessary. The modifications and inspections of the upper deck floor beams were developed to support the airplane's LOV of the engineering data that support the established structural maintenance program. It has also been determined that section 42 of the airplane is subject to the unsafe condition.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0283.

FAA's Determination

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

Proposed AD Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010), this proposed AD would retain all of the requirements of AD 2010–03–05. Those retained requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraphs (g) and (h) of this proposed AD. This proposed AD would require, for section 41 upper deck floor beam upper chords, an HFEC inspection for cracks of certain fastener holes, and corrective action if necessary; and repetitive replacements of the upper chords, straps (or angles), and radius fillers of certain upper deck floor beams and, for any replacement that is done, detailed and open-hole HFEC inspections for cracks of the modified upper deck floor beams, and corrective actions if necessary.

This proposed AD would add post-replacement inspections for section 41 upper deck floor beam upper chords and reduce certain compliance times. This proposed AD also would require repetitive inspections of section 42 upper deck floor beam upper chords, repetitive replacements of the upper chords, post-replacement inspections, and corrective action if necessary.

Differences Between This Proposed AD and the Service Information

The service bulletin specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

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

Explanation of Compliance Time

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

Costs of Compliance

We estimate that this proposed AD affects 25 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained inspection and replacement (AD 2010–03–05, Amendment 39-16188 (75 FR 5692, February 4, 2010)).	663 work-hours × $85 per hour = $56,355.	$0	$56,355 per inspection/replacement cycle.	$1,408,875 per inspection/replacement cycle.
New post-replacement inspections—section 41.	Up to 525 work-hours × $85 per hour = $44,625.[1]	Manufacturer has not provided cost of parts.	$44,625	Up to $1,115,625.
New inspections, replacement, and post-replacement inspections—section 42.	Up to 525 work-hours × $85 per hour = $44,625.[1]	Manufacturer has not provided cost of parts.	$44,625	Up to $1,115,625.

[1] Includes time to manufacture parts.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010), and adding the following new AD:

The Boeing Company: Docket No. FAA–2014–0283; Directorate Identifier 2012–NM–183–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by July 14, 2014.

(b) Affected ADs

This AD supersedes AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010).

(c) Applicability

This AD applies to all The Boeing Company Model 747–200C and –200F series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation done by the design approval holder (DAH) indicating that the upper deck floor beams are not adequate to ensure structural integrity and are subject to widespread fatigue damage (WFD). Inspections and modifications were developed to support the airplane's limit of validity (LOV) of the engineering data that support the established structural maintenance program. We are issuing this AD to detect and correct cracking of the upper chords and straps (or angles) of the floor beams, which could lead to failure of the floor beams and consequent loss of controllability, rapid decompression, and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Inspection and Replacement for Section 41 Upper Deck Floor Beam Upper Chords

At the applicable time specified in Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012: At stations (STA) 340 through STA 440, STA 500, and STA 520, do an open-hole HFEC inspection at all accessed fastener holes to detect cracking; and install new upper deck floor beam upper chords, straps, angles, and radius fillers, in accordance with Part 2 and Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(h) Post-Replacement Inspections and Replacements for Section 41 Upper Deck Floor Beam Upper Chords

At the applicable time specified in Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012; or within 1,500 flight cycles after March 11, 2010 (the effective date of AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010)); whichever occurs later: Do detailed and HFEC inspections to detect cracking of the replaced upper deck floor beam chords, the floor panel attachment holes, and the permanent fastener locations of the replaced upper deck floor beam chords, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012. If no crack is found, do the actions specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Do the detailed and HFEC inspections of the replaced upper deck floor beam chords within 3,000 flight cycles after the most recent inspection, or within 300 flight cycles after the effective date of this AD, whichever occurs later, and repeat thereafter at the applicable time specified in Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(2) Do the open-hole HFEC inspection and chord replacement required by paragraph (g) of this AD at the applicable time specified in Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012, or within 240 flight cycles after the effective date of this AD, whichever occurs later. Repeat the inspections and replacement specified in paragraph (h) of this AD at the applicable time specified in Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(i) Inspection and Replacement for Section 42 Upper Deck Floor Beam Upper Chords

At the applicable time specified in Tables 3 and 4 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012, except as required by paragraph (l) of this AD: Do the actions specified in paragraph (i)(1) or (i)(2) of this AD as applicable.

(1) At STA 540 through STA 740 for Group 1 airplanes identified in Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012: Do an open-hole HFEC inspection to detect cracking, and install new upper deck floor beam upper chord replacements, in accordance with Part 7 and Part 8 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(2) At STA 540 through STA 780 for Group 2 airplanes identified in Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012: Do an open-hole HFEC inspection to detect cracking, and install new upper deck floor beam upper chord replacements, in accordance with Part 7 and Part 8 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(j) Post-Replacement Inspections and Replacement for Section 42 Upper Deck Floor Beam Upper Chords

At the applicable time specified in Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012; or within 1,500 flight cycles after March 11, 2010 (the effective date of AD 2010–03–05, Amendment 39–16188 (75 FR 5692, February 4, 2010)); whichever occurs later: Do HFEC inspections to detect cracking of the replaced upper deck floor beam chords, in accordance with Part 9 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012. If no crack is found, do the actions specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) Repeat the HFEC inspections of the replaced upper deck floor beam chords thereafter at the applicable time specified Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(2) Do the open-hole HFEC inspection and chord replacement required by paragraph (i) of this AD at the applicable time specified in Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012. Repeat the inspections and replacement, as specified in paragraph (j) of this AD, at the applicable

time specified in Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012.

(k) Corrective Actions

If any cracking is found during any inspection required by this AD, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (o) of this AD.

(l) Exception to Service Information Specifications

Where Boeing Alert Service Bulletin 747–53A2696, Revision 1, dated April 12, 2012, specifies a compliance time ''after the revision 1 date on this service bulletin,'' this AD requires compliance within the specified compliance time ''after the effective date of this AD.''

(m) Credit for Previous Actions

This paragraph provides credit for the installation of floor beam replacements required by this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2696, dated October 16, 2008.

(n) Special Flight Permit

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(o) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the persons identified in paragraphs (o)(1) and (o)(2) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(p) Related Information

(1) For more information about this AD, contact Roger Caldwell, Aerospace Engineer, Technical Operations Center, ANM–100D, FAA, Denver Aircraft Certification Office, 26805 East 68th Avenue, Room 214, Denver, CO 80249; phone: 303–342–1086; fax: 303–342–1088; email: *roger.caldwell@faa.gov.*

(2) For information about AMOCs, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

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

Issued in Renton, Washington, on May 15, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–12260 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0286; Directorate Identifier 2014–NM–004–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–600 and –700 series airplanes. This proposed AD was prompted by reports of cracking in a bulkhead lower frame. This proposed AD would require a detailed and open hole high frequency eddy current (HFEC) inspection of the left- and right-side lower frame webs and inner chords for cracking, if necessary, and corrective actions and preventative modifications, if necessary. This proposed AD would also provide for optional terminating action for the repetitive inspections under certain conditions. We are proposing this AD to detect and correct cracking in a bulkhead lower frame web and inner chord, which could result in a severed frame and induced skin cracks, and lead to rapid decompression of the fuselage.

DATES: We must receive comments on this proposed AD by July 14, 2014.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0286; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6450; fax: (425) 917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0286; Directorate Identifier 2014–NM–004–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy

aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of cracking in the STA 727 bulkhead lower frame. This condition, if not corrected, could result in a severed frame and induced skin cracks, and lead to rapid decompression of the fuselage.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0286.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require a detailed and open hole HFEC inspection of the left- and right-side lower frame webs and inner chords for cracking, if necessary, and corrective actions and preventative modifications, if necessary; except as discussed under ''Differences Between this Proposed AD and the Service Information.''

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

The service information specifies to contact the manufacturer for instructions on how to do certain inspections and repair certain conditions, but this proposed AD would require accomplishing those actions in one of the following ways:

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

Costs of Compliance

We estimate that this proposed AD affects 489 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	37 work-hours × $85 per hour = $3,145	$0	$3,145	$1,537,905

We estimate the following costs to do any necessary repairs that would be required based on the results of the proposed inspections. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair (per side)	11 work-hours × $85 per hour = $935	$2,820	$3,755
Modification	17 work-hours × $85 per hour = $1,445	1,132	2,577

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0286; Directorate Identifier 2014–NM–004–AD.

(a) Comments Due Date

We must receive comments by July 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–600 and –700 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking in the body station (STA) 727 bulkhead lower frame. We are issuing this AD to detect and correct cracking in a bulkhead lower frame web and inner chord, which could result in a severed framed and induced skin cracks, and lead to rapid decompression of the fuselage.

(f) Compliance

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

(g) Inspections

At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, except as provided by paragraph (i)(1) of this AD: Do a detailed and open hole high frequency eddy current (HFEC) inspection of the left- and right-side lower frame webs and inner chords for cracking, as applicable, and do all applicable corrective actions and preventative modifications, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, except as required by paragraph (i)(2) of this AD. Repeat the applicable inspections required by this paragraph thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013. Do all applicable corrective actions and preventative modifications before further flight.

(h) Terminating Action

Accomplishment of a modification or a repair in accordance with Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, terminates the repetitive inspections in this AD for the repaired or modified side only.

(i) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, specifies to contact Boeing for appropriate action: Before further flight, accomplish the corresponding action using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(j) Post-Repair Inspections

The post-repair inspections, specified in tables 4, 5, and 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, are not required by this AD.

Note 1 to paragraph (j) of this AD: The damage tolerance inspections specified in tables 4, 5, and 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, may be used in support of compliance with Section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The corresponding actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1325, dated December 3, 2013, are not required by this AD.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(l) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6450; fax: (425) 917–6590; email: *alan.pohl@faa.gov.*

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

Issued in Renton, Washington, on May 15, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–12244 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0692; Directorate Identifier 2012–NM–024–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM proposed to supersede AD 2011–14–06 and proposed revising the maintenance program. The NPRM was prompted by the determination that more restrictive limitations are necessary. This action revises the NPRM by revising the maintenance program to incorporate new limitations. We are proposing this AD to prevent fatigue cracking, accidental damage, or corrosion in principal structural elements, and possible failure of certain life limited parts, which could result in reduced structural integrity of the airplane. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this proposed AD by July 14, 2014.

ADDRESSES: You may send comments by any of the following methods:

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

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0692; Directorate Identifier 2012–NM–024–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on August 13, 2013 (78 FR 49213). The NPRM proposed to supersede AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011), to require actions intended to address the unsafe condition for Airbus Model A318, A319, A320, and A321 series airplanes.

Since the NPRM (78 FR 49213, August 13, 2013) was issued, it has been determined that more restrictive limits are needed for damage tolerant airworthiness limitation items. This supplemental notice of proposed rulemaking (SNPRM) would require revising the maintenance program to incorporate new limitations.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0147, dated July 16, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The airworthiness limitations for Airbus A320 family aeroplanes are currently included in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) document. The airworthiness limitations applicable to the Damage Tolerant Airworthiness Limitation Items (DT ALI) are currently given in Airbus ALS Part 2, which is approved by EASA.
>
> Previously, EASA issued AD 2010–0071R1 [*http://ad.easa.europa.eu/blob/easa_ad_2010_0071_R1.pdf/AD_2010-0071R1_1*] [associated with FAA AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)], which required the implementation of the DT ALI maintenance instructions as specified in Airbus A318/A319/A320/A321 ALI Document ref. AI/SE–M4/95A.0252/96 issue 10 and Airbus A319 Corporate Jet ALI Document ref. AI/SE–M2/95A.1038/99.
>
> The new Airbus A318/A319/A320/A321 ALS Part 2 Revision 02, which includes also Airbus A319 Corporate Jet, introduces more restrictive DT ALI maintenance instructions. Failure to comply with these instructions could result in an unsafe condition.
>
> Application of new DT ALI tasks 531129–02–2 and 531129–02–3 introduces initial and repetitive inspections of the windshield central lower node continuity fittings, replacing the one time inspection for that subject, previously required by EASA AD 2011–0231 [*http://ad.easa.europa.eu/blob/easa_ad_2011_0231.pdf*] [associated with FAA AD 2013–13–03, Amendment 39–17491 (78 FR 41280, July 10, 2013)].
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2010–0071R1 * * *, which are superseded, and requires compliance with all maintenance tasks as described in Airbus A318/A319/A320/A321 ALS part 2 at Revision 02.

The unsafe condition is fatigue cracking, accidental damage, or corrosion in principal structural elements and possible failure of certain life limited parts, which could result in reduced structural integrity of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0692.

Relevant Service Information

Airbus has issued A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Comments

We gave the public the opportunity to comment on the NPRM (78 FR 49213, August 13, 2013). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Incorporate Airbus A318/A319/A320/A321 ALS Part 2, Revision 02, Dated May 28, 2013, in Paragraph (m) of the NPRM (78 FR 49213, August 13, 2013)

American Airlines (AAL) requested that we either delete the phrase ''doing the actions required by paragraph (m) of this AD terminates the requirements of this paragraph,'' from paragraph (i) of the NPRM (78 FR 49213, August 13, 2013), or incorporate Airbus A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013, in paragraph (m) of the NPRM. The commenter stated that paragraph (m) of the NPRM does not require incorporation of Airbus A318/A319/A320/A321 ALS Part 2, Revision 02, dated May 28, 2013; therefore, incorporating paragraph (m) would not

fully terminate requirements of paragraph (i) of the NPRM.

We agree to revise the final rule by adding the incorporation of Airbus A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013, to paragraph (p) of this SNPRM.

Request To Incorporate Airbus A318/A319/A320/A321 ALS Part 3—Certification Maintenance Requirements (CMR), Revision 01, Dated June 15, 2012; in Paragraph (m) of the NPRM (78 FR 49213, August 13, 2013)

AAL requested that we incorporate Airbus ALS Part 3—CMR, Revision 01, dated June 15, 2012; in paragraph (m) of the NPRM (78 FR 49213, August 13, 2013).

We acknowledge that the latest approved CMR has been released; however, we disagree to revise this SNPRM. EASA has issued a separate AD 2013–0148, dated July 16, 2013 to require Airbus ALS Part 3—CMR, Revision 01, dated June 15, 2012. Therefore, we are considering separate rulemaking for mandating Airbus ALS Part 3—CMR, Revision 01, dated June 15, 2012. No change has been made to this SNPRM in this regard.

Request To Incorporate Airbus A318/A319/A320/A321 ALS Part 4—Ageing Systems Maintenance (ASM), Revision 01, Dated June 15, 2012 in Paragraph (m) of the NPRM (78 FR 49213, August 13, 2013)

Airbus and AAL requested that we revise paragraph (m) of the NPRM (78 FR 49213, August 13, 2013) to incorporate Airbus A318/A319/A320/A321 ALS Part 4—ASM, Revision 01, dated June 15, 2012. Airbus stated that the NPRM mentions Airbus A318/A319/A320/A321 ALS Part 4—ASM, dated January 8, 2008; however, Airbus A318/A319/A320/A321 ALS Part 4—ASM, Revision 01, dated June 15, 2012, introduces the extended service goal 1 (ESG1) exercise which allows continued operation of the A320–200 systems post-modification 39020 at a different compliance time.

We acknowledge that the latest approved ALS Part 4 has been released; however, we disagree to revise this SNPRM. EASA has issued EASA AD 2013–0146, dated July 16, 2013 to require Airbus A318/A319/A320/A321 ALS Part 4—ASM, Revision 01, dated June 15, 2012. Therefore, we might consider separate rulemaking for mandating Airbus A318/A319/A320/A321 ALS Part 4—ASM, Revision 01, dated June 15, 2012. No change has been made to this SNPRM in this regard.

Retained Paragraph of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)

The NPRM (78 FR 49213, August 13, 2013) did not retain paragraph (h) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011). We have retained that paragraph as paragraph (h) of this SNPRM and have re-designated the subsequent paragraphs accordingly.

Differences Between This Proposed AD and the MCAI or Service Information

The MCAI specifies that if there are findings from the ALS inspection tasks, corrective actions must be accomplished in accordance with Airbus maintenance documentation. However, this proposed AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the NPRM (78 FR 49213, August 13, 2013). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 851 airplanes of U.S. registry.

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

The actions that are required by AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the required actions is $85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $72,335, or $85 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011) and by adding the following new AD:

Airbus: Docket No. FAA–2013–0692; Directorate Identifier 2012–NM–024–AD.

(a) Comments Due Date

We must receive comments by July 14, 2014.

(b) Affected ADs

This AD supersedes AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011).

(c) Applicability

This AD applies to all Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Periodic inspections.

(e) Reason

This AD was prompted by a determination that more restrictive limitations are necessary. We are issuing this AD to prevent fatigue cracking, accidental damage, or corrosion in principal structural elements, and possible failure of certain life limited parts, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of Airworthiness Limitations Section (ALS) To Incorporate Safe Life ALIs

This paragraph restates the requirements of paragraph (g) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011). For Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes: Within 3 months after November 7, 2007 (the effective date of AD 2007–20–05, Amendment 39–15215 (72 FR 56262, October 3, 2007)), revise the ALS of the Instructions for Continued Airworthiness to incorporate Sub-part 1–2, ''Life Limits,'' and Sub-part 1–3, ''Demonstrated Fatigue Lives,'' of Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, dated February 28, 2006. Accomplish the actions in Sub-part 1–2, ''Life Limits,'' and Sub-part 1–3, ''Demonstrated Fatigue Lives,'' of Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, dated February 28, 2006, at the times specified in Sub-part 1–2, ''Life Limits,'' and Sub-part 1–3, ''Demonstrated Fatigue Lives,'' of Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, dated February 28, 2006, except as provided by paragraph (i) of this AD. Doing the actions required by paragraph (n) of this AD terminates the requirements of this paragraph.

(h) Retained Revision to ALS To Incorporate Damage Tolerant ALIs

This paragraph restates certain provisions of paragraph (h) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011). For Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; except Model A319 airplanes on which Airbus Modifications 28238, 28162, and 28342 have been incorporated in production: Within 14 days after November 7, 2007 (the effective date of AD 2007–20–05, Amendment 39–15215 (72 FR 56262, October 3, 2007)), revise the ALS of the Instructions for Continued Airworthiness To Incorporate Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005 (approved by the EASA on February 7, 2006); Issue 08, dated March 2006 (approved by the EASA on January 4, 2007); or Issue 09, dated November 2006 (approved by the EASA on May 21, 2007). Accomplish the actions in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006; at the times specified in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006; as applicable; except as provided by paragraph (i) of this AD. Doing the actions required by paragraph (j) of this AD terminates the requirements of this paragraph. Doing the actions required by paragraph (n) of this AD terminates the requirements of this paragraph.

(i) Retained Grace Period for New or More Restrictive Actions

This paragraph restates certain provisions of paragraph (i) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011). For Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes: For any new or more restrictive life limit introduced with Sub-part 1–2, ''Life Limits,'' and Sub-part 1–3, ''Demonstrated Fatigue Lives,'' of Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, dated February 28, 2006, replace the part at the time specified in Sub-part 1–2, ''Life Limits,'' and Sub-part 1–3, ''Demonstrated Fatigue Lives,'' of Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, dated February 28, 2006, or within 6 months after November 7, 2007 (the effective date of AD 2007–20–05, Amendment 39–15215 (72 FR 56262, October 3, 2007)), whichever is later. Accomplishing the actions required by paragraph (n) of this AD terminates the requirements of this paragraph.

(j) Retained Revision of ALS To Incorporate Damage-Tolerant ALIs With Revised Compliance Times

This paragraph restates the requirements of paragraph (j) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011), with revised compliance times. Within 9 months after August 22, 2011 (the effective date of AD 2011–14–06): Revise the maintenance program by incorporating all maintenance requirements and associated airworthiness limitations specified in the Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010. Comply with all applicable maintenance requirements and associated airworthiness limitations included in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010; except as provided by paragraph (k) of this AD. Doing the actions required by this paragraph terminates the requirements of paragraph (h) of this AD. Accomplishing the actions required by paragraph (n) of this AD terminates the requirements of this paragraph.

(k) Retained Special Compliance Times for Certain Tasks

This paragraph restates the requirements of paragraph (k) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011), with changes to table 1 to paragraph (k) of this AD. For new and more restrictive tasks introduced with Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010; as specified in table 1 to paragraph (k) of this AD: The initial compliance time for doing the tasks is specified in table 1 to paragraph (k) of this AD. Accomplishing the actions specified in paragraph (n) of this AD terminates the requirements of this paragraph.

TABLE 1—TO PARAGRAPH (K) OF THIS AD—COMPLIANCE TIMES FOR TASKS

Task	Applicability (as specified in the applicability column of the task)	Compliance time, whichever occurs later	
545102–01–6	Group 19–1A CFM, Group 19–1B CFM, and Model A320–200 airplanes with CFM Industrial (CFM)/International Aero Engine (IAE) engines.	The threshold as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010.	Within 2,000 flight cycles or 5,500 flight hours, after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)), whichever occurs first.
545102–01–7	Model A320–100 series airplanes.	The threshold as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010.	Within 2,000 flight cycles or 2,000 flight hours, after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)), whichever occurs first.
572050–01–1 or alternative task 572050–02–1	Group 19–1A and Group 19–1B airplanes.	At the time of the next due accomplishment of any one of the tasks 572004, 572020, or 572053 as currently described in the Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006.	Within 6 months after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)).
572050–01–4 or alternative task 572050–02–4	Model A320–200 series airplanes.	At the time of the next due accomplishment of any one of the tasks 572004, 572020, or 572053 as currently described in the Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006.	Within 6 months after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)).
572050–01–5 or alternative task 572050–02–5	Group 21–1A airplanes	At the time of the next due accomplishment of any one of the tasks 572004, 572020, or 572053 as currently described in the Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006.	Within 6 months after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)).

TABLE 1—TO PARAGRAPH (K) OF THIS AD—COMPLIANCE TIMES FOR TASKS—Continued

Task	Applicability (as specified in the applicability column of the task)	Compliance time, whichever occurs later	
572050–01–7 or alternative task 572050–02–7	Model A320–100 series airplanes.	At the time of the next due accomplishment of any one of the tasks 572004, 572020, or 572053 as currently described in the Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006.	Within 6 months after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)).
534132–01–1	Model A320 PRE 30748 airplanes.	The threshold/interval as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010.	Within 100 days after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)), without exceeding the previous threshold/interval as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006.
531118–01–1	Model A318 (except (A318–121 and –122), Group 19–1A, Group 19–1B, and Model A320 and A321 series airplanes.	The threshold/interval as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010.	Within 100 days after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)), without exceeding the previous threshold/interval as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 7, dated December 2005; Issue 08, dated March 2006; or Issue 09, dated November 2006.
531118–01–1	Model A318–121 and –122 airplanes.	The threshold/interval as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010.	Within 100 days after August 22, 2011 (the effective date of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011)).

Note 1 to table 1 to paragraph (k) of this AD: ALI Task 572050 refers to the outer wing dry bay and is comprised of extracts from three ALI Tasks 572004, 572020, and 572053. The threshold of ALI Task 572050 for the whole dry bay area is that of the lowest threshold of the source ALI tasks, i.e., that of ALI Task 572053.

(l) Retained Limitation: No Alternative Life Limits, Inspections, or Inspection Intervals After Accomplishment of the Actions Specified in Paragraphs (g) and (h) of This AD

This paragraph restates the requirements of paragraph (l) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011). After the actions specified in paragraphs (g) and (h) of this AD have been accomplished, no alternative life limits, inspections, or inspection intervals may be used, except as provided by paragraphs (i) and (m) of this AD, and except as required by paragraphs (j) and (n) of this AD.

(m) Retained Limitation: No Alternative Life Limits, Inspections, or Inspection Intervals After Accomplishment of the Actions Specified in Paragraph (j) of This AD

This paragraph restates the requirements of paragraph (m) of AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011). After the actions specified in paragraph (j) of this AD have been accomplished, no alternative life limits, inspections, or inspection intervals may be used, except as required by paragraph (n) of this AD.

(n) New Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the Airworthiness Limitation Items specified in paragraphs (n)(1), (n)(2), and (n)(3) of this AD. The initial compliance time for the accomplishing the actions is at the applicable time specified in Airworthiness Limitation Items specified in paragraphs (n)(1), (n)(2), and (n)(3) of this AD; or within 4 months after the effective date of this AD; whichever occurs later. Doing these actions terminates the requirements of paragraphs (g), (h), (i), (j), and (k) of this AD.

(1) Airbus A318/A319/A320/A321 ALS Part 1—Safe Life Airworthiness Limitation Items, Revision 02, dated May 13, 2011.

(2) Airbus A318/A319/A320/A321 ALS Part 2—Damage-Tolerant Airworthiness Limitation Items (DT ALI), Revision 02, dated May 28, 2013.

(3) Airbus A318/A319/A320/A321 ALS Part 4—Ageing Systems Maintenance, dated January 8, 2008.

(o) New Limitation: No Alternative Actions, Intervals, and/or Critical Design Configuration Control Limitations (CDCCLs)

After accomplishing the revision required by paragraph (n) of this AD, no alternative actions (e.g., inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (p)(1) of this AD.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD. AMOCs approved previously for AD 2011–14–06, Amendment 39–16741 (76 FR 42024, July 18, 2011), are approved as AMOCs for the corresponding actions specified in this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent, or the DAH with a State of Design Authority's design organization approval). You are required to ensure the product is airworthy before it is returned to service.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2012–0008, dated January 16, 2012; and 2013–0147, dated July 16, 2013; for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0692.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 15, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–12251 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0285; Directorate Identifier 2014–NM–035–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Air Data Pressure Transducers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; rescission.

SUMMARY: We propose to rescind airworthiness directive (AD) 2012–26–15, which applies to certain Honeywell International Inc. air data pressure transducers as installed on various aircraft. AD 2012–26–15 requires doing various tests or checks of equipment having certain air data pressure transducers, removing equipment if necessary, and reporting the results of the tests or checks. As an option to the tests or checks, AD 2012–26–15 allows removal of affected equipment having certain air data pressure transducers. We issued AD 2012–26–15 to detect and correct inaccuracies of the pressure sensors, which could result in altitude, computed airspeed, true airspeed, and Mach computation errors. AD 2012–26–15 reported that these errors could reduce the ability of the flightcrew to maintain the safe flight of the aircraft and could result in consequent loss of control of the aircraft. Since we issued AD 2012–26–15, we have received new data indicating that the safety risk is lower than originally estimated.

DATES: We must receive comments on this proposed AD by July 14, 2014.

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

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

For Honeywell service information identified in this AD, contact Honeywell Aerospace, Technical Publications and Distribution, M/S 2101–201, P.O. Box 52170, Phoenix, AZ 85072–2170; telephone 602–365–5535; fax 602–365–5577; Internet *http://www.honeywell.com.* For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0285; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be

available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sreekant Sarma, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; fax: 562–627–5210; email: *sreekant.sarma@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0285; Directorate Identifier 2014–NM–035–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On December 21, 2012, we issued AD 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013), for certain Honeywell International Inc. air data pressure transducers as installed on various aircraft. AD 2012–26–15 requires doing various tests or checks of equipment having certain air data pressure transducers, removing equipment if necessary, and reporting the results of the tests or checks. As an option to the tests or checks, AD 2012–26–15 allows removal of affected equipment having certain air data pressure transducers. AD 2012–26–15 was prompted by a report of a pressure measurement error in the pressure transducer used in various air data systems, which translates into air data parameter errors. We issued AD 2012–26–15 to detect and correct inaccuracies of the pressure sensors, which could result in altitude, computed airspeed, true airspeed, and Mach computation errors. AD 2012–26–15 reported that these errors could reduce the ability of the flightcrew to maintain the safe flight of the aircraft and could result in consequent loss of control of the aircraft.

Actions Since AD 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013), Was Issued

We issued AD 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013), as a ''Final rule; request for comments'' based on a qualitative review of the data available at that time. That review indicated that a vacuum reference leak (VRL), if not corrected, could affect air data sensor accuracy. Since we issued AD 2012–26–15, the FAA and Honeywell have collected new report data, which indicate that the safety risk is lower than originally estimated. The latest Honeywell data show a leakage rate within the acceptable risk range, so that airworthiness is not affected. Based on this new information, we have determined that AD 2012–26–15 is no longer necessary.

FAA's Conclusions

Upon further consideration, we have determined that AD 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013), must be rescinded. Accordingly, this proposed AD would rescind AD 2012–26–15. Rescission of AD 2012–26–15 would not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

Related Costs

AD 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013), affects about 90 appliances installed on various aircraft of U.S. registry. The estimated cost of the currently required actions for U.S. operators is set forth in the following table. Rescinding AD 2012–26–15 would eliminate any further costs associated with that AD.

ESTIMATED REQUIRED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Indicated altitude test	2 work-hours × $85 per hour = $170	$0	$170	Up to $15,300.
Removal	2 work-hours × $85 per hour = $170	0	170	Up to $15,300.
Pitot static certification test	3 work-hours × $85 per hour = $255	0	255	Up to $22,950.
Air Data Modules check or test.	2 work-hours × $85 per hour = $170	0	170	Up to $15,300.

ESTIMATED ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Pressure sensor test	2 work-hours × $85 per hour = $170	$0	$170
Removal	2 work-hours × $85 per hour = $170	0	170

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing airworthiness directive (AD) 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013), and adding the following new AD:

Honeywell International Inc.: Docket No. FAA–2014–0285; Directorate Identifier 2014–NM–035–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by July 14, 2014.

(b) Affected ADs

This action rescinds AD 2012–26–15, Amendment 39–17310 (78 FR 1735, January 9, 2013).

(c) Applicability

This action applies to air data pressure transducers, as installed in air data computers (ADC), air data modules (ADM), air data attitude heading reference systems (ADAHRS), and digital air data computers (DADC) having the part numbers and serial numbers identified in Honeywell Alert Service Bulletin ADM/ADC/ADAHRS–34–A01, dated November 6, 2012. This appliance is installed on, but not limited to, the aircraft specified in paragraphs (c)(1) through (c)(16) of this AD.

(1) Airbus Model A318–111, –112, –121, and –122 airplanes.

(2) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes.

(4) Airbus Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(5) Airbus Model A330–223F, –243F, –201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(6) Airbus Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes.

(7) AGUSTA S.p.A. Model AW139 helicopters.

(8) Bell Helicopter Textron Canada Limited Model 429 helicopters.

(9) The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes; and Model 777–200, –200LR, –300, –300ER, and 777F series airplanes.

(10) Cessna Aircraft Company Model 560XL (560 Excel and 560 XLS) airplanes.

(11) Dassault Aviation Model MYSTERE–FALCON 900 airplanes and Model FALCON 2000 airplanes.

(12) Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ airplanes.

(13) Gulfstream Aerospace Corporation Model GIV–X and GV–SP airplanes.

(14) Learjet Inc. Model 45 airplanes.

(15) PILATUS AIRCRAFT LTD. Model PC–12/47E airplanes.

(16) Viking Air Limited (Type Certificate previously held by Bombardier Inc.; de Havilland, Inc.) Model (Twin Otter) DHC–6–400 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

Issued in Renton, Washington, on May 16, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–12256 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0284; Directorate Identifier 2014–NM–011–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–100, 737–200, 737–200C, 737–300, 737–400, and 737–500 series airplanes. This proposed AD was prompted by reports of cracking in the lower corners of the forward entry doorway and the upper corners of the airstairs cutout. This proposed AD would require inspections for cracking of the forward entry doorway and airstairs cutout, and corrective actions if necessary. This proposed AD also provides terminating action for the repetitive inspections. We are proposing this AD to detect and correct cracks in the lower corners of the forward entry door cutout and the upper corners of the airstairs cutout, which could progress and result in an inability to maintain cabin pressurization.

DATES: We must receive comments on this proposed AD by July 14, 2014.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0284; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket

contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, ANM–120S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0284; Directorate Identifier 2014–NM–011–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received reports indicating that during routine inspections, cracks were found in the skin and doubler assemblies and bearstraps at the forward and aft lower corners of the forward entry doorway. Cracks were also found in the forward upper corner of the airstairs cutout. Cracks at the aft lower corner of the forward entry door typically start at the forward fastener hole that attaches the aft corner scuff plate at approximately station 339 and extend downward. Typical cracks at the upper forward corner of the airstairs door start near the upper tangent point of the corner radius. The airplanes on which the cracks were found had accumulated between 24,174 total flight cycles and 66,173 total flight cycles.

Since the original issue of Boeing Special Attention Service Bulletin 737–53–1083, dated October 28, 1983, 12 operators have reported finding cracks between 0.3 and 5.5 inches long on 19 airplanes. Since Boeing Special Attention Service Bulletin 737–53–1083, Revision 3, dated December 7, 1989, was issued, nine operators have reported finding cracks between 0.25 and 2.7 inches long in the forward entry door cutout on 13 airplanes that were not included in the effectivity of that service bulletin. In addition, six operators have reported finding cracks between 0.5 and 1.5 inches long in the upper forward corner of the airstairs cutout.

Such cracking, if not corrected, could progress and result in an inability to maintain cabin pressurization.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013. For information on the procedures and compliance times, see this service information *at http://www.regulations.gov* by searching for Docket No. FAA–2014–0284.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require inspections for cracking as specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.''

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Difference Between This Proposed AD and the Service Information

Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

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

Related Rulemaking

AD 90–06–02, Amendment 39–6489 (Docket No. 89–NM–67–AD; 55 FR 8372, March 7, 1990) mandates certain structural modifications for Boeing Model 737 series airplanes. AD 98–11–04 R1, Amendment 39–10984 (64 FR 987, January 7, 1999); AD 2008–08–23, Amendment 39–15477 (73 FR 21237, April 21, 2008); and AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008); are supplemental structural inspection (SSI) program ADs that contain inspection requirements that are near or overlap the inspection areas that this proposed AD would require. The modification mandated by AD 90–06–02 and the inspections mandated by the exploratory SSI ADs are not sufficient to address the unsafe condition identified in this proposed AD.

Clarification of Post-Repair and Post-Preventive Modification Repetitive Inspections

Paragraph (i) and Note 1 to paragraph (i) of this proposed AD clarify that the post-repair and post-preventive modification repetitive inspections specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, would not be required by this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 132 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (Groups 1 through 4 airplanes).[1]	9 work-hours × $85 per hour = $765 per inspection cycle.	$0	$765 per inspection cycle.	$100,980 per inspection cycle.

[1] We have received no definitive data that would enable us to provide cost estimates for the inspection of Group 5 airplanes.

OPTIONAL COSTS

Action	Labor cost	Parts cost	Cost per product
Preventive modification	Up to 2 work-hours × $85 per hour = $170	Up to $3,927	Up to $4,097.

We estimate the following costs to do any necessary repair that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need this repair:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	25 work-hours × $85 per hour = $2,125	Up to $5,342	Up to $7,467.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0284; Directorate Identifier 2014–NM–011–AD.

(a) Comments Due Date

We must receive comments by July 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, as identified in Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracking in the lower corners of the forward entry doorway and the upper corners of the airstairs cutout. We are issuing this AD to detect and correct cracks in the lower corners of the forward entry door cutout and the upper corners of the airstairs cutout, which could progress and result in an inability to maintain cabin pressurization.

(f) Compliance

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

(g) Inspections and Corrective Actions

(1) For airplane Groups 1 through 4, as identified in Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013: Except as required by paragraphs (j)(1) and (j)(2) of this AD, at the applicable time specified in table 1, 2, or 3, as applicable, of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, do the inspections specified in paragraphs (g)(1)(i), (g)(1)(ii), (g)(1)(iii), and (g)(1)(iv) of this AD for cracks at the forward entry doorway and airstairs cutout, and do all applicable corrective actions, in accordance with Parts 1 and 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, except as required by paragraph (j)(2) of this AD. Repeat the inspections, thereafter, at the interval specified in table 1, 2, or 3, as applicable, of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013. Do all applicable corrective actions before further flight. Any repair done in accordance with Part 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, terminates the repetitive inspections required by paragraph (g)(1) of this AD for the repaired area only.

(i) An external detailed and high frequency eddy current (HFEC) inspection of the skin.

(ii) An internal detailed and HFEC inspection of exposed parts of the bear strap.

(iii) A detailed and HFEC inspection along the edge of the cutout in the skin, skin doubler, and bear strap.

(iv) An external low frequency eddy current inspection (LFEC) of the skin and bearstrap.

(2) For Groups 1 and 2 airplanes that have been repaired using any of the service information identified in paragraph (g)(2)(i), (g)(2)(ii), or (g)(2)(iii) of this AD, the inspections required by paragraph (g)(1) of this AD are not required.

(i) Boeing Service Bulletin 737–53–1083, Revision 1, dated October 25, 1985.

(ii) Boeing Service Bulletin 737–53–1083, Revision 2, dated March 25, 1988.

(iii) Boeing Service Bulletin 737–53–1083, Revision 3, dated December 7, 1989.

(3) For Group 5 airplanes, as identified in Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013: Within 120 days after the effective date of this AD, inspect the forward entry door cutout and airstairs cutout for cracks, and repair any crack, using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(h) Optional Preventive Modification

For Groups 1 and 2, Configurations 5 and 6 airplanes; and Groups 3 and 4 airplanes; as identified in Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013: Except as required by paragraph (j)(2) of this AD, accomplishment of the preventive modification in accordance with Part 2 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, terminates the inspections required by paragraph (g)(1) of this AD.

(i) Post-Modification and Post-Repair Repetitive Inspections

The post-modification and post-repair repetitive inspections specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, are not required by this AD.

Note 1 to paragraph (i) of this AD: The inspections specified in table 4 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, may be used in support of compliance with Section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The corresponding actions specified in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, are not required by this AD.

(j) Exceptions to Service Information Specifications

(1) Where Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, specifies a compliance time ''after the Revision 4 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Special Attention Service Bulletin 737–53–1083, Revision 4, dated December 18, 2013, specifies to contact Boeing for repair instructions, this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(l) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, ANM–120S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

(2) For service information identified in this AD, Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

Issued in Renton, Washington, on May 16, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–12254 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 140424374–4374–01]

RIN 0691–XC025

Direct Investment Surveys: BE–13, Survey of New Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend regulations of the Department of Commerce's Bureau of Economic Analysis (BEA) to reinstate the reporting requirements for the BE–13, Survey of New Foreign Direct Investment in the United States, which was discontinued in 2009. BEA is proposing to reinstate this survey to better measure Commerce Department efforts through the ''Build It Here, Sell It Everywhere'' initiative to expand foreign business investment in the United States and to ensure complete coverage of BEA's other foreign direct investment statistics. This survey will collect information on the acquisition or establishment of U.S. business enterprises by foreign investors, which was collected on the previous BE–13 survey, and information on expansions by existing U.S. affiliates of foreign companies, which was not previously collected. This mandatory survey would be conducted under the authority of the International Investment and Trade in Services Survey Act (the Act). Unlike other BEA surveys conducted pursuant to the Act, a response would be required from persons subject to the reporting requirements of the BE–13, Survey of New Foreign Direct Investment in the United States, whether or not they are contacted by BEA, in order to insure that respondents subject to the requirements for foreign direct investments in the U.S. are identified.

DATES: Comments on this proposed rule will receive consideration if submitted in writing on or before 5:00 p.m. July 28, 2014.

ADDRESSES: You may submit comments, identified by RIN 0691–XC025, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. For Keyword or ID, enter ''EAB–2014–0001.''
- *Email: Barbara.Hubbard@bea.gov.*
- *Fax:* Office of the Chief, Direct Investment Division, (202) 606–2894.
- *Mail:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Washington, DC 20230.
- *Hand Delivery/Courier:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50, Shipping and Receiving, Section M100, 1441 L Street NW., Washington, DC 20005.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent to both BEA through any of the methods above and to the Office of Management and Budget (OMB), OIRA, Paperwork Reduction Project 0608–0035, Attention PRA Desk Officer for BEA, via email at *pbugg@omb.eop.gov,* or by FAX at 202–395–7245.

Public Inspection: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commentator may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. BEA will accept anonymous comments (enter N/A in required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT: Barbara Hubbard, Chief, Direct Transactions and Positions Branch (BE–49NI), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9846.

SUPPLEMENTARY INFORMATION: BEA will conduct the BE–13 survey under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108). Section 4(a) of the Act provides that the President shall, to the extent he deems necessary and feasible,

(1) conduct a regular data collection program to secure current information on international capital flows and information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, employment and taxes of United States parent and affiliates, and the international investment and trade in services position of the United States;

(2) conduct such studies and surveys as may be necessary to prepare reports in a timely manner on specific aspects of international investment and trade in services which may have significant implications for the economic welfare and national security of the United States.

In Section 3 of Executive Order 11961, the President delegated the responsibility for performing functions under the Act concerning direct investment to the Secretary of Commerce, who has redelegated the responsibility to BEA.

By rule issued in 2012 (77 FR 24373), BEA established guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. This proposed rule would amend the regulations to provide for a revised BE–13 survey and to require a response from persons subject to the reporting requirements of the BE–13, whether or not they are contacted by BEA, in order to ensure complete coverage of new foreign direct investments.

The BE–13, Survey of New Foreign Direct Investment in the United States, was a mandatory survey and was conducted pursuant to the International Investment and Trade in Services Survey Act, 22 U.S.C. 3101–3108 (the Act). In 2009, BEA discontinued the BE–13 survey due to budget reductions. To better measure the results of Commerce's investment promotion efforts, BEA is seeking to reinstate the survey with a new questionnaire covering expansions of foreign-owned U.S. companies.

The purpose of the BE–13 survey is to collect data on the acquisition or establishment of U.S. business enterprises by foreign investors and the expansion of existing U.S. affiliates of foreign companies to establish new production facilities. The data collected on the survey are used to measure the amount of new foreign direct investment in the United States, assess the impact on the U.S. economy, and based on this assessment, make informed policy decisions regarding foreign direct investment in the United States. Foreign direct investment in the United States is defined as the ownership or control, directly or indirectly, by one foreign person (foreign parent) of 10 percent or more of the voting securities of an incorporated U.S. business enterprise, or an equivalent interest of an unincorporated U.S. business enterprise, including a branch.

BEA will make the survey available via eFile, BEA's electronic filing system. Survey respondents will be notified of their obligation to file in November 2014 and BEA will collect data retroactively back to January 1, 2014. Thereafter, notifications will be mailed to respondents as BEA becomes aware of a potentially reportable investment or when annual cost updates are needed. The forms are due no later than 45 days after the acquisition is completed, the new legal entity is established, the expansion is begun, or the cost update is requested.

This proposed rule would amend 15 CFR 801.7 to set forth the reporting requirements for the BE–13, Survey of New Foreign Direct Investment in the United States. 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 comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520 (PRA).

Description of Changes

The proposed changes would amend the regulations and the survey forms for the BE–13 survey. These amendments include changes in reporting requirements and questionnaire design as well as data items collected.

If this proposed rule is made final, U.S. affiliates would report information on expansions, acquisitions, and establishments of U.S. business enterprises by foreign investors. Unlike other BEA surveys conducted pursuant to the Act, persons subject to the reporting requirements of the BE–13, Survey of New Foreign Direct Investment in the United States, would be required to respond whether or not they are contacted by BEA.

Depending on the type of investment transaction, U.S. affiliates would report their information on one of six forms—BE–13A, BE–13B, BE–13C, BE–13D, BE–13E, or BE–13 Claim for Exemption. Previously, one form was used to collect information on all transaction types; however, navigating a single form proved difficult for respondents because the type of transaction determined the amount of information required. Utilizing separate forms will ease respondent burden by streamlining navigation. The proposed reporting requirements for the six forms are:

(a) Form BE–13A—Report for a U.S. business enterprise when a foreign entity acquires a voting interest (directly, or indirectly through an existing U.S. affiliate) in that enterprise, segment, or operating unit and (i) the total cost of the acquisition is greater than $3 million, (ii) the U.S. business enterprise will operate as a separate legal entity, and (iii) by this acquisition, at least 10 percent of the voting interest in the acquired entity is now held (directly or indirectly) by the foreign entity.

(b) Form BE–13B—Report for a U.S. business enterprise when a foreign entity, or an existing U.S. affiliate of a foreign entity, establishes a new legal entity in the United States and (i) the projected total cost to establish the new legal entity is greater than $3 million, and (ii) the foreign entity owns 10 percent or more of the new business enterprise's voting interest (directly or indirectly).

(c) Form BE–13C—Report for an existing U.S. affiliate of a foreign parent when it acquires a U.S. business enterprise or segment that it then merges into its operations and the total

cost to acquire the business enterprise is greater than $3 million.

(d) Form BE–13D—Report for an existing U.S. affiliate of a foreign parent when it expands its operations to include a new facility where business is conducted and the projected total cost of the expansion is greater than $3 million.

(e) Form BE–13E—Report for a U.S. business enterprise that previously filed a BE–13B or BE–13D indicating that the established or expanded entity is still under construction.

(f) Form BE–13 Claim for Exemption—Report for a U.S. business enterprise that (i) was contacted by BEA but does not meet the requirements for filing forms BE–13A, BE–13B, BE–13C, or BE–13D, or (ii) whether or not contacted by BEA, met all requirements for filing on Forms BE–13A, BE–13B, BE–13C, or BE–13D except the $3 million reporting threshold.

In addition to the changes in the reporting criteria and form design, BEA proposes to add and delete some data items from the information collected on the previous BE–13 survey. The following items would be added to the survey:

(1) Equity and debt components of the foreign parent funding;

(2) A question asking if the new U.S. operation will have research and development activities;

(3) A question asking if the new operation is under construction;

(4) Employment projections;

(5) Actual and projected construction expenditures by type and by year.

BEA also proposes to eliminate several items from the new foreign investment survey. The items proposed to be eliminated are: Investment incentives, sales by industry (total sales and the overall industry code for the new operation will still be collected), equity ownership interest (voting interest will still be collected), address of the foreign parent (country will still be collected), and acres of U.S. land owned.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

Paperwork Reduction Act

This proposed rule contains a collection-of-information requirement subject to review and approval by OMB under the PRA. The requirement will be submitted to OMB for approval as a reinstatement, with change, of a previously approved collection under OMB control number 0608–0035.

Notwithstanding any other provisions 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 displays a currently valid OMB control number.

The BE–13 survey, as proposed, is expected to result in the filing of reports from approximately 1,350 U.S. affiliates each year. The respondent burden for this collection of information will vary from one company to another, but is estimated to average 1.6 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total respondent burden for this survey is estimated at 2,160 hours, compared to 900 hours for the previous BE–13 survey. The increase in burden hours is due to the increase in the number of respondents expected to file.

Comments are requested concerning: (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 burden estimate; (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 the respondents, including the use of automated collection techniques or other forms of information technology.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the proposed rule should be sent to both BEA and OMB following the instructions given in the **ADDRESSES** section above.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. The changes proposed in this rule are discussed in the preamble and are not repeated here.

For small businesses that meet the reporting requirements of the survey, BEA has attempted to keep burden to a minimum by asking only those questions that are considered essential. The questions required are for data items that a company would ordinarily have obtained when planning an acquisition or expansion and therefore the answers are likely to be readily available from the existing records of the business.

The amount of information required to be reported by each U.S. enterprise is determined by the type of transaction. U.S. enterprises acquired by a foreign investor are only required to file the BE–13 survey once. Foreign-owned U.S. enterprises that are newly established or are undergoing expansion will be required to file an initial report and then will be asked to revise their projected costs every year until construction is complete.

Because those small businesses that are impacted are subject to only a minimal reporting burden, the Chief Counsel for Regulation certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign investment in the United States, International transactions, Penalties, Reporting and record keeping requirements.

Dated: May 16, 2014.

Brent Moulton,

Acting Director, Bureau of Economic Analysis.

For reasons set forth in the preamble, BEA proposes to amend 15 CFR part 801 as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS AND SURVEYS OF DIRECT INVESTMENT

■ 1. The authority citation for 15 CFR part 801 continues to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101–3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp. p. 173); and E.O. 12518 (3CFR, 1985 Comp. p. 348).

■ 2. Revise § 801.3 to read as follows:

§ 801.3 Reporting requirements.

Except for surveys subject to rulemaking in § 801.7, reporting requirements for all other surveys conducted by the Bureau of Economic Analysis shall be as follows:

(a) Notice of specific reporting requirements, including who is required to report, the information to be reported, the manner of reporting, and the time

and place of filing reports, will be published by the Director of the Bureau of Economic Analysis in the **Federal Register** prior to the implementation of a survey;

(b) In accordance with section 3104(b)(2) of title 22 of the United States Code, persons notified of these surveys and subject to the jurisdiction of the United States shall furnish, under oath, any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act; and

(c) Persons not notified in writing of their filing obligation by the Bureau of Economic Analysis are not required to complete the survey.

■ 3. Revise § 801.4 to read as follows:

§ 801.4 Recordkeeping requirements.

In accordance with section 3104(b)(1) of title 22 of the United States Code, persons subject to the jurisdiction of the United States shall maintain any information which is essential for carrying out the surveys and studies provided for by the Act.

■ 4. Amend § 801.7 to read as follows:

§ 801.7 Rules and regulations for the BE–13, Survey of New Foreign Direct Investment in the United States.

The BE–13, Survey of New Foreign Direct Investment in the United States is conducted to collect data on the acquisition or establishment of U.S. business enterprises by foreign investors and the expansion of existing U.S. affiliates of foreign companies to establish a new production facility. All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE–13 survey are given in paragraphs (a) through (d) of this section. More detailed instructions are given on the report forms and instructions.

(a) *Response required.* A response is required from persons subject to the reporting requirements of the BE–13, Survey of New Foreign Direct Investment in the United States, contained herein, whether or not they are contacted by BEA. Also, a person, or their agent, that is contacted by BEA about reporting in this survey, either by sending them a report form or by written inquiry, must respond in writing pursuant this section. This may be accomplished by filing the properly completed BE–13 report (BE–13A, BE–13B, BE–13C, BE–13D, BE–13E, or BE–13 Claim for Exemption) within 45 days of being contacted.

(b) *Who must report.* A BE–13 report is required of any U.S. company in which:

(1) A foreign direct investment in the United States relationship is created;

(2) An existing U.S. affiliate of a foreign parent establishes a new U.S. legal entity, expands its U.S. operations, or acquires a U.S. business enterprise, or;

(3) A U.S. business enterprise that previously filed a BE–13B or BE–13D indicating that the established or expanded entity is still under construction. Foreign direct investment is defined as the ownership or control by one foreign person (foreign parent) of 10 percent or more of the voting securities of an incorporated U.S. business enterprise, or an equivalent interest of an unincorporated U.S. business enterprise, including a branch.

(c) *Forms to be filed.* Depending on the type of investment transaction, U.S. affiliates would report their information, on one of six forms—BE–13A, BE–13B, BE–13C, BE–13D, BE–13E, or BE–13 Claim for Exemption.

(1) Form BE–13A—Report for a U.S. business enterprise when a foreign entity acquires a voting interest (directly, or indirectly through an existing U.S. affiliate) in that enterprise, segment, or operating unit and:

(i) The total cost of the acquisition is greater than $3 million;

(ii) The U.S. business enterprise will operate as a separate legal entity, and;

(iii) By this acquisition, at least 10 percent of the voting interest in the acquired entity is now held (directly or indirectly) by the foreign entity.

(2) Form BE–13B—Report for a U.S. business enterprise when a foreign entity, or an existing U.S. affiliate of a foreign entity, establishes a new legal entity in the United States and:

(i) The projected total cost to establish the new legal entity is greater than $3 million, and;

(ii) The foreign entity owns 10 percent or more of the new business enterprise's voting interest (directly or indirectly).

(3) Form BE–13C—Report for an existing U.S. affiliate of a foreign parent when it acquires a U.S. business enterprise or segment that it then merges into its operations and the total cost to acquire the business enterprise is greater than $3 million.

(4) Form BE–13D—Report for an existing U.S. affiliate of a foreign parent when it expands its operations to include a new facility where business is conducted and the projected total cost of the expansion is greater than $3 million.

(5) Form BE–13E—Report for a U.S. business enterprise that previously filed a BE–13B or BE–13D indicating that the established or expanded entity is still under construction. This form will collect updated cost information and will be collected annually until construction is complete.

(6) Form BE–13 Claim for Not Filing—Report for a U.S. business enterprise that:

(i) was contacted by BEA but does not meet the requirements for filing forms BE–13A, BE–13B, BE–13C, or BE–13D; or

(ii) whether or not contacted by BEA, met all requirements for filing on Forms BE–13A, BE–13B, BE–13C, or BE–13D except the $3 million reporting threshold.

(d) *Due date.* The BE–13 forms are due no later than 45 days after the acquisition is completed, the new legal entity is established, the expansion is begun, or the cost update is requested.

[FR Doc. 2014–12159 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1100, 1140, and 1143

[Docket No. FDA–2014–N–0189]

RIN 0910–AG38

Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Regulations on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA or we) is correcting the preamble to a proposed rule that appeared in the **Federal Register** of April 25, 2014. That proposed rule would deem products meeting the statutory definition of ''tobacco product,'' except accessories of a proposed deemed tobacco product, to be subject to the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act). The Tobacco Control Act provides FDA authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and any other tobacco products

that the Agency by regulation deems to be subject to the law. Option 1 of the proposed rule would extend the Agency's ''tobacco product'' authorities in the FD&C Act to all other categories of products, except accessories of a proposed deemed tobacco product, that meet the statutory definition of ''tobacco product'' in the FD&C Act. Option 2 of the proposed rule would extend the Agency's ''tobacco product'' authorities to all other categories of products, except premium cigars and the accessories of a proposed deemed tobacco product, that meet the statutory definition of ''tobacco product'' in the FD&C Act. FDA also is proposing to prohibit the sale of ''covered tobacco products'' to individuals under the age of 18 and to require the display of health warnings on cigarette tobacco, roll-your own tobacco, and covered tobacco product packages and in advertisements. FDA is taking this action to address the public health concerns associated with the use of tobacco products.

The document published with several technical errors, including some errors in reference numbers cited in section VII.B. of the document. This document corrects those errors. We are placing a corrected copy of the proposed rule in the docket.

DATES: The proposed rule published April 25, 2014 (79 FR 23141) is corrected as of May 28, 2014.

FOR FURTHER INFORMATION CONTACT: Gerie Voss, Office of Regulations, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 877–287–1373, *CTPRegulations@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is correcting the preamble to the April 25, 2014 (79 FR 23141), proposed rule entitled ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Regulations on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products.'' We are correcting references 2, 92, and 151–157 in the reference list and in section VII.B. We are also placing a corrected copy of the proposed rule in the docket.

In FR Doc. 2014–09491, appearing on page 23141 in the **Federal Register** of Friday, April 25, 2014 (79 FR 23141), FDA is making the following corrections:

1. On page 23165, in the first column, ''(Refs.154, 155, and 156)'' is corrected to read ''(Refs. 154, 154A, and 155).''

2. On page 23165, in the first column, ''(Ref. 155)'' is corrected to read ''(Ref. 154A).''

3. On page 23165, in the second column, ''(Ref. 156)'' is corrected to read ''(Ref. 155).''

4. On page 23165, in the second column ''(Ref. 159 at 11)'' is corrected to read, ''(Ref. 158 at 11).''

5. On page 23165, in the second column, ''(Ref. 159 at 12)'' is corrected to read ''(Ref. 158 at 12).''

6. On page 23197, in the third column, reference 2 is corrected to read: ''2. Arrazola, R.A., N.M. Kuiper, and S.R. Dube, ''Patterns of Current Use of Tobacco Products Among U.S. High School Students for 2000–2012—Findings From the National Youth Tobacco Survey,'' *Journal of Adolescent Health,* 54:54–60, 2013.''

7. On page 23200, in the first column, reference 92 is corrected to read: ''92. Cobb, C.O., K. Sahmarani, T. Eissenberg, et al., ''Acute Toxicant Exposure and Cardiac Autonomic Dysfunction From Smoking a Single Narghile Waterpipe With Tobacco and With a 'Healthy' Tobacco-Free Alternative,'' *Toxicology Letters,* 215:70–75, 2012.''

8. On page 23201, in the second column, the second reference 151 is corrected to read: ''152. Portillo, F. and F. Antoñanzas, ''Information Disclosure and Smoking Risk Perceptions: Potential Short-Term Impact on Spanish Students of the New European Union Directive on Tobacco Products,'' *European Journal of Public Health,* 12:295–301, 2002.''

9. On page 23201, in the second column, reference 152 is corrected to read: ''153. Hammond, D., G.T. Fong, R. Borland, et al., ''Effectiveness of Cigarette Warning Labels in Informing Smokers About the Risks of Smoking: Findings From the International Tobacco Control (ITC) Four Country Survey,'' *Tobacco Control,* 15(Supp III):iii19–iii25, 2006.''

10. On page 23201, in the second column, reference 153 is corrected to read: ''154. Fischer, P.M., J.W. Richards Jr., E.J. Berman, and D.M. Krugman, ''Recall and Eye Tracking Study of Adolescents Viewing Tobacco Advertisements,'' *Journal of the American Medical Association,* 261(1):84–89, 1989.''

11. On page 23201, in the third column, reference 154 is corrected to read: ''154A. Krugman, D.M., R.J. Fox, J.E. Fletcher, et al., ''Do Adolescents Attend to Warnings in Cigarette Advertising: An Eye-Tracking Approach,'' *Journal of Advertising Research,* 34(6):39–52, 1994.''

12. On page 23201, in the third column, reference 157 is corrected to read: ''156. Truitt, L., W.L. Hamilton, P.R. Johnston, et al., ''Recall of Health Warnings in Smokeless Tobacco Ads,'' *Tobacco Control,* 11(Supp II): ii59–ii63, 2002.''

13. On page 23201, in the third column, reference 156 is corrected to read: ''157. MacKinnon, D.P. and A.M. Fenaughty, ''Substance Use and Memory for Health Warning Labels,'' *Health Psychology,* 12(2):147–150, 1993.''

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12296 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

[FHWA Docket No. FHWA–2013–0020]

RIN 2125–AF49

National Performance Management Measures; Highway Safety Improvement Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FHWA is extending the comment period for a notice of proposed rulemaking (NPRM) and request for comments, which was published on March 11, 2014, at 79 FR 13846. The original comment period is set to close on June 9, 2014. The extension is based the FHWA's desire to allow interested parties sufficient time to review and provide comprehensive comments on this NPRM and the related FHWA/FTA Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning NPRM (FHWA RIN 2125–AF52; FTA RIN 2132–AB10). Therefore, the closing date for comments is changed to June 30, 2014, which will provide those interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

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

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit electronically at *http://www.regulations.gov.* All comments should include the docket number that

appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477–78) or you may visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Francine Shaw Whitson, Office of Infrastructure, (202) 366–8028, or Anne Christenson, Office of Chief Counsel, (202) 366–1356, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or access all comments received by the DOT online through: *http://www.regulations.gov.* Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the **Federal Register**'s home page at: *http://www.federalregister.gov.*

Background

On March 11, 2014, the FHWA published in the **Federal Register** a NPRM proposing to establish measures for State departments of transportation (State DOT) to use to carry out the Highway Safety Improvement Program (HSIP) and to assess serious injuries and fatalities per vehicle mile traveled, and the number of serious injuries and fatalities. The HSIP is a core Federal-aid highway program with the purpose of achieving a significant reduction in fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands. (23 U.S.C. 148(b)).

This NPRM also proposes the following: the definitions that will be applicable to the new 23 CFR 490; the process to be used by State DOTs and Metropolitan Planning Organizations (MPOs) to establish safety-related performance targets that reflect the measures proposed in this rulemaking; a methodology to be used to assess State DOTs compliance with the target achievement provision specified under 23 U.S.C. 148(i); and the process State DOTs must follow to report on progress towards the achievement of safety-related performance targets.

The original comment period for the NPRM closes on June 9, 2014. The FHWA believes that this closing date may not provide sufficient time to review and provide comprehensive comments on the National Performance Management Measures; Highway Safety Improvement Program NPRM, considering all related rulemaking activities including the related FHWA/FTA Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning NPRM (FHWA RIN 2125–AF52; FTA RIN 2132–AB10). To allow the public to submit comprehensive comments, the closing date is changed from June 9, 2014, to June 30, 2014.

Authority: 23 U.S.C. 134, 135, 148(i) and 150; 49 CFR 1.85.

Issued on: May 21, 2014.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2014–12162 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 924

[FHWA Docket No. FHWA–2013–0019]

RIN 2125–AF56

Highway Safety Improvement Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FHWA is extending the comment period for a notice of proposed rulemaking (NPRM) and request for comments, which was published on March 28, 2014. The original comment period is set to close on May 27, 2014. The extension is based on concern expressed by the American Association of State Highway and Transportation Officials (AASHTO) that the May 27 closing date does not provide sufficient time to review and provide comprehensive comments on the HSIP NPRM, considering all related rulemaking activities including the FHWA/FTA Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning NPRM (FHWA RIN 2125–AF52; FTA RIN 2132–AB10). The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended. Therefore, the closing date for comments is changed to June 30, 2014, which will provide AASHTO and others interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

DATES: The comment period on the proposed rule published March 28, 2014 (79 FR 17464), is extended. Comments must be received on or before June 30, 2014.

ADDRESSES: Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit electronically at *http://www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477–78) or you may visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Karen Scurry, Office of Safety, *karen.scurry@dot.gov;* or William Winne, Office of the Chief Counsel, *william.winne@dot.gov,* Federal Highway Administration, 1200 New Jersey Ave. SE., Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

You may submit or access all comments received by the DOT online

through: *http://www.regulations.gov.* Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. Please follow the instructions. An electronic copy of this document may also be downloaded from the **Federal Register**'s home page at: *http://www.federalregister.gov.*

Background

On March 28, 2014, the FHWA published in the **Federal Register** a NPRM proposing changes to 23 CFR part 924, the regulations for the Highway Safety Improvement Program. The NPRM proposed to address provisions in the Moving Ahead for Progress in the 21st Century Act (MAP–21) as well as to incorporate clarifications to better explain existing regulatory language. Specifically, the rule proposes to amend DOT's regulations to address MAP–21 provisions that removed the requirement for States to prepare a Transparency Report, removed the High Risk Rural Roads set-aside, and removed the 10 percent flexibility provision for States to use safety funding in accordance with 23 U.S.C. 148(e). This NPRM also proposes to amend DOT's regulations to address a MAP–21 provision that requires DOT to establish a subset of roadway data elements that are useful to the inventory of roadway safety, and to ensure that States adopt and use the subset. Finally, this NPRM proposes to address MAP–21 provisions that add State Strategic Highway Safety Plan update requirements and require States to report HSIP performance targets.

The original comment period for the NPRM closes on May 27, 2014. The AASHTO has expressed concern that this closing date does not provide sufficient time to review and provide comprehensive comments on the related FHWA/FTA Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning NPRM (FHWA RIN 2125–AF52; FTA RIN 2132–AB10). The FHWA recognizes that others interested in commenting may have similar concerns and agrees that the comment period should be extended. To allow time for this organization and others to submit comprehensive comments, the closing date is changed from May 27, 2014, to June 30, 2014.

Authority: 23 U.S.C. 104(b)(3), 130, 148, and 315; 49 CFR 1.85.

Issued on: May 21, 2014.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2014–12153 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket No. USCG–2014–0142]

RIN 1625–AA01

Anchorage Regulations: Special Anchorage Areas, Marina del Rey Harbor, California

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to disestablish the special anchorage area at the north end of the main channel in Marina del Rey Harbor, California. Several marina expansion projects have encroached upon the anchorage. Vessels rarely use the anchorage due to a high volume of traffic moving through it as vessels transit in and out of the harbor. This proposed action will remove the anchorage area from the regulations. Vessels may anchor in the harbor during storms, stress, or other emergency situations.

DATES: Comments and related material must be received by the Coast Guard on or before June 27, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0142 using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is (202) 366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Lieutenant Junior Grade Zachary Bonheim, Waterways Management Division, U.S. Coast Guard District 11, telephone (510) 437–2978, email *Zachary.W.Bonheim@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2014–0142 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed

postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2014–0142 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

33 CFR 110.111 establishes a special anchorage area in the main channel of Marina del Rey Harbor. The anchorage has the following described boundaries: Beginning at the most northeasterly corner in position 33°58′58″ N, 118°26′46″ W; thence southerly to 33°58′53″ N, 118°26′46″ W; thence southeasterly to 33°58′52″ N, 118°26′45″ W; thence southerly to 33°58′39″ N, 118°26′45″ W; thence westerly to 33°58′38″ N, 118°26′55″ W; thence northerly to 33°59′00″ N, 118°26′55″ W; thence easterly to the point of beginning.

The anchorage area is reserved for yachts and other recreational craft and for all types of small craft during storm, stress, or other emergency. Single and fore-and-aft moorings are allowed in the area as permitted by the director of the Department of Small Craft Harbors, Los Angeles County.

C. Basis and Purpose

The legal basis for this proposed rule is: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define anchorage grounds.

The purpose of this proposed rule is to align the regulations with the current and future configuration of the main channel and docking facilities in Marina del Rey Harbor. Since this special anchorage area was established, several projects have expanded docking facilities at the north end of the channel. These docks now encroach on the anchorage area, and future projects are planned to continue this expansion. It has become necessary to either redefine the boundaries of the anchorage, or remove it from the regulations.

Vessel and facility operators in the harbor have given feedback that the anchorage is very rarely used. Since the anchorage is in the center of the main channel, a high volume of recreational vessel traffic transits through the area on a consistent basis, making it both impractical and unsafe for vessels to anchor there.

Due to its limited use, the Coast Guard proposes to disestablish the anchorage. This action will also reduce the regulatory burden on the public by eliminating an unnescessary section from the CFR.

D. Discussion of Proposed Rule

The Coast Guard is proposing to disestablish the special anchorage area at the north end of the main channel in Marina del Rey Harbor, California in 33 CFR 110.111. This action will remove 33 CFR 110.111 and reserve it for future use. The anchorage area will be removed from all charts, publications and other navigational references. This proposed rule will not prevent vessels from anchoring in the harbor during storms, stress, or other emergency situations.

E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We anticipate that this proposed rule will not have a significant impact on vessel owners and operators, as it removes an obsolete anchorage area that is very rarely used.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of recreational vessels intending to anchor in the affected area.

The disestablishment of this anchorage would not have a significant economic impact on a substantial number of small entitities for the following reasons: Due to the high volume of vessel traffic transiting through Marina del Rey's main channel, it is both impractical and unsafe to utilize this anchorage. For this reason, very few recreational vessels and other small craft anchor in the area. Vessels will not be prevented from anchoring in the harbor during storms, stress, or other emergency situations.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions

concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves disestablishing the special anchorage area at the north end of the main channel in Marina del Rey Harbor, California. The anchorage is rarely used and has been encroached upon by several docking facilities. This rule is categorically excluded from further review under paragraph 34(f) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110.111 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

§ 110.111 [Removed and Reserved]

■ 2. Remove and reserve § 110.111.

Dated: April 30, 2014.

K.L. Schultz,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 2014–12178 Filed 5–27–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405 and 414

[CMS–6050–P]

RIN 0938–AR85

Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Items

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a prior authorization process for certain durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) items that are frequently subject to unnecessary utilization and would add a contractor's decision regarding prior authorization of coverage of DMEPOS items to the list of actions that are not initial determinations and therefore not appealable.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. Eastern Standard Time on July 28, 2014.

ADDRESSES: In commenting, please refer to file code CMS–6050–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–6050–P, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–6050–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Maria Ciccanti, (410) 786–3107. Kristen Zycherman, (410) 786–6974.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

A. General Overview

1. Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS)

The term ''durable medical equipment (DME)'' is defined in section 1861(n) of the Social Security Act (the Act). It is also referenced in the definition of ''medical and other health services'' in section 1861(s)(6) of the Act. Furthermore, the term is defined in title 42 of the Code of Federal Regulations (42 CFR 414.202) as equipment furnished by a supplier or a home health agency (HHA) that—

- Can withstand repeated use;
- Effective with respect to items classified as DME after January 1, 2012, has an expected life of at least 3 years;
- Is primarily and customarily used to serve a medical purpose;
- Generally is not useful to an individual in the absence of an illness or injury; and
- Is appropriate for use in the home.

Section 1861(s)(9) of the Act provides for the coverage of leg, arm, back, and neck braces, and artificial legs, arms, and eyes, including replacement if required because of a change in the patient's physical condition. As indicated by section 1834(h)(4)(C) of the Act, together with certain shoes described in section 1861(s)(12) of the Act, these items are often referred to as ''orthotics and prosthetics.'' Under section 1834(h)(4)(B) of the Act, the term ''prosthetic devices'' does not include parenteral and enteral nutrition, supplies and equipment, and implantable items payable under section 1833(t) of the Act.

Examples of durable medical equipment include hospital beds, oxygen tents, and wheelchairs. Prosthetic devices are included in the definition of ''medical and other health services'' in section 1861(s)(8) of the Act. Prosthetic devices are defined as devices (other than dental) which replace all or part of an internal body organ, including replacement of such devices. Examples of prosthetic devices include cochlear implants, electrical continence aids, electrical nerve stimulators, and tracheostomy speaking valves.

2. DMEPOS Payment Rules—Advance Determination of Coverage

Section 1834(a)(15) of the Act authorizes the Secretary to develop and periodically update a list of DMEPOS that the Secretary determines, on the basis of prior payment experience, are frequently subject to unnecessary utilization and to develop a prior authorization process for these items. This proposed rule would implement that authority by interpreting ''frequently subject to unnecessary utilization,'' by specifying a list of items that meet our proposed criteria, and by proposing a prior authorization process.

B. Improper Payments for DMEPOS Items

Payment made for the furnishing of an item that does not meet one or more of Medicare's coverage, coding, and payment rules is an improper payment. The Comprehensive Error Rate Testing (CERT) program measures improper payments in the Medicare Fee-For-Service (FFS) program. CERT is designed to comply with the Improper Payments Elimination and Recovery Act of 2010 (IPERA) (Pub. L. 111–204). For the 2012 reporting period, the CERT program determined that DMEPOS claims had an improper payment rate of 66 percent, accounting for approximately 20 percent of the overall Medicare FFS improper payment rate. This is significant since Medicare FFS DMEPOS expenditures represent approximately 3 percent of all Medicare FFS expenditures. The projected improper payment amount for DMEPOS during the 2012 reporting period was approximately $6.4 billion. It is important to note that the improper payment rate is not a ''fraud rate,'' but is a measurement of payments that did not meet Medicare requirements. The

CERT program cannot label a claim fraudulent. The CERT program develops improper payment rates for those items for which at least 30 claims are included in their sample. Since the CERT program uses random samples to select claims across providers and suppliers, reviewers are often unable to see provider billing patterns that indicate potential fraud when making payment determinations.

The CERT program uses the following categories for improper payment determinations:

- No Documentation: Claims are placed into this category when either the provider or supplier fails to respond to repeated requests for the medical records or the provider or supplier responds that they do not have the requested documentation.
- Insufficient Documentation: Claims are placed into this category when the medical documentation submitted is inadequate to support payment for the services billed. In other words, the medical reviewers could not conclude that some of the allowed services were actually provided, provided at the level billed, and/or that the services were medically necessary. Claims are also placed into this category when a specific documentation element that is required as a condition of payment is missing, such as a physician signature on an order, or a form that is required to be completed in its entirety.
- Medical Necessity: Claims are placed into this category when the medical reviewers receive adequate documentation from the medical records submitted and can make an informed decision that the services billed were not medically necessary based upon Medicare coverage policies.
- Incorrect Coding: Claims are placed into this category when the provider or supplier submits medical documentation supporting one of the following:

++ A different code than that billed.

++ That the service was performed by someone other than the billing provider or supplier.

++ That the billed service was unbundled.

++ That a beneficiary was discharged to a site other than the one coded on a claim.

- Other: Claims are placed into this category if they do not fit into any of the other categories (for example, a duplicate payment error or a non-covered or unallowable service).

Medicare pays for DMEPOS items only if the beneficiary's medical record contains sufficient documentation of the beneficiary's medical condition to support the need for the type and quantity of items ordered. In addition, all required documentation elements outlined in Medicare policies must be present for the claim to be paid. For the 2012 reporting period, approximately 94 percent of DMEPOS improper payments were due to insufficient documentation.[1] Without sufficient documentation, Medicare is unable to determine if the item is medically necessary for the beneficiary or whether unnecessary utilization is occurring.

II. Provisions of the Proposed Regulations

A. Proposed Prior Authorization for Certain DMEPOS Items

We strive to ensure access to care for beneficiaries while also protecting the solvency of the Medicare Trust Funds. Given the unnecessary utilization of DMEPOS items and the corresponding high DMEPOS improper payment rate, we propose to establish a prior authorization process for DMEPOS items that are frequently subject to unnecessary utilization. Prior authorization is already used in other health care programs to ensure proper payment, such as in TRICARE, certain Medicaid programs, and the private sector. We believe a prior authorization process would ensure beneficiaries receive medically necessary care while minimizing the risk of improper payments and therefore protecting the Medicare Trust Fund.

We propose to define ''unnecessary utilization'' as the furnishing of items that do not comply with one or more of Medicare's coverage, coding and payment rules, as applicable. In accordance with section 1834(a)(15)(A) of the Act we propose to use ''prior payment experience'' to establish which items are ''frequently'' subject to unnecessary utilization. The Government Accountability Office (GAO), the Department of Health and Human Services' (HHS) Office of Inspector General (OIG), and CMS through CERT reports publish analyses of prior payment data and identify Medicare DMEPOS items that have high improper payment rates. As discussed in greater detail later in this proposed rule, since the findings in these reports are the result of analysis of prior payment experience, we propose to use these reports to establish which items are frequently subject to unnecessary utilization.

We believe using a prior authorization process would help to ensure items frequently subject to unnecessary utilization are furnished in compliance with applicable Medicare coverage, coding and payment rules before they are delivered. This would safeguard against unnecessary utilization while also ensuring beneficiaries' access to medically necessary items. We believe this is an effective way to reduce or prevent improper payments for unnecessary DMEPOS items.

B. Proposed Criteria for Inclusion on the Master List of DMEPOS Items Frequently Subject to Unnecessary Utilization (Master List)

In Table 4, we provide our proposed Master List of initial items that, based on our criteria, are frequently subject to unnecessary utilization, hereafter referred to as the ''Master List''. We welcome comments on these criteria. We propose to include an item on the initial Master List if the item appears on the DMEPOS Fee Schedule list, meets one of the two criteria described in the paragraphs that follow, and has an average purchase fee of $1,000 or greater or an average rental fee schedule of $100 or greater. We refer to these dollar amounts as the payment threshold. The two criteria for inclusion on the list, either of which must be met, are as follows:

- The item has been identified in a GAO or HHS OIG report that is national in scope and published in 2007 or later as having a high rate of fraud or unnecessary utilization. We are using reports dated from 2007 or later because the GAO and OIG do not always repeat analysis of specific items annually. It is necessary to look back a number of years to capture findings on a variety of DMEPOS items. The GAO audits agency operations to determine whether federal funds are being spent efficiently and effectively as well as identifies areas where Medicare may be vulnerable to fraud and/or improper payments. Section 1834(a)(15) of the Act directs the Secretary to use prior payment experience as a basis for identifying DMEPOS items frequently subject to unnecessary utilization. We believe utilizing GAO evaluations that identify DMEPOS items as having a high rate of fraud or unnecessary utilization accomplishes this directive because GAO's analysis includes an evaluation of paid claims history.

The OIG provides independent and objective oversight that promotes economy, efficiency, and effectiveness in the programs and operations of HHS. OIG's mission to protect the integrity of HHS programs is carried out through a

[1] Medicare Fee-for-Service 2012 Improper Payments Report. Retrieved February 2014 from *http://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/CERT/Downloads/Medicare-Fee-for-Service-2012-Improper-Payments-Report.pdf.*

network of audits, investigations, and inspections. The OIG audits and evaluates the performance of HHS programs and their participants. In some cases, OIG reports disclose aberrant billing utilization data or high incidences of improper payments for particular items or services. We have concluded that nationwide findings by OIG or by GAO of potentially high rates of fraud, unnecessary utilization, or aberrant or improper billings, combined with the payment thresholds established here, are good indicators that an item is ''frequently subject to unnecessary utilization'' as set out in section 1834(a)(15) of the Act.

• The item is listed in the 2011 or later Comprehensive Error Rate Testing (CERT) program's Annual Medicare FFS Improper Payment Rate Report DME Service Specific Overpayment Rate Appendix (hereafter referred to as CERT DME Appendix). This report describes the background of the Medicare FFS and CERT programs, the incidence and rates of improper payments and the common causes of these errors. Because the CERT program reviews a representative random sample of claims each year, we are using the most recent published report at the time of the writing of this proposed rule. We believe limiting this criterion to items listed in the 2011 or later CERT DME Appendix (and also meeting the payment threshold) accomplishes the intent of section 1834(a)(15) of the Act. Interested parties can access the CERT reports at *http://cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/CERT/CERT-Reports.html*.

As noted previously, in addition to these two criteria, we propose to use a payment threshold. This threshold would allow us to focus our limited resources on items for which prior authorization will result in the largest potential savings for the Medicare Trust Fund. The DMEPOS Fee Schedule is updated annually and lists Medicare allowable pricing for DMEPOS, including the full payment amount for capped rental items. For administrative simplicity, we would not annually adjust the average purchase fee of $1,000 or greater or the average monthly rental fee schedule of $100 or greater threshold for inflation. Any changes to this threshold would be proposed through notice and comment rulemaking. We welcome comment on this threshold.

We propose that the Master List be self-updating annually. That is, items on the DMEPOS Fee Schedule that meet the payment threshold are added to the list when the item is listed in a future OIG and/or GAO report of a national scope or a future CERT DME Appendix. We propose that items remain on the Master List for 10 years from the date the item was added to the Master List. Based on our prior payment history, we believe 10 years is an appropriate length of time for an item to remain on the list. We selected a 10-year timeframe because we believe that 10 years without a finding that the item has a potentially high rate of fraud, unnecessary utilization or aberrant or improper billing makes the original placement no longer current. For example, DMEPOS items may evolve as a result of emerging technology making the item on the Master List obsolete after 10 years. In addition, we propose items be removed from the Master List and replaced by their equivalent when the Healthcare Common Procedure Coding System (HCPCs) codes representing the item has been discontinued and cross-walked to an equivalent item. We further propose that an item would be removed from the list sooner than 10 years if the purchase amount drops below the payment threshold (an average purchase fee of $1,000 or greater or an average monthly rental fee schedule of $100 or greater). DMEPOS items aging off the Master List because they have been on the list for 10 years can remain on or be added back to the Master List if a subsequent GAO, OIG, or CERT DME Appendix report identifies the item to be frequently subject to unnecessary utilization. If an item on the Master List is identified by a GAO, OIG, or CERT DME Appendix report while on the Master List, we will follow the update process and the item will remain on the list for 10 years from the update. We propose to notify the public annually of any additions and deletions from the Master List by posting the notification in the **Federal Register** and on the CMS Prior Authorization Web site.

We believe these criteria would balance our responsibilities to ensure beneficiary access to care and protect the Medicare Trust Fund while not placing an undue burden on practitioners and suppliers. All covered DMEPOS items, regardless of whether they are on the Master List, would remain subject to Medicare payment, documentation, coverage, and coding rules.

C. Proposed List of DMEPOS Items Frequently Subject to Unnecessary Utilization (Master List)

1. Proposed Initial Master List of DMEPOS Items Frequently Subject to Unnecessary Utilization (Master List)

There have been several reports, national in scope, published by the HHS OIG since 2007 identifying DMEPOS items that meet the payment threshold and are frequently subject to questionable utilization. They are as follows:

• An August 2011 report titled ''Questionable Billing by Suppliers of Lower Limb Prostheses'' found that between 2005 and 2009, Medicare spending for lower limb prostheses increased 27 percent, from $517 million to $655 million. The number of Medicare beneficiaries receiving lower limb prostheses decreased by 2.5 percent, from almost 76,000 to about 74,000. The report cited several examples of unnecessary utilization. One finding, billing for prostheses when the beneficiary had no claims from the referring physician, raised questions about whether the physician ever evaluated the beneficiary and whether the billed devices were medically necessary. Another finding related to billing for a high percentage of beneficiaries with no history of an amputation or missing limb also raised questions about medical necessity. These findings based on prior payment history indicate that certain lower limb prostheses are frequently subject to questionable utilization.

• A July 2011 report titled ''Most Power Wheelchairs in the Medicare Program Did Not Meet Medical Necessity Guidelines'' found that 61 percent of power wheelchairs provided in the first half of 2007 were medically unnecessary or lacked sufficient documentation to determine medical necessity. This accounted for $95 million of the $189 million allowed DMEPOS claims in that period of time. There were two previous OIG OEI reports based on the same sample of claims that found noncompliance problems with documentation requirements and coding requirements (''*Medicare Power Wheelchair Claims Frequently Did Not Meet Documentation Requirements*'' and ''*Miscoded Claims for Power Wheelchairs in the Medicare Program.*'') Across all three reports, it was found that 80 percent of claims did not meet Medicare requirements for the sample period in 2007.

• An August 2009 report titled ''Inappropriate Medicare Payment for Pressure Reducing Support Surfaces'' found that 86 percent of claims for

group 2 pressure reducing support surfaces did not meet Medicare coverage criteria for the first half of 2007. This amounted to an estimated $33 million in improper payments during that time.

• A June 2007 report titled ''Medicare Payments for Negative Pressure Wound Therapy Pumps in 2004'' found that 24 percent of negative pressure wound therapy pumps did not meet Medicare coverage criteria in 2004. This amounted to an estimated $21 million in improper payments. Further the report found that in 44 percent of the claims with medical records and supplier prepared statement, the information on the supplier prepared statement was not supported by the medical record.

There have not been any GAO reports on any specific DMEPOS item(s) since 2007.

The 2011 CERT DME Appendix is set forth in Table 1.

TABLE 1—2011 ANNUAL MEDICARE FFS IMPROPER PAYMENT RATE REPORT DME SERVICE SPECIFIC OVERPAYMENT RATE APPENDIX

Service billed to DME (HCPCS)	Number of claims in sample	Number of lines in sample	Dollars overpaid in sample	Total dollars paid in sample	Projected dollars overpaid	Overpayment rate (percent)
All Codes With Less Than 30 Claims	1,769	2,742	$300,255	$531,107	$2,212,120,825	57.8
Oxygen concentrator (E1390)	1,258	1,293	148,631	193,810	1,133,180,723	77.7
Blood glucose/reagent strips (A4253)	1,457	1,466	126,344	150,622	929,031,554	84.4
Hosp bed semi-electr w/Matt (E0260)	227	232	19,078	21,779	135,908,667	88.5
Budesonide non-comp unit (J7626)	72	74	13,555	24,420	106,061,471	57.9
Tacrolimus oral per 1 MG (J7507)	68	72	16,147	31,803	104,040,006	52.4
Lancets per box (A4259)	852	858	12,940	15,323	99,822,219	84.8
Cont airway pressure device (E0601)	303	318	12,665	21,987	98,014,011	60.1
Portable gaseous 02 (E0431)	634	658	12,774	16,517	97,194,278	77.4
Diab shoe for density insert (A5500)	125	136	11,949	15,420	88,965,667	78.2
Multi den insert direct form (A5512)	78	84	9,561	11,631	71,586,004	81.8
Enteral feed supp pump per d (B4035)	67	68	8,452	14,853	66,560,532	58.2
RAD w/o backup non-inv Intfc (E0470)	68	75	9,264	13,079	64,412,596	69.8
CPAP full face mask (A7030)	81	81	8,336	12,774	64,248,424	65.6
Nasal application device (A7034)	145	145	9,043	14,366	62,469,031	62.0
High strength ltwt whlchr (K0004)	84	88	7,870	8,315	61,980,799	94.9
Disp fee inhal drugs/30 days (Q0513)	386	389	7,590	12,210	57,749,018	62.0
Multi den insert custom mold (A5513)	45	52	7,333	9,366	54,355,934	80.5
Lightweight wheelchair (K0003)	114	115	6,995	7,503	52,201,255	92.6
Mycophenolate mofetil oral (J7517)	43	43	7,669	12,566	49,929,224	64.1
All Other Codes	3,482	4,795	125,245	194,402	943,311,918	65.9
Combined	8,110	13,784	881,693	1,333,852	6,553,144,155	67.4

The 2012 CERT DME Appendix is set forth in Table 2.

TABLE 2—2012 ANNUAL MEDICARE FFS IMPROPER PAYMENT RATE REPORT DME SERVICE SPECIFIC OVERPAYMENT RATE APPENDIX

Service Billed to DME (HCPCS)	Number of claims in sample	Number of lines in sample	Dollars overpaid in sample	Total dollars paid in sample	Projected dollars overpaid	Overpayment rate (percent)
All Codes With Less Than 30 Claims	2,354	3,738	$1,256,083	$2,231,572	$1,536,420,429	51.9
Oxygen concentrator (E1390)	1,286	1,317	156,295	194,294	1,168,366,128	80.9
Blood glucose/reagent strips (A4253)	1,255	1,263	103,521	129,283	906,250,472	80.6
PWC gp 2 std cap chair (K0823)	999	1,002	513,426	553,349	201,693,896	97.3
Hosp bed semi-electr w/matt (E0260)	283	289	23,544	27,437	137,852,967	87.2
Lancets per box (A4259)	742	748	10,761	13,088	98,992,634	83.1
Tacrolimus oral per 1 MG (J7507)	58	63	12,118	23,120	97,807,986	54.3
Portable gaseous 02 (E0431)	590	608	12,296	15,203	96,375,515	80.9
Cont airway pressure device (E0601)	210	213	7,914	14,860	80,812,581	50.0
Budesonide non-comp unit (J7626)	100	105	13,453	24,905	78,369,581	54.1
Neg press wound therapy pump (E2402)	39	39	17,464	47,731	72,189,807	51.0
Enteral feed supp pump per d (B4035)	91	92	10,283	19,145	70,291,185	54.8
Nasal application device (A7034)	121	122	8,030	12,254	70,244,578	65.3
Diab shoe for density insert (A5500)	97	102	8,271	11,594	68,920,996	73.2
RAD w/o backup non-inv intfc (E0470)	68	75	9,166	13,213	63,658,439	69.6
Disp fee inhal drugs/30 days (Q0513)	413	413	7,392	13,068	58,594,189	57.0
CPAP full face mask (A7030)	75	75	7,308	11,524	57,481,278	59.3
High strength ltwt whlchr (K0004)	80	83	7,826	8,016	56,257,539	97.7
Lightweight wheelchair (K0003)	99	110	6,250	6,821	55,809,106	94.2

TABLE 2—2012 ANNUAL MEDICARE FFS IMPROPER PAYMENT RATE REPORT DME SERVICE SPECIFIC OVERPAYMENT RATE APPENDIX—Continued

Service Billed to DME (HCPCS)	Number of claims in sample	Number of lines in sample	Dollars overpaid in sample	Total dollars paid in sample	Projected dollars overpaid	Overpayment rate (percent)
Multi den insert direct form (A5512)	61	63	6,805	8,548	55,671,152	79.4
All Other Codes	5,311	9,107	1,735,735	2,669,607	1,380,908,350	64.4
Combined	10,117	19,627	3,933,943	6,048,632	6,412,968,806	66.0

The 2013 CERT DME Appendix is set forth in Table 3.

TABLE 3—2013 ANNUAL MEDICARE FFS IMPROPER PAYMENT RATE REPORT DME SERVICE SPECIFIC OVERPAYMENT RATE APPENDIX

Service billed to DME (HCPCS)	Number of claims in sample	Number of lines in sample	Dollars overpaid in sample	Total dollars paid in sample	Projected dollars overpaid	Overpayment rate (percent)
Oxygen concentrator (E1390)	1,212	1,262	$136,312	$181,075	$983,768,125	75.6
All Codes With Less Than 30 Claims	2,147	3,235	545,968	1,053,401	867,058,104	37.4
Blood glucose/reagent strips (A4253)	1,131	1,148	85,298	114,282	791,786,761	75.1
PWC gp 2 std cap chair (K0823)	734	747	181,940	212,803	201,643,982	85.4
Hosp bed semi-electr w/matt (E0260)	364	386	28,235	34,055	137,106,877	84.1
Tacrolimus oral per 1MG (J7507)	70	71	11,920	26,692	88,099,443	43.4
Cont airway pressure devce (E0601)	118	126	4,255	8,732	84,740,816	48.8
Lancets per box (A4259)	607	615	8,409	11,030	82,958,405	76.3
Portable gaseous 02 (E0431)	525	567	9,876	13,516	78,011,911	73.2
Enteral feed supp pump per d (B4035)	90	90	11,685	18,809	69,222,164	61.7
Diab shoe for density Insert (A5500)	82	90	7,384	9,580	65,194,062	78.3
Nasal application device (A7034)	78	79	4,808	8,022	59,780,922	56.8
Budesonide non-compUnit (J7626)	136	141	13,136	33,672	59,537,844	39.0
CPAP full face mask (A7030)	62	62	5,982	9,206	53,974,803	66.0
Lightweight wheelchair (K0003)	67	69	4,291	4,606	53,344,568	95.5
Standard wheelchair (K0001)	74	79	2,736	3,016	52,628,676	92.5
High strength ltwt whlchr (K0004)	80	91	7,419	9,046	51,690,372	90.9
LSO sag-coro rigid frame pre (L0631)	62	62	28,990	48,450	51,310,493	60.4
Multi den insert direct form (A5512)	45	48	5,649	6,623	49,722,593	86.0
Disp fee inhal drugs/30 Days (Q0513)	424	426	7,062	13,398	47,738,353	53.1
All Other Codes	7,274	13,747	3,982,290	7,804,614	1,736,897,848	55.4
Combined	11,204	23,141	5,093,646	9,624,629	5,666,217,120	58.2

The proposed Master List, in Table 4, includes DMEPOS items meeting both the payment threshold and utilization criteria previously discussed, and their Healthcare Common Procedure Coding System (HCPCS) codes.

TABLE 4—PROPOSED MASTER LIST OF DMEPOS ITEMS SUBJECT TO FREQUENT UNNECESSARY UTILIZATION FOR PRIOR AUTHORIZATION

HCPCS	Description
E0193	Powered air flotation bed (low air loss therapy).
E0260	Hosp bed semi-electr w/matt.
E0277	Powered pres-redu air mattrs.
E0371	Nonpowered advanced pressure reducing overlay for mattress, standard mattress length and width.
E0372	Powered air overlay for mattress, standard mattress length and width.
E0373	Nonpowered advanced pressure reducing mattress.
E0470	Respiratory assist device, bi-level pressure capability, without backup rate feature, used with noninvasive interface, e.g., nasal or facial mask (intermittent assist device with continuous positive airway pressure device).
E0601	Continuous Airway Pressure (CPAP) Device.
E2402	Negative pressure wound therapy electrical pump, stationary or portable.
K0004	High strength, lightweight wheelchair.
K0813	Power wheelchair, group 1 standard, portable, sling/solid seat and back, patient weight capacity up to and including 300 pounds.
K0814	Power wheelchair, group 1 standard, portable, captains chair, patient weight capacity up to and including 300 pounds.
K0815	Power wheelchair, group 1 standard, sling/solid seat and back, patient weight capacity up to and including 300 pounds.
K0816	Power wheelchair, group 1 standard, captains chair, patient weight capacity up to and including 300 pounds.

TABLE 4—PROPOSED MASTER LIST OF DMEPOS ITEMS SUBJECT TO FREQUENT UNNECESSARY UTILIZATION FOR PRIOR AUTHORIZATION—Continued

HCPCS	Description
K0820	Power wheelchair, group 2 standard, portable, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0821	Power wheelchair, group 2 standard, portable, captains chair, patient weight capacity up to and including 300 pounds.
K0822	Power wheelchair, group 2 standard, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0823	Power wheelchair, group 2 standard, captains chair, patient weight capacity up to and including 300 pounds.
K0824	Power wheelchair, group 2 heavy duty, sling/solid seat/back, patient weight capacity 301 to 450 pounds.
K0825	Power wheelchair, group 2 heavy duty, captains chair, patient weight capacity 301 to 450 pounds.
K0826	Power wheelchair, group 2 very heavy duty, sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0827	Power wheelchair, group 2 very heavy duty, captains chair, patient weight capacity 451 to 600 pounds.
K0828	Power wheelchair, group 2 extra heavy duty, sling/solid seat/back, patient weight capacity 601 pounds or more.
K0829	Power wheelchair, group 2 extra heavy duty, captains chair, patient weight 601 pounds or more.
K0835	Power wheelchair, group 2 standard, single power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0836	Power wheelchair, group 2 standard, single power option, captains chair, patient weight capacity up to and including 300 pounds.
K0837	Power wheelchair, group 2 heavy duty, single power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds.
K0838	Power wheelchair, group 2 heavy duty, single power option, captains chair, patient weight capacity 301 to 450 pounds.
K0839	Power wheelchair, group 2 very heavy duty, single power option sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0840	Power wheelchair, group 2 extra heavy duty, single power option, sling/solid seat/back, patient weight capacity 601 pounds or more.
K0841	Power wheelchair, group 2 standard, multiple power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0842	Power wheelchair, group 2 standard, multiple power option, captains chair, patient weight capacity up to and including 300 pounds.
K0843	Power wheelchair, group 2 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds.
K0848	Power wheelchair, group 3 standard, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0849	Power wheelchair, group 3 standard, captains chair, patient weight capacity up to and including 300 pounds.
K0850	Power wheelchair, group 3 heavy duty, sling/solid seat/back, patient weight capacity 301 to 450 pounds.
K0851	Power wheelchair, group 3 heavy duty, captains chair, patient weight capacity 301 to 450 pounds.
K0852	Power wheelchair, group 3 very heavy duty, sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0853	Power wheelchair, group 3 very heavy duty, captains chair, patient weight capacity 451 to 600 pounds.
K0854	Power wheelchair, group 3 extra heavy duty, sling/solid seat/back, patient weight capacity 601 pounds or more.
K0855	Power wheelchair, group 3 extra heavy duty, captains chair, patient weight capacity 601 pounds or more.
K0856	Power wheelchair, group 3 standard, single power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0857	Power wheelchair, group 3 standard, single power option, captains chair, patient weight capacity up to and including 300 pounds.
K0858	Power wheelchair, group 3 heavy duty, single power option, sling/solid seat/back, patient weight 301 to 450 pounds.
K0859	Power wheelchair, group 3 heavy duty, single power option, captains chair, patient weight capacity 301 to 450 pounds.
K0860	Power wheelchair, group 3 very heavy duty, single power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0861	Power wheelchair, group 3 standard, multiple power option, sling/solid seat/back, patient weight capacity up to and including 300 pounds.
K0862	Power wheelchair, group 3 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds.
K0863	Power wheelchair, group 3 very heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0864	Power wheelchair, group 3 extra heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 601 pounds or more.
L5010	Partial foot, molded socket, ankle height, with toe filler.
L5020	Partial foot, molded socket, tibial tubercle height, with toe filler.
L5050	Ankle, symes, molded socket, sach foot.
L5060	Ankle, symes, metal frame, molded leather socket, articulated ankle/foot.
L5100	Below knee, molded socket, shin, sach foot.
L5105	Below knee, plastic socket, joints and thigh lacer, sach foot.
L5150	Knee disarticulation (or through knee), molded socket, external knee joints, shin, sach foot.
L5160	Knee disarticulation (or through knee), molded socket, bent knee configuration, external knee joints, shin, sach foot.
L5200	Above knee, molded socket, single axis constant friction knee, shin, sach foot.
L5210	Above knee, short prosthesis, no knee joint (‘stubbies’), with foot blocks, no ankle joints, each.
L5220	Above knee, short prosthesis, no knee joint (‘stubbies’), with articulated ankle/foot, dynamically aligned, each.
L5230	Above knee, for proximal femoral focal deficiency, constant friction knee, shin, sach foot.

TABLE 4—PROPOSED MASTER LIST OF DMEPOS ITEMS SUBJECT TO FREQUENT UNNECESSARY UTILIZATION FOR PRIOR AUTHORIZATION—Continued

HCPCS	Description
L5250	Hip disarticulation, canadian type; molded socket, hip joint, single axis constant friction knee, shin, sach foot.
L5270	Hip disarticulation, tilt table type; molded socket, locking hip joint, single axis constant friction knee, shin, sach foot.
L5280	Hemipelvectomy, canadian type; molded socket, hip joint, single axis constant friction knee, shin, sach foot.
L5301	Below knee, molded socket, shin, sach foot, endoskeletal system.
L5312	Knee disarticulation (or through knee), molded socket, single axis knee, pylon, sach foot, endoskeletal system.
L5321	Above knee, molded socket, open end, sach foot, endoskeletal system, single axis knee.
L5331	Hip disarticulation, canadian type, molded socket, endoskeletal system, hip joint, single axis knee, sach foot.
L5341	Hemipelvectomy, canadian type, molded socket, endoskeletal system, hip joint, single axis knee, sach foot.
L5400	Immediate post surgical or early fitting, application of initial rigid dressing, including fitting, alignment, suspension, and one cast change, below knee.
L5420	Immediate post surgical or early fitting, application of initial rigid dressing, including fitting, alignment and suspension and one cast change 'ak' or knee disarticulation.
L5500	Initial, below knee 'ptb' type socket, non-alignable system, pylon, no cover, sach foot, plaster socket, direct formed.
L5505	Initial, above knee—knee disarticulation, ischial level socket, non-alignable system, pylon, no cover, sach foot, plaster socket, direct formed.
L5510	Preparatory, below knee 'ptb' type socket, non-alignable system, pylon, no cover, sach foot, plaster socket, molded to model.
L5520	Preparatory, below knee 'ptb' type socket, non-alignable system, pylon, no cover, sach foot, thermoplastic or equal, direct formed.
L5530	Preparatory, below knee 'ptb' type socket, non-alignable system, pylon, no cover, sach foot, thermoplastic or equal, molded to model.
L5535	Preparatory, below knee 'ptb' type socket, non-alignable system, no cover, sach foot, prefabricated, adjustable open end socket.
L5540	Preparatory, below knee 'ptb' type socket, non-alignable system, pylon, no cover, sach foot, laminated socket, molded to model.
L5560	Preparatory, above knee—knee disarticulation, ischial level socket, non-alignable system, pylon, no cover, sach foot, plaster socket, molded to model.
L5570	Preparatory, above knee—knee disarticulation, ischial level socket, non-alignable system, pylon, no cover, sach foot, thermoplastic or equal, direct formed.
L5580	Preparatory, above knee—knee disarticulation ischial level socket, non-alignable system, pylon, no cover, sach foot, thermoplastic or equal, molded to model.
L5585	Preparatory, above knee—knee disarticulation, ischial level socket, non-alignable system, pylon, no cover, sach foot, prefabricated adjustable open end socket.
L5590	Preparatory, above knee—knee disarticulation ischial level socket, non-alignable system, pylon no cover, sach foot, laminated socket, molded to model.
L5595	Preparatory, hip disarticulation-hemipelvectomy, pylon, no cover, sach foot, thermoplastic or equal, molded to patient model.
L5600	Preparatory, hip disarticulation-hemipelvectomy, pylon, no cover, sach foot, laminated socket, molded to patient model.
L5610	Addition to lower extremity, endoskeletal system, above knee, hydracadence system.
L5611	Addition to lower extremity, endoskeletal system, above knee—knee disarticulation, 4 bar linkage, with friction swing phase control.
L5613	Addition to lower extremity, endoskeletal system, above knee—knee disarticulation, 4 bar linkage, with hydraulic swing phase control.
L5614	Addition to lower extremity, exoskeletal system, above knee—knee disarticulation, 4 bar linkage, with pneumatic swing phase control.
L5616	Addition to lower extremity, endoskeletal system, above knee, universal multiplex system, friction swing phase control.
L5639	Addition to lower extremity, below knee, wood socket.
L5643	Addition to lower extremity, hip disarticulation, flexible inner socket, external frame.
L5649	Addition to lower extremity, ischial containment/narrow m-l socket.
L5651	Addition to lower extremity, above knee, flexible inner socket, external frame.
L5681	Addition to lower extremity, below knee/above knee, custom fabricated socket insert for congenital or atypical traumatic amputee, silicone gel, elastomeric or equal, for use with or without locking mechanism, initial only (for other than initial, use code l5673 or l5679).
L5683	Addition to lower extremity, below knee/above knee, custom fabricated socket insert for other than congenital or atypical traumatic amputee, silicone gel, elastomeric or equal, for use with or without locking mechanism, initial only (for other than initial, use code l5673 or l5679).
L5700	Replacement, socket, below knee, molded to patient model.
L5701	Replacement, socket, above knee/knee disarticulation, including attachment plate, molded to patient model.
L5702	Replacement, socket, hip disarticulation, including hip joint, molded to patient model.
L5703	Ankle, symes, molded to patient model, socket without solid ankle cushion heel (sach) foot, replacement only.
L5705	Custom shaped protective cover, above knee.
L5706	Custom shaped protective cover, knee disarticulation.
L5707	Custom shaped protective cover, hip disarticulation.
L5718	Addition, exoskeletal knee-shin system, polycentric, friction swing and stance phase control.
L5722	Addition, exoskeletal knee-shin system, single axis, pneumatic swing, friction stance phase control.
L5724	Addition, exoskeletal knee-shin system, single axis, fluid swing phase control.
L5726	Addition, exoskeletal knee-shin system, single axis, external joints fluid swing phase control.

TABLE 4—PROPOSED MASTER LIST OF DMEPOS ITEMS SUBJECT TO FREQUENT UNNECESSARY UTILIZATION FOR PRIOR AUTHORIZATION—Continued

HCPCS	Description
L5728	Addition, exoskeletal knee-shin system, single axis, fluid swing and stance phase control.
L5780	Addition, exoskeletal knee-shin system, single axis, pneumatic/hydra pneumatic swing phase control.
L5781	Addition to lower limb prosthesis, vacuum pump, residual limb volume management and moisture evacuation system.
L5782	Addition to lower limb prosthesis, vacuum pump, residual limb volume management and moisture evacuation system, heavy duty.
L5795	Addition, exoskeletal system, hip disarticulation, ultra-light material (titanium, carbon fiber or equal).
L5814	Addition, endoskeletal knee-shin system, polycentric, hydraulic swing phase control, mechanical stance phase lock.
L5816	Addition, endoskeletal knee-shin system, polycentric, mechanical stance phase lock.
L5818	Addition, endoskeletal knee-shin system, polycentric, friction swing, and stance phase control.
L5822	Addition, endoskeletal knee-shin system, single axis, pneumatic swing, friction stance phase control.
L5824	Addition, endoskeletal knee-shin system, single axis, fluid swing phase control.
L5826	Addition, endoskeletal knee-shin system, single axis, hydraulic swing phase control, with miniature high activity frame.
L5828	Addition, endoskeletal knee-shin system, single axis, fluid swing and stance phase control.
L5830	Addition, endoskeletal knee-shin system, single axis, pneumatic/swing phase control.
L5840	Addition, endoskeletal knee/shin system, 4-bar linkage or multiaxial, pneumatic swing phase control.
L5845	Addition, endoskeletal, knee-shin system, stance flexion feature, adjustable.
L5848	Addition to endoskeletal knee-shin system, fluid stance extension, dampening feature, with or without adjustability.
L5856	Addition to lower extremity prosthesis, endoskeletal knee-shin system, microprocessor control feature, swing and stance phase, includes electronic sensor(s), any type.
L5857	Addition to lower extremity prosthesis, endoskeletal knee-shin system, microprocessor control feature, swing phase only, includes electronic sensor(s), any type.
L5858	Addition to lower extremity prosthesis, endoskeletal knee shin system, microprocessor control feature, stance phase only, includes electronic sensor(s), any type.
L5930	Addition, endoskeletal system, high activity knee control frame.
L5960	Addition, endoskeletal system, hip disarticulation, ultra-light material (titanium, carbon fiber or equal).
L5964	Addition, endoskeletal system, above knee, flexible protective outer surface covering system.
L5966	Addition, endoskeletal system, hip disarticulation, flexible protective outer surface covering system.
L5968	Addition to lower limb prosthesis, multiaxial ankle with swing phase active dorsiflexion feature.
L5973	Endoskeletal ankle foot system, microprocessor controlled feature, dorsiflexion and/or plantar flexion control, includes power source.
L5979	All lower extremity prosthesis, multi-axial ankle, dynamic response foot, one piece system.
L5980	All lower extremity prostheses, flex foot system.
L5981	All lower extremity prostheses, flex-walk system or equal.
L5987	All lower extremity prosthesis, shank foot system with vertical loading pylon.
L5988	Addition to lower limb prosthesis, vertical shock reducing pylon feature.
L5990	Addition to lower extremity prosthesis, user adjustable heel height.

D. Proposed Future Process for Implementing a Prior Authorization Program for Items on the Master List

Presence on the Master List would not automatically require prior authorization. We propose implementing the prior authorization program by limiting the number of items from the Master List that are subject to prior authorization. In order to balance minimizing provider and supplier burden with our need to protect the Trust Funds, we propose to initially implement prior authorization for a subset of items on the Master List (hereafter referred to as ''Required Prior Authorization List''). We propose that we inform the public of the Required Prior Authorization List in the **Federal Register** with 60-day notice before implementation.

Additionally, we propose a prior authorization program for items on the Master List that may be implemented nationally or locally. While OIG and/or GAO and the CERT DME Appendix provide national summary data, the reports often include regional data as well. We may elect to limit the prior authorization requirement to a particular region of the country if claims data analysis or OIG/GAO reports show that unnecessary utilization of the selected item(s) is concentrated in a particular region. Alternately, we may elect to implement prior authorization nationally if claims data analysis shows that unnecessary utilization of the selected item(s) is widespread and occurring across multiple geographic areas.

We also propose to have the authority to suspend or cease the prior authorization requirement program generally, or for a particular item or items at any time, without undertaking a separate rulemaking. For example, we may need to suspend or cease the prior authorization program due to new payment policies, which may render the prior authorization requirement obsolete or remove the item from Medicare coverage. If we suspend or cease the prior authorization requirement, we would post notification of the suspension on the CMS Prior Authorization Web site, contractor Web sites, publications, and bulletins and include the date of suspension.

We note that this proposal would apply in competitive bidding areas because CMS conditions of payment apply under the Medicare DMEPOS Competitive Bidding Program.

In summary, because the Master List would be self-updating, we propose that we would annually publish notification of any additions or deletions to the Master List in the **Federal Register** and on the CMS Prior Authorization Web site. In addition, we propose to periodically publish notification of additions and deletions to the Required Prior Authorization List (including

changes to the geographic regions in which prior authorization occurs) in the **Federal Register** and on the CMS Prior Authorization Web site. The announcement would appear in the **Federal Register** and there would be at least 60 days notice before prior authorization is required. This proposed rule does not announce the first items on the Required Prior Authorization List. We seek public comment on the: (1) Number of items selected for initial implementation; (2) number of future items selected for implementation; and (3) frequency in which we would select the items.

Since the proposed Master List contains DMEPOS items currently included in the CMS Prior Authorization of Power Mobility Device (PMD) Demonstration, we would not require prior authorization for PMDs under this proposed rule, at least until the demonstration was complete. This proposed rule would not affect the current Prior Authorization of PMD Demonstration.

The proposed prior authorization process would not create new clinical documentation requirements. Instead, it would require the same information necessary to support Medicare payment, just earlier in the process. This would ensure that all relevant coverage, coding, and clinical documentation requirements are met before the item is furnished to the beneficiary and before the claim is submitted for payment.

Prior to furnishing the item and prior to submitting the claim for processing, a prior authorization requester would submit evidence that the item complies with all coverage, coding, and payment rules. Information regarding Medicare coverage, coding, and payment rules for DMEPOS items is found in the Act, our regulations, National Coverage Determinations (NCDs), Local Coverage Determinations (LCD), CMS manuals and transmittals, as well as Durable Medical Equipment Medicare Administrative Contractors' (DME MAC') Web sites. All coverage, coding, and payment rules would apply. Medicare coverage, coding, and payment rules applicable to items on the Required Prior Authorization List would also be posted on the CMS Prior Authorization Web site. Further, this proposed rule would not change who creates the required clinical documentation. For example, clinical documentation that is required to be created by a practitioner would still be required to be created by the practitioner. Similarly, documentation requiring supplier origination, (for example, product description), would still be generated by the supplier.

CMS or its contractors would review the prior authorization request to determine whether the item ordered for the beneficiary complies with applicable coverage, coding, and payment rules. After receipt of all applicable required Medicare documentation, CMS or its contractors would conduct a medical review and communicate a decision that provisionally affirms or non-affirms the request. A provisional affirmation is a preliminary finding that a future claim meets Medicare's coverage, coding, and payment rules. Claims receiving a provisional affirmation may still be denied based on technical requirements that can only be evaluated after the claim has been submitted for formal processing. For example, a finding that a claim is a duplicate claim can only be made after the claim has been submitted for formal processing. Claims receiving a provisional affirmation may also be denied based on information not available at the time of a prior authorization request (that is, proof of delivery). A prior authorization request that is non-affirmed under section 1834(a)(15) of the Act is not an initial determination on a claim for payment for items furnished, and therefore would not be appealable. We propose to make this distinction clear by adding a new paragraph (t) to § 405.926 stating that a contractor's prior determination of coverage is not an initial determination.

Claims receiving a non-affirmative decision, as well as claims for items subject to prior authorization but for which no prior authorization was requested would be denied if submitted for processing. A requester who submits a claim for which there was a non-affirmative decision or for which no prior authorization request was obtained is afforded appeal rights.

CMS or its contractors would make reasonable efforts to communicate the decision within 10 days of receipt of all applicable information. However, final timelines for communicating an affirmed or non-affirmed decision to the requester would be described in CMS manual and on the CMS Prior Authorization Web site. We propose to allow unlimited resubmissions.

To address circumstances where applying the standard timeframe for making a prior authorization decision could seriously jeopardize the life or health of the beneficiary, we propose an exception to the initial review timeline. We are proposing that if CMS or its contractor agrees that using the standard timeframes for review places the beneficiary at risk as previously described, then we would allow an expedited review of the prior authorization request and communicate an expedited decision. In these situations, CMS or its contractors would make reasonable efforts to communicate the decision within 2 business days of receipt of all applicable Medicare required documentation. This process would be further defined in CMS guidance and posted on the CMS Prior Authorization Web site. A prior authorization request for an expedited review would include documentation that shows that applying the standard timeframe for making a decision could seriously jeopardize the life or health of the beneficiary. We are soliciting public comment on whether the proposed process would meet our objective of ensuring beneficiary access to care and protecting the Medicare Trust Funds without placing undue burden on practitioners and suppliers.

We propose to automatically deny payment for a claim for an item on the Required Prior Authorization List that is submitted without an affirmative prior authorization decision. We believe section 1834(a)(15) of the Act authorizes the Secretary to make an affirmative prior authorization decision a condition of payment for items on the Required Prior Authorization List. As discussed earlier, section 1834 (a)(15)(A) of the Act authorizes the Secretary to develop and update a list of DMEPOS items frequently subject to unnecessary utilization. Section 1834(a)(15)(C) of the Act, titled ''Determinations Of Coverage In Advance,'' allows the Secretary to determine in advance of delivery whether payment should be made for an item on the list developed by the Secretary. We believe that Congress intended section 1834(a)(15) of the Act to establish an advanced determination process (that is, a prior authorization process) as a condition of payment for items on the list developed by the Secretary. Absent this potential penalty for noncompliance with the prior authorization process, section 1834(a)(15) of the Act would be rendered moot, as suppliers would not be required to seek an advance decision of coverage for these items. A mandatory prior authorization process for these items best ensures that CMS effectuates Congress' intent of reducing unnecessary utilization for the items identified by the Secretary pursuant to section 1834(a)(15)(A) of the Act. Thus, if this proposed rule is finalized, prior authorization would become a condition of payment for the items on the Required Prior Authorization List.

We propose to permit a requester to resubmit a prior authorization request if the initial request was non-affirmed. Prior authorization requests would be

reviewed, and a decision of a provisional affirmative or non-affirmative would be communicated to the affected parties in the same manner as an initial request. We would consider a request for the same beneficiary for the same HCPCS code in a 6-month period of time to be a resubmission. A request outside of those parameters would be treated as a new initial request. We seek public comment on the number of resubmitted prior authorization requests allowed. This supports CMS's objective to satisfy our overall goal of enabling beneficiary access to care while protecting the Medicare Trust Fund. For the purpose of this proposed rule, we suggest that Medicare or its contractor make a reasonable effort to render an affirmative or non-affirmative decision within 10 days of receiving the initial request, 2 days for an expedited request or 20 days for a resubmission. We also seek public comment on suggested timeframes for provisionally affirmative or non-affirmative decisions on resubmitted prior authorization requests. Additional information about timeframes for all decisions would be described in CMS guidance to its contractors. The following illustrates possible prior authorization scenarios:

Scenario 1: A requester submits to CMS (or its contractor) a prior authorization request along with all required documentation. CMS (or its contractor) finds that the request meets all applicable Medicare requirements. CMS (or its contractor) would communicate a provisional affirmative decision to the affected parties. The supplier would submit the claim following receipt of a provisional affirmative decision, and the claim would be paid, as long as all other requirements were met.

In the preceding example, the granted affirmative decision is provisional because payment decisions can only be made after all requirements are evaluated. For example, a claim could have received a provisional affirmative prior authorization decision. However, after submission, the claim could be denied due to technical payment reasons, such as the claim was a duplicate claim or the claim was for a deceased beneficiary. In addition, certain documentation needed in support of the claim, such as proof of delivery, cannot be reviewed on a prior authorization request.

Scenario 2: A requester submits to CMS (or its contractor) a prior authorization request. CMS (or its contractor) conducts a medical review of submitted documentation and determines that the request and submitted documentation does not comply with one or more applicable coverage, coding, and payment rules. CMS (or its contractor) communicates a decision that provisionally non-affirms the request. A provisional non-affirmation is a preliminary finding that a future claim associated with the submitted documentation and prior authorization request would be denied if submitted because the associated request and submitted documentation did not meet one or more of Medicare's coverage, coding, and payment rules. CMS (or its contractor) would communicate a non-affirmative decision to the affected parties. The communication to the affected parties would identify which Medicare coverage, coding or payment rule(s) was not supported in the request and submitted documentation and thus served as the basis for the non-affirmative decision. The requester could resubmit the prior authorization request. If the claim is submitted for payment without a provisional affirmative decision, it would be automatically denied. The supplier would assume liability if the item was furnished after receiving a non-affirmative decision, unless conditions for assigning liability to the beneficiary or Medicare, (as described in section 1879(h)(2) of the Act for assigned claims and section 1834(j)(4) of the Act for non-assigned claims and as discussed in section II.E. of this proposed rule) are met. A prior authorization request that is non-affirmed under section 1834(a)(15) of the Act is not an initial decision on a claim for payment for items furnished, and therefore would not be appealable. However, a claim for which a non-affirmative prior authorization decision was received, submitted and subsequently denied could be appealed.

Scenario 3: A claim is submitted without a prior authorization decision. The claim would be denied because there was no prior authorization request, which is a condition of payment. The supplier is liable unless the conditions described at section 1879(h)(2) of the Act for assigned claims and section 1834(j)(4) of the Act for non-assigned claims (and discussed in section II.E. of this proposed rule) are met.

E. Liability

A request for prior authorization must be submitted prior to furnishing the item to the beneficiary and prior to submitting the claim for processing. When a claim for an item on the Required Prior Authorization List is submitted and denied, the contractor determines liability for the denied item based on sections 1834(j)(4) of the Act for non-assigned claims and 1879(h)(2) of the Act for assigned claims. Under these sections, any expenses incurred for the denied item or service are the responsibility of the supplier unless liability is transferred to the beneficiary in instances where beneficiaries are given an Advanced Beneficiary Notice of Noncoverage (ABN), Form CMS–R–131, because the beneficiary knows or could be expected to know that payment would not be made. Sections 1834(j)(4) and 1879(h)(2) of the Act, both of which reference the refund procedures in section 1834(a)(18)(A) of the Act, address liability decisions made after assessing actual or expected knowledge, based on all the relevant facts pertaining to each particular denial.

The limitation on liability provision in section 1879 of the Act establishes a process for determining financial liability for certain denials of items or services. In the case of assigned DME that is subject to the prior authorization requirement established in this rule, under section 1879(h) of the Act, a supplier is presumed to be financially liable for a claim denied if there is no affirmative prior authorization. The same holds true for non-assigned DME under section 1834(j)(4) of the Act. If the supplier collected any monies from the beneficiary for such denied items, the supplier is required to refund such monies. Under section 1879(a) of the Act, the determination of financial liability for certain categories of denied claims is based on actual or constructive knowledge that Medicare is not expected to cover or make payment for such denied items or services. In general, the supplier is held financially liable under section 1879 of the Act because it is expected to be familiar with Medicare coverage and payment requirements. However, as explained later in this section, under sections 1879(h) and 1834(a)(18) of the Act, liability may be shifted from the supplier to the beneficiary if the supplier delivers a valid Advanced Beneficiary Notice of Noncoverage (ABN), Form CMS–R–131, to the beneficiary. Similarly, under section 1879(a) of the Act, if the supplier believes, for example, that an item may not be considered medically reasonable and necessary under section 1862(a)(1)(A) of the Act, the supplier may shift financial liability to the beneficiary by delivering a valid ABN to the beneficiary.

After promulgation of the prior authorization requirement through a possible final rule, CMS or its contractor would presume that the supplier knew that Medicare would automatically deny

the claim for which the supplier failed to request a prior authorization, per section 1834(a)(15) of the Act. However, CMS or its contractor would generally presume that the Medicare beneficiary does not know, and cannot reasonably be expected to know, that Medicare will deny, or has denied, payment in advance under section 1834(a)(15) of the Act.

Under sections 1834(j)(4) and 1879(h)(2) of the Act, when a beneficiary receives an item or service and does not know that CMS or its contractor may deny the claim based on an unmet prior authorization requirement, the supplier is financially liable for the denied claim and is obligated to refund any payments received from the beneficiary. In cases where the beneficiary insists on getting the item without the prior authorization decision or while the decision is pending, or in cases where the prior authorization decision is non-affirmed, the supplier must issue an Advanced Beneficiary Notice of Noncoverage (ABN) to the beneficiary, in order to shift liability to the beneficiary. If the beneficiary agrees to pay for the item when signing the ABN, liability rests with the beneficiary if Medicare does, in fact, deny the claim. The ABN notifies the beneficiary that an item usually covered by Medicare may not be paid for in this instance. When completing the ABN, the supplier must provide a valid and understandable reason why Medicare may deny payment so that the beneficiary realizes that Medicare coverage of the item could be supported if a prior authorization affirmation is obtained by the supplier. The ABN must not be used to bypass the prior authorization process, and our policy prohibits routine ABN issuance. In order for the ABN to be considered valid, the ABN must be issued to the beneficiary before the beneficiary receives the item or services.

Detailed requirements for valid ABN issuance can be found in the Medicare Claims Processing Manual (Internet Only Manual (IOM) 100–04): *http://www.cms.gov/Regulations* and *Guidance/Guidance/Manuals/Downloads/clm104c30.pdf*. This section will be updated to provide standard language that suppliers must include on ABNs issued for items requiring prior authorization. If an ABN is not given to the beneficiary in the manner described in CMS' claims processing manual, financial liability for the denied claim will not be shifted to the beneficiary.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements (ICRs).

In § 414.234(c), we would require, as a condition of payment for certain DMEPOS items frequently subject to unnecessary utilization, that a prior authorization request be submitted prior to the submission of a claim.

For purposes of this proposed rule, we are defining unnecessary utilization as the furnishing of items or services that do not comply with one or more of Medicare's clinical documentation, coverage, payment and coding rules, as applicable. Items frequently subject to unnecessary utilization are those identified by evaluation of past payment experience. Specifically, and for the purpose of this proposed rule, an item frequently subject to unnecessary utilization is identified as having a high incidence of fraud, improper payments or unnecessary utilization in GAO or OIG reports or the CERT DME Appendix, has an average purchase fee of $1,000 or greater or an average rental fee schedule of $100 or greater, and is listed on the DMEPOS fee schedule. Payment made when the item does not meet Medicare policy is an improper payment. It is important to keep in mind that all fraud is considered to be improper payment, but not all improper payments are fraud.

Prior authorization would require information to support a Medicare provisional payment decision earlier in the process, before the item is delivered. This would ensure that all relevant clinical and/or medical documentation requirements are met before the item is delivered to the beneficiary and before the claim is submitted for payment. A prior authorization request would include evidence that the request for payment complies with Medicare clinical documentation, coverage, payment, and coding rules. All documentation requirements specified in policy would still apply. This proposed rule would not change who originates the documentation.

This proposed rule would implement prior authorization, a tool utilized by private sector health care payers to prevent unnecessary utilization of certain DMEPOS items. In 2012, the total utilization for all items listed in the Master List was nearly $1.3 billion. The Master List includes DMEPOS items frequently subject to unnecessary utilization meeting criteria described earlier in this proposed rule. Presence of an item(s) on the Master List would not automatically result in that item being subject to prior authorization. In order to balance minimizing provider and supplier burden with our need to protect the Trust Funds, we propose to initially implement prior authorization for a subset of items on the Master List. This subset of items would be called the Required Prior Authorization List. We seek public comment on the number of items selected for initial implementation of the prior authorization requirement.

In 2012, there were over 1.7 million beneficiaries receiving an item from the Master List. Cost, utilization and improper payment rates of items on the Master List vary greatly. It is important to note that not all items on the Master List have a known improper payment rate since their Master List inclusion may have been based on a 2007 or later OIG/GAO report and not the CERT Report DME appendix. As discussed earlier, the CERT program develops improper payment rates for those items for which at least 30 claims are included in their sample. Consequently, DMEPOS items have an associated improper payment rate if at least 30 claims for that code were included in the CERT sample.

To estimate the impact of this proposed rule within a range of programmatic activity, we isolated those items on the Master List that had an associated improper payment rate. We then excluded power mobility devices from the list since they are currently subject to prior authorization under a CMS demonstration and thus not eligible to be selected from the Master List until the demonstration is completed. We ranked the remaining 25

items by average improper payment dollars per line. Using 2013 CERT data, we developed low, primary, and high estimates of potentially affected claims for each year for the first 10 years of the program, if implemented as proposed.

We base our low estimate of affected claims on the possible number of claims we can subject to the prior authorization requirements based on selecting Master List items with the highest average improper payment dollars per line. For example, during the 2013 CERT reporting period Medicare paid for the top two DMEPOS items on the Master List associated with the highest improper payment dollars per line nearly 7,500 times. We believe limiting prior authorization to the top two items results in a low programmatic activity compared to implementing prior authorization for all items in the Master List. Consequently we use 7,500 as our low estimate of potentially affected claims for our 10-year projection (see Table 5). We did not account for Medicare growth or ramp up activities for our low estimate since we selected 7,500 to represent the minimum level of program activity regardless of other factors. Based on the 2013 CERT data, if we avoided 100 percent of payment errors for the top 2 items, we would realize the largest gain on investment. Again, it is important to note that the average error ranking could change every year since it is based on the acquired CERT sample. Thus the top two items with the highest average improper payments could change every year.

Based on the 2013 CERT data, CMS paid for the top 22 DMEPOS items on the Master List with the highest average improper payments nearly 400,000 times. If we avoid 100 percent of improper payments for the top 22 Master List DMEPOS items with the highest average improper payments, we realize a significantly lower gain on investment. Subjecting 22 items to prior authorization results in high programmatic activity, thus we used 500,000 as our highest estimate of affected claims for years 8 through 10 in our projections (CYs 2022 through 2024 Table 5). We believe 500,000 accounts for Medicare growth as well as the potential variability in ranking the highest average improper payments of Master List DMEPOS items which may result in higher than 400,000 claim counts.

Based on the 2013 CERT data, there were over 200,000 Medicare payments made for the top 16 Master List DMEPOS items with the highest average improper payments. If we avoid 100 percent of improper payments for the top 16 Master List DMEPOS items with the highest improper payments, we realize a moderate gain on investment. We derive at our primary estimate (see Table 5) by averaging the low and high estimate of potential claims affected. Subjecting 16 items to prior authorization results in moderate programmatic activity, thus we used 253,750 as our primary estimate of affected claims for years 8 through 10 in our projections (CYs 2022 through 2024 (see Table 5)). We believe the primary estimates accounts for Medicare growth as well as the potential variability in ranking the highest improper payment rates of Master List DMEPOS items which may result in higher than 200,000 claim counts.

We provide the preceding discussion to explain how we arrived at the estimated number potential claims affected. However, we note that other factors may contribute to the number of claims ultimately affected. For example, future policies, regulations or response to stakeholder needs may be factored into the Master List item selection(s) and consequently impact the number of claims ultimately affected.

As noted earlier, Table 5 lists our estimated range of potentially affected claims.

TABLE 5—RANGE OF ESTIMATES OF POTENTIALLY AFFECTED CLAIMS

Estimate	Number of potentially affected claims									
	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024
Low	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500
Primary	8,750	53,750	53,750	128,750	128,750	128,750	128,750	253,750	253,750	253,750
High	10,000	100,000	100,000	250,000	250,000	250,000	250,000	500,000	500,000	500,000

If implemented, this proposed rule would allow unlimited resubmissions of prior authorization requests. To account for unlimited resubmissions, we multiplied the low, primary, and high estimates of potentially affected claims in Table 5 by 2.25. We selected 2.25 as the multiplier based on preliminary analysis of resubmitted prior authorization requests in the CMS Prior Authorization of Power Mobility Device (PMD) Demonstration. Once multiplied by 2.25, the value no longer reflects estimated individual affected claims. Rather, the value represents the estimated number of potential cases (potential claims plus resubmission(s) of associated prior authorization requests).

Table 6 provides low, primary and high estimates of potentially affected cases (claims and resubmissions of associated prior authorization requests). The average of the high estimate of potentially affected cases in years 1 through 3 is 157,500 ((22,500 + 225,000 + 225,000)/3) cases per year for the first 3 years.

TABLE 6—RANGE OF POTENTIALLY AFFECTED CASES

[Potential claims and resubmissions of associated prior authorization requests]

Estimate	Number of potentially affected claims									
	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024
Low	16,875	16,875	16,875	16,875	16,875	16,875	16,875	16,875	16,875	16,875
Primary	19,688	120,938	120,938	289,688	289,688	289,688	289,688	570,938	570,938	570,938
High	22,500	225,000	225,000	562,500	562,500	562,500	562,500	1,125,000	1,125,000	1,125,000

We estimate that the private sector's per-case time burden attributed to submitting documentation and associated clerical activities in support of a prior authorization request is equivalent to that of submitting documentation and clerical activities associated for prepayment review, which is 0.5 hours. We apply this time-burden estimate to initial submissions, resubmissions, and expedited requests (that is, affected cases). The total high estimated burden for the first year is 11,250 hours (22,500 × 0.5 hours) and the total high estimated burden per year for years 2 and 3 is 112,500 hours (225,000 × 0.5 hours). Table 7 lists the low, primary, and high estimated time burden associated with potentially affected cases.

TABLE 7—TIME BURDEN ASSOCIATED WITH POTENTIALLY AFFECTED CASES

Estimate	Number of hours									
	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024
Low	8,437.50	8,437.50	8,437.50	8,437.50	8,437.50	8,437.50	8,437.50	8,437.50	8,437.50	8,437.50
Primary	9,843.75	60,468.75	60,468.75	144,843.75	144,843.75	144,843.75	144,843.75	285,468.75	285,468.75	285,468.75
High	11,250.00	112,500.00	112,500.00	281,250.00	281,250.00	281,250.00	281,250.00	562,500.00	562,500.00	562,500.00

We then multiply the time burden estimate to an average loaded hourly rate of $35.36 (actual hourly rate of $17.86 + fringe benefits) [2] to equate the burden in dollars. The high time-burden for the first year is 11,250 hours and multiplied by the hourly rate of $35.36, we arrive at a high cost estimate of $397,800. Using the same approach, the total estimated high cost per year for years 2 and 3 is $3,978,000. The average of the high estimate annual cost for years 1 through 3 is $2.8 million Table 8 lists the range estimate of PRA burden in dollars. This impact is allocated across providers and suppliers nationwide.

TABLE 8—RANGE ESTIMATE OF PRA BURDEN IN DOLLARS

Estimate	PRA burden (in dollars)									
	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024
Low	298,350	298,350	298,350	298,350	298,350	298,350	298,350	298,350	298,350	298,350
Primary	348,075	2,138,175	2,138,175	5,121,675	5,121,675	5,121,675	5,121,675	10,094,175	10,094,175	10,094,175
High	397,800	3,978,000	3,978,000	3,978,000	9,945,000	9,945,000	9,945,000	19,890,000	19,890,000	19,890,000

We also estimate the cost of mailing medical records to be $5 per request for prior authorization. However, many of the records are received via fax machines which have lower associated costs than traditional mail. Additionally, we offer electronic submission of medical documentation (esMD) to providers and suppliers who wish to use a less expensive alternative for sending in medical documents. Additional information on esMD can be found at *www.cms.gov/esMD.*

In instances when the supplier must first obtain the medical records from a health care provider, we estimate that the mailing costs are doubled ($10), as records are transferred from provider to supplier, and then to CMS or its contractors. We estimate that there are 22,500 cases (high estimate cases, see Table 6) for which the mailing costs could be doubled in the first year. However, it is reasonable to believe that less than half (11,250) of the medical records are mailed in. Therefore, we estimate the costs are $112,500 (11,250 × $10) for the first year. The total high estimated mailing cost for years 2 and 3 is $4,500,000, or $2,250,000 per year.

We believe that the requirements expressed in this proposed rule meet the utility and clarity standards. We welcome comment on this assumption and on ways to minimize the burden on affected parties.

If you comment on these information collection and recordkeeping requirements, please do either of the following:

1. Submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule; or

2. Submit your comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: CMS Desk Officer, CMS–6050–P, Fax: (202) 395–6974; or Email: *OIRA_submission@omb.eop.gov*.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Analysis

A. Statement of Need

This proposed rule codifies section 1834(a)(15)(A) and (C) of the Act to monitor payments for certain DMEPOS items by creating a requirement for advance decision as a condition of payment. This new requirement aims to reduce the unnecessary utilization and the resulting overpayment for certain DMEPOS items.

B. Overall Impact

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (February 2, 2012), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96 354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the

[2] Based on Bureau of Labor Statistics information (29–2070 Medical Record and Health Information Technician 2012).

Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). Since the effect of this rule may possibly redistribute more than $100 million in years 8 through 10, it may have an economically significant impact if the high estimates are realized. Per Executive Order 12866, we have prepared a regulatory impact analysis that, to the best of our ability, presents the costs and benefits of this proposed rule. The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.0 million to $35.5 million in any 1 year. For details see the Small Business Administration's (SBA) Web site at: *www.sba.gov/content/table-small-business-size-standards* (refer to the 62 sector). Individuals and states are not included in the definition of a small entity.

The RFA requires that we analyze regulatory options for small businesses and other entities. We prepare a regulatory flexibility analysis unless we certify that a rule would not have a significant economic impact on a substantial number of small entities. The analysis must include a justification concerning the reason action is being taken, the kinds and number of small entities that the rule affects, and an explanation of any meaningful options that achieve the objectives with less significant adverse economic impact on the small entities.

For purposes of the RFA, physicians, non-physician practitioners (NPPs), and suppliers including independent diagnostic treatment facilities (IDTFs) are considered small businesses if they generate revenues of $10 million or less based on SBA size standards. Approximately 95 percent of physicians are considered to be small entities. There are over 1 million physicians, other practitioners, and medical suppliers that receive Medicare payment under the physician fee schedule (PFS).

Because we acknowledge that many of the affected entities are small entities, the analysis discussed throughout the preamble of this proposed rule constitutes our regulatory flexibility analysis for the remaining provisions and addresses comments received on these issues.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits on state, local, or tribal governments or on the private sector before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2014, that threshold is approximately $141 million. This proposed rule would not impose a mandate that will result in the expenditure by State, local, and Tribal Governments, in the aggregate, or by the private sector, of more than $141 million in any one year.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. Since this proposed rule does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

We have prepared the following analysis, which together with the information provided in the rest of this preamble, meets all assessment requirements. The analysis explains the rationale for and purposes of this proposed rule, details the costs and benefits of the rule, and presents the measures we would use to minimize the burden on small entities. We are unaware of any relevant federal rules that duplicate, overlap, or conflict with this proposed rule. The relevant sections of this proposed rule contain a description of significant alternatives if applicable.

As discussed under the section III. of this proposed rule (Collection of Information Requirements section), the number of Master List items selected to be subject to the prior authorization requirement created if this proposed rule is finalized is dependent on multiple factors. Consequently, we are proposing a range of estimates to illustrate various implementation scenarios, as described in section III. of this proposed rule.

We believe there are a number of factors that may contribute to the potential growth assumed in the scenarios presented. For example, as the DMEPOS community acclimates to using prior authorization as part of their billing practice, there may be greater systemic or other processing efficiencies to allow more extensive implementation.

The overall economic impact of this provision on the health care sector is dependent on the number of claims affected. For the purpose of this narrative analysis, we use the ''primary'' estimate to project costs. However, Table 9 lists both the low and high estimated cost projections, as well as the primary cost estimate.

The values populating Table 9 were obtained from Table 10, Private Sector Cost and Table 11, Medicare Cost, which can be found in following pages. Together, Tables 10 and 11 combine to convey the overall economic impact to the health sector, which is illustrated in Table 9 appropriately titled, Overall Economic Impact to the Health Sector.

Based on the estimate, the overall economic impact of this proposed rule is approximately $1.3 million in the first year. The 5-year impact is approximately $57 million and the 10-year impact is approximately $212 million, mostly driven by the increased number of items subjected to prior authorization after the first year. Additional administrative paperwork costs to private sector providers and an increase in Medicare spending to conduct reviews combine to create the financial impact. However, this impact is offset by some savings. We believe there are likely to be other benefits and cost savings that result from the DMEPOS prior authorization requirement. However, many of those benefits are difficult to quantify. For instance, we expect to see savings in the form of reduced unnecessary utilization, fraud, waste, and abuse, including a

reduction in improper Medicare fee-for-service payments (note that not all improper payments are fraudulent). We are soliciting comment on the potential increased costs and benefits associated with this provision.

TABLE 9—OVERALL ECONOMIC IMPACT TO HEALTH SECTOR

[In dollars]

		Year 1	5 years	10 years
Private Sector Cost	Low Claim Estimation	298,350	1,491,750	2,938,500
	Primary Claim Estimation	348,075	14,867,775	55,393,650
	High Estimation	397,800	28,243,800	107,803,800
Medicare Cost	Low Claim Estimation	843,750	4,218,750	8,437,500
	Primary Claim Estimation	984,375	42,046,875	156,656,250
	High Claim Estimation	1,125,000	79,875,000	304,875,000
Total Economic Impact to Health Sector	Low Claim Estimation	1,142,100	5,710,500	11,376,000
	Primary Claim Estimation	1,332,450	56,914,650	212,049,900
	High Claim Estimation	1,522,800	108,118,800	412,678,800

The definition of small entity in the RFA includes non-profit organizations. Per the RFA's use of the term, most suppliers and providers are small entities. Likewise, the vast majority of physician and nurse practitioner (NP) practices are considered small businesses according to the SBA's size standards total revenues of $10 million or less in any 1 year. While the economic costs and benefits of this rule are substantial in the aggregate, the economic impact on individual entities would be relatively small. We estimate that 90 to 95 percent of DMEPOS suppliers and practitioners who order DMEPOS are small entities under the RFA definition. The rationale behind requiring prior authorization of covered DMEPOS items is to ensure the beneficiary's medical condition warrants the item of DMEPOS before the item is delivered. The impact on these suppliers could be significant; if finalized, the proposed rule would change the billing practices of DMEPOS suppliers. We believe that the purpose of the statute and this proposed rule is to avoid unnecessary utilization of DMEPOS items, thus we do not view decreased revenues from items subject to unnecessary utilization by DMEPOS providers and suppliers to be a condition that we must mitigate. We believe that the effect on legitimate suppliers and practitioners would be minimal. This proposed rule would offer an additional protection to a supplier's cash flow as the supplier would know in advance if the Medicare requirements are met.

C. Anticipated Effects

1. Costs

a. Private Sector Costs

We do not believe that this proposed rule would significantly affect the number of legitimate claims submitted for these items. However, we do expect a decrease in the overall amount paid for DMEPOS items resulting from a reduction in unnecessary utilization of DMEPOS items requiring prior authorization.

As described in section III. of this proposed rule, we propose to rely on a criterion-driven approach to select items that would require prior authorization.

In accordance with our proposals, we would select certain items from the Master List to require prior authorization by placing them on the Required List. As discussed previously, it is impossible to specify the number of items on the Required List in advance. Similarly, it is not possible to specify the resulting numbers of affected claims and medical reviews in advance. Consequently, we are proposing a range of estimates to capture various possible scenarios.

If funded for the high estimation of potentially affected claims, we could grow the program and affect as many as 500,000 claims by years 8 through 10. This estimate accounts for initial prior authorization requests only. Resubmissions after a non-affirmative decision is rendered on an initial request are not included in the high estimation of potential claims affected. If the program grew to impact as many as 500,000 claims, the potentially impacted cases (claims and resubmissions) total would be 1,125,000. This potential growth accounts for the large fiscal increase shown in the program impact analysis.

We estimate that the private sector's per-case time burden attributed to submitting documentation and associated clerical activities in support of a prior authorization request is equivalent to that of submitting documentation and clerical activities associated for prepayment review, which is 0.5 hours. We apply this time-burden estimate to initial submissions, resubmissions, and expedited requests (cases). (See Tables 7 and 8 of this proposed rule.)

TABLE 10—PRIVATE SECTOR COST

Estimate	Cost (in dollars)									
	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024
Low	298,350	298,350	298,350	298,350	298,350	298,350	298,350	298,350	298,350	298,350
Primary	348,075	2,138,175	2,138,175	5,121,675	5,121,675	5,121,675	5,121,675	10,094,175	10,094,175	10,094,175
High	397,800	3,978,000	3,978,000	3,978,000	9,945,000	9,945,000	9,945,000	19,890,000	19,890,000	19,890,000

b. Medicare Costs

Medicare would incur additional costs associated with processing the prior authorization requests. Applying the same logic previously described, we develop a range of potential costs that are dependent on the extent of implementation. We use the range of potentially affected cases (claims and resubmissions) in Table 6 and multiply it by $50, the estimated cost to review each request. Table 11 lists the cost range estimates.

TABLE 11—MEDICARE COST

Estimate	Cost (in dollars)									
	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023	CY 2024
Low	843,750	843,750	843,750	843,750	843,750	843,750	843,750	843,750	843,750	843,750
Primary	984,375	6,046,875	6,046,875	14,484,375	14,484,375	14,484,375	14,484,375	28,546,875	28,546,875	28,546,875
High	1,125,000	11,250,000	11,250,000	28,125,000	28,125,000	28,125,000	28,125,000	56,250,000	56,250,000	56,250,000

c. Beneficiary Costs

As will be discussed in the next section, we expect a reduction in the utilization of Medicare DMEPOS items when such utilization does not comply with one or more of Medicare's coverage, coding and payment rules. Although these rules are designed to permit utilization that is medically necessary, DMEPOS items that are not medically necessary may still provide convenience or usefulness for beneficiaries; any rule-induced loss of such convenience or usefulness constitutes a cost of the rule that we lack data to quantify.

2. Benefits

There would be quantifiable benefits because we expect a reduction in the unnecessary utilization of those Medicare DMEPOS items subject to prior authorization. It is difficult to project the decrease in unnecessary utilization. However, we will be closely monitoring utilization and billing practices. The benefits include a changed billing practice that also enhances the coordination of care for the beneficiary. For example, requiring prior authorization for certain items ensures that the primary care provider and the supplier collaborate more frequently to order and deliver the most appropriate DMEPOS item meeting the needs of the beneficiary. Improper payments made because the practitioner did not order the DMEPOS, or because the practitioner did not evaluate the patient, would likely be reduced by the requirement that a supplier submit clinical documentation created by the practitioner as part of its prior authorization request.

We believe it is more reasonable to require practitioners and suppliers to adopt new practices for fewer items at a time, rather than institute large scale change all at once. In addition, during the ramp up of the program in year 1, we will be doing education and outreach. Consequently, we estimate a smaller volume of items in year 1.

Our Office of the Actuary has provided the following budgetary cash impact possibilities based on the President's 2015 Budget baseline with an assumed October 1, 2014 effective date. The impacts are specific to the three scenarios in our potentially affected claim range: The low, primary, and high estimation of potentially affected claims (see Table 5).

TABLE 12—CY BUDGETARY IMPACT (WITH MANAGED CARE) ESTIMATE IN MILLIONS

Type of scenario		Calendar year											
		2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2015–2019 (5-year impact)	2015–2024 (10-year impact)
Scenario 1: Assume Low Number of Claims.	Number of Part B Claims	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	.....	.....
	Part B Costs & Benefits:												
	Benefits (in millions)	−10	−10	−10	−10	−10	−10	−10	−10	−10	−10	−50	−100
	Premium Offset* (in millions)	0	0	0	0	0	0	0	0	0	0	0	0
	Total Part B (in millions)	−10	−10	−10	−10	−10	−10	−10	−10	−10	−10	−50	−100
Scenario 2: Assume Primary Number of Claims.	Number of Part B Claims	8,750	53,750	53,750	128,750	128,750	128,750	128,750	253,750	253,750	253,750	.....	.....
	Part B Costs & Benefits:												
	Benefits ($ in millions)	−10	−40	−60	−70	−80	−80	−80	−100	−120	−120	−260	−760
	Premium Offset ($ in millions)	0	10	10	20	20	20	20	20	30	30	60	180
	Total Part B ($ in millions)	−10	−30	−50	−50	−60	−60	−60	−80	−90	−90	−200	−580
Scenario 3: Assume High Number of Claims.	Number of Part B Claims	10,000	100,000	100,000	250,000	250,000	250,000	250,000	500,000	500,000	500,000	.....	.....
	Part B Costs & Benefits:												
	Benefits ($ in millions)	−10	−50	−70	−90	−110	−110	−110	−140	−150	−150	−330	−990
	Premium Offset ($ in millions)	0	10	20	20	30	30	30	30	40	40	80	250
	Total Part B ($ in millions)	−10	−40	−50	−70	−80	−80	−80	−110	−110	−110	−250	−740

*Premium offset is an expected change in premium resulting from the proposed rule.

D. Alternatives Considered

1. No Regulatory Action

As previously discussed, each item on the Master List is high cost and frequently subject to unnecessary utilization. In addition, each item has been either the subject of a previous OIG or GAO report or has appeared on a CERT DME Appendix (2011 or later) of DMEPOS items with high improper payment rates. Together, utilization of items on the Master List accounted for $1.3 billion. The status quo is not a desirable alternative to this proposed rule because current payment practices have not affected unnecessary utilization appreciably. Evidence of this is found in the CERT improper payment rates for all DMEPOS, which have remained high for the last several years (67 percent in 2011, 66 percent in 2012). By creating a Master List of DMEPOS high cost items known to be the subject of GAO/OIG reports and/or high improper payment rates, we hope to positively affect unnecessary utilization and improper payments for DMEPOS in general.

2. Defer to Medicare Administrative Contractors (MACs)

Another alternative we considered was to allow MACs processing Medicare claims to design safeguards that positively affect improper payment rates and unnecessary utilization. However, in recent years we have required MACs to create strategies aimed at reducing improper payment and over utilization. While MACs have complied with this requirement, we have not seen sufficient effect on the improper payment rate and over utilization. The reason is that MACs are limited in their resources and authority. Often unforeseen issues or statutory requirements cause the MACs to reprioritize their work and respond to CMS direction to focus on an issue not previously on their strategy. In addition, their current practice of pre-payment or post-payment manual medical reviews are costly, and thus are used on a very small percentage of claims. Both create burdens for the claim submitter. For example, in a pre-payment medical review, the claim submitter has already furnished the item or service. Payment is held until the claim submitter supplies the MAC with requested documentation supporting their request for payment. Submitters may be confused about the type of documents being requested and submit incomplete documentation. The submitter has only one opportunity to submit the appropriate documentation and if insufficient will not receive their payment. In post-payment reviews, the submitter has furnished the item or service and has received payment. Similar to pre-payment reviews, the submitter may be confused about the documents needed to support the payment. If the payment is denied, the MAC is obligated to recover the payment. Claim submitters have told us that returning payment, or requesting an appeal to defend the payment is burdensome and costly.

By requiring documentation before the claim is submitted and before the item or service is furnished, the submitter and contractor are afforded unlimited opportunities to clarify requirements to receive a provisionally affirmative decision. By addressing this process in advance of furnishing the item or service or submitting the claim, we believe there will be less items and/or services paid improperly and unnecessarily utilized, as well as less burden on providers.

E. Accounting Statement and Table

As required by OMB Circular A4 (available at *http://www.whitehouse.gov/omb/circulars_default/*), in Table 13 (Accounting Statement), we have prepared an accounting statement showing the estimated expenditures associated with this proposed rule. This estimate includes the estimated FY 2013 expenditures.

TABLE 13—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED TRANSFERS, BENEFITS, AND COSTS

Category	Primary estimate	Low estimate	High estimate	Units		
				Year dollars	Discount rate	Period covered
Costs						
Annualized Monetized *	4.9	0.3	8.9	2014	7%	2015–2024
($million/year)	5.3	0.3	9.6	2014	3%	2015–2024
Annualized Monetized **	13.9	0.8	27.0	2014	7%	2015–2024
($million/year)	14.9	0.8	29.0	2014	3%	2015–2024
Transfers ***						
Annualized Monetized	−53.5	−10.0	−68.1	2014	7%	2015–2024
($million/year)	−56.0	−10.0	−71.4	2014	3%	2015–2024
From Whom to Whom	Federal government to Medicare providers.					

* These costs are associated with the private sector paperwork.
** These costs are associated with the processing the prior authorization requests for Medicare.
*** Savings to the Medicare program due to the reduced unnecessary utilization, fraud, waste, and abuse.

F. Conclusion

The analysis in the previous sections, together with the remainder of this preamble, provides an initial Regulatory Flexibility Analysis. In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medical devices, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare &

Medicaid Services proposes to amend 42 CFR Chapter IV as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

■ 1. The authority citation for part 405 continues to read as follows:

Authority: Secs. 205(a), 1102, 1861, 1862(a), 1869, 1871, 1874, 1881, and 1886(k) of the Social Security Act (42 U.S.C. 405(a), 1302, 1395x, 1395y(a), 1395ff, 1395hh, 1395kk, 1395rr and 1395ww(k)), and sec. 353 of the Public Health Service Act (42 U.S.C. 263a).

■ 2. Section 405.926 is amended as follows:

■ a. In the introductory text, removing the phrase ''but are not limited to—'' and adding in its place the phrase ''but are not limited to the following:''

■ b. In paragraphs (a)(2) and (b) through (q), removing '';'' and adding in its place ''.''.

■ c. In paragraph (r), removing ''; and'' adding in its place ''.''.

■ d. Adding a new paragraph (t).

The addition reads as follows:

§ 405.926 Actions that are not initial determinations.

* * * * *

(t) A contractor's prior authorization determination related to coverage of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS).

PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES

■ 3. The authority citation for part 414 continues to read as follows:

Authority: Secs. 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C.1302, 1395hh, and 1395rr(b)(1)).

■ 4. Subpart D is amended by adding a new § 414.234 to read as follows:

§ 414.234 Prior authorization for items frequently subject to unnecessary utilization.

(a) *Definitions.* For the purpose of this section, the following definitions apply:

Prior authorization is a process through which a request for provisional affirmation of coverage is submitted to CMS or its contractors for review before the item is furnished to the beneficiary and before the claim is submitted for processing.

Provisional affirmation is a preliminary finding that a future claim meets Medicare's coverage, coding, and payment rules.

Unnecessary utilization means the furnishing of items that do not comply with one or more of Medicare's coverage, coding, and payment rules.

(b) *Master list of items frequently subject to unnecessary utilization.* (1) The Master List of Items Frequently Subject to Unnecessary Utilization includes items listed on the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies fee schedule with an average purchase fee of $1,000 or greater or an average rental fee schedule of $100 or greater that also meet one of the following two criteria:

(i) The item has been identified as having a high rate of fraud or unnecessary utilization in a report that is national in scope from 2007 or later published by any of the following:

(A) The Office of Inspector General (OIG).

(B) The General Accountability Office (GAO).

(ii) The item is listed in the 2011 or later Comprehensive Error Rate Testing (CERT) program's Annual Medicare Fee-For-Service (FFS) Improper Payment Rate Report DME Service Specific Overpayment Rate Appendix.

(2) The Master List of DMEPOS Items Frequently Subject to Unnecessary Utilization is self-updating annually and is published in the **Federal Register**.

(3) DMEPOS items identified in any of the following reports and meeting the payment threshold criteria set forth in paragraph (b)(1) of this section are added to the Master List:

(i) Future published OIG reports that are national in scope.

(ii) Future published GAO reports.

(iii) Future Comprehensive Error Rate Testing (CERT) program's Annual Medicare FFS Improper Payment Rate Report DME Service Specific Overpayment Rate Appendix.

(4) Items remain on the Master List for 10 years from the date the item was added to the Master List.

(5) Items that are discontinued or are no longer covered by Medicare are removed from the Master List.

(6) Items for which the average purchase fee and average rental fee is reduced to below the inclusion threshold of average purchase fee of $1,000 or greater or an average rental fee schedule of $100 or greater, are removed from the list.

(7) An item is removed from the Master List and replaced by its equivalent when the Healthcare Common Procedure Coding System (HCPCS) code representing the item has been discontinued and cross-walked to an equivalent item.

(c) *Condition of payment*—(1) *Items requiring prior authorization.* CMS publishes in the **Federal Register** and posts on the CMS Prior Authorization Web site a list of items, the Required Prior Authorization List, that require prior authorization as a condition of payment.

(i) The Required Prior Authorization List specified in paragraph (c)(1) of this section is selected from the Master List of Items Frequently Subject to Unnecessary Utilization (as described in paragraph (b) of this section). CMS may elect to limit the prior authorization requirement to a particular region of the country if claims data analysis shows that unnecessary utilization of the selected item(s) is concentrated in a particular region.

(ii) The Required Prior Authorization List is effective no less than 60 days after publication and posting.

(2) *Denial of claims.* (i) CMS or its contractors denies a claim for an item that requires prior authorization if the claim has not received a provisional affirmation.

(ii) Claims receiving a provisional affirmation may be denied based on either of the following:

(A) Technical requirements that can only be evaluated after the claim has been submitted for formal processing.

(B) Information not available at the time of a prior authorization request.

(d) *Submission of prior authorization requests.* A prior authorization request must do the following:

(1) Include all relevant documentation necessary to show that the item meets Medicare coverage, coding, and payment rules, including all of the following:

(i) Order.

(ii) Relevant information from the beneficiary's medical record.

(iii) Relevant supplier produced documentation.

(2) Be submitted before the item is furnished to the beneficiary and before the claim is submitted for processing.

(e) *Review of prior authorization requests.* (1) After receipt of a prior authorization request, CMS or its contractor reviews the prior authorization request for compliance with Medicare coverage, coding, and payment rules.

(2) If coverage, coding, and payment rules are met, CMS or its contractor issues a provisional affirmation to the requester.

(3)(i) If coverage, coding, and payment rules are not met, CMS or its contractor issues a non-affirmative decision to the requester.

(ii) If the requester receives a non-affirmative decision, the requester may resubmit a prior authorization request before the item is furnished to the beneficiary and before the claim is submitted for processing.

(4) *Expedited reviews.* (i) A prior authorization request for an expedited

review must include documentation that shows that processing a prior authorization request using a standard timeline for review could seriously jeopardize the life or health of the beneficiary or the beneficiary's ability to regain maximum function.

(ii) If CMS or its contractor agrees that processing a prior authorization request using a standard timeline for review could seriously jeopardize the life or health of the beneficiary or the beneficiary's ability to regain maximum function, then CMS or its contractor expedites the review of the prior authorization request and makes reasonable efforts to communicate the decision within 2 business days of receipt of all applicable Medicare required documentation.

(f) *Suspension of prior authorization requests.* (1) CMS may suspend prior authorization requirements generally or for a particular item or items at any time and without undertaking rulemaking.

(2) CMS provides notification of the suspension of the prior authorization requirements via—

(i) **Federal Register** notice; and

(ii) Posting on the CMS prior authorization Web site.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 12, 2013.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: November 20, 2013.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

Editorial note: This document was received by the Office of the Federal Register on May 22, 2014.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

42 CFR Part 68b

RIN 0925–AA10

[Docket No. NIH–2007–0930]

National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes

AGENCY: National Institutes of Health, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Institutes of Health (NIH) proposes to issue regulations to implement provisions of the Public Health Service Act authorizing the NIH Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes (UGSP). The purpose of the program is to recruit appropriately qualified undergraduate students from disadvantaged backgrounds to conduct research in the intramural research program as employees of the NIH by providing scholarship support.

DATES: Comments must be received on or before July 28, 2014 to ensure that the NIH will be able to consider the comments in preparing the final rule.

ADDRESSES: Individuals and organizations interested in submitting comments, identified by RIN 0925–AA10 and Docket Number NIH–2007–0930, may do so by any of the following methods:

Electronic Submissions. You may submit electronic comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. The NIH is no longer accepting comments submitted to the agency by email.

Written Submissions. You may send written submissions in the following ways:

- Fax: 301–402–0169.
- Mail: Attention: Jerry Moore, NIH Regulations Officer, National Institutes of Health, Office of Management Assessment, 6011 Executive Boulevard, Suite 601, MSC 7669, Rockville, MD 20892.
- Hand Delivery/Courier (for paper, disk, or CD–ROM submissions): Attention: Jerry Moore, 6011 Executive Boulevard, Suite 601, Rockville, MD 20892.

Instructions for all Comments. All comments received must include the agency name, Regulatory Information Number (RIN), and the docket number for this rulemaking. All comments received may be posted without change, including any personal information provided.

Docket. For access to the docket to read background documents or comments received, go to the eRulemaking.gov Portal and insert into the ''Search'' box the docket number ''NIH–2007–0930'' and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Jerry Moore, NIH Regulations Officer, telephone 301–496–4607 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 10, 1993, the NIH Revitalization Act of 1993 (Pub. L. 103–43) was enacted. Section 1631 of this law amended the Public Health Service (PHS) Act by adding section 487D (42 U.S.C. 288–4). Section 487D authorizes the Secretary, acting through the Director of the NIH, to carry out a program of entering into contracts with individuals under which the Director agrees to provide scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the NIH. In return, the individuals agree to serve as employees of the NIH in positions that are needed by the NIH and for which the individuals are qualified. The individuals must be enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education and must be from disadvantaged backgrounds. Section 487D of the PHS Act further states that, concerning penalties for breach of scholarship contract, the provisions of section 338E of the PHS Act shall apply to the program to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

The 1993 amendment of the PHS act led to the establishment of the NIH Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes (UGSP). The purpose of the program, since it began selecting participants in 1997, is to recruit appropriately qualified undergraduate students from disadvantaged backgrounds to conduct research in the intramural research program as employees of the NIH by providing scholarship support. The UGSP provides a diverse and highly qualified cadre of individuals seeking careers compatible with NIH employment opportunities.

The NIH is proposing to amend title 42 of the Code of Federal Regulations by adding Part 68b to govern the administration of the UGSP. The proposed rule establishes program regulations necessary to implement and enforce important aspects of the UGSP. In general, the proposed rule specifies the scope and purpose of the program, the eligibility criteria, the application process, the selection criteria, and the terms and conditions of the program.

The rationale used by the NIH in developing the eligibility and selection criteria of this proposed rule is explained as follows. For eligibility, the definition for ''Individual from

Disadvantaged Background'' used in section § 68b.2 of this proposed rule is the same definition used for other similar programs in the Department of Health and Human Services such as the NIH Loan Repayment Program and the Health Resources and Services Administration Scholarships for Disadvantaged Students Program. That is, an individual from a disadvantaged background, as section § 68b.2 states, means ''an individual who: (1) Comes from an environment that inhibited (but did not prevent) him or her from obtaining the knowledge, skills, and abilities required to enroll in an undergraduate institution; or (2) Comes from a family with an annual income below established low-income thresholds. These low-income thresholds are based on family size, published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs.'' Previously, the UGSP used this definition, but switched to another definition that did not take into consideration any other factors other than economics in defining ''Individual from a Disadvantaged Background.'' The program used that approach for several UGSP cycles and noted a decrease in the qualifications of applicants. The NIH believes that returning to the original definition, stated above, will ensure the largest, most diverse pool of applicants for the UGSP.

Regarding selection criteria, the applications are prioritized in § 68b.5 to give preference to students that have already completed two years of undergraduate studies and have excellent grades in the core science courses because the NIH wants to ensure a pool of candidates that likely possess the traits required to complete their undergraduate training and their required service obligation to the NIH.

The NIH invites public comment on the proposed UGSP regulations. The following is provided as public information.

Regulatory Impact Analysis

We have examined the impacts of this rule as required by Executive Order 12866, Regulatory Planning and Review (September 30, 1993); Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011); the Regulatory Flexibility Act (September 19, 1980, 5 U.S.C. chapter 6); section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4); and Executive Order 13132, Federalism (August 4, 1999).

Executive Order 12866

Executive Order 12866, supplemented by Executive Order 13563, directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). Based on our analysis, we believe that the proposed rulemaking will not constitute an economically significant regulatory action. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C., chapter 6) requires agencies to analyze options that would minimize any significant impact of the rule on small entities. For the purpose of this analysis, small entities include small business concerns as defined by the Small Business Administration, usually businesses with fewer than 500 employees. Applicants who are eligible to apply for the UGSP are individuals not small entities. It is certified that this proposed rulemaking will not have a significant impact on a significant number of small entities. Therefore, a Regulatory Flexibility Analysis is not required.

Section 202(a) of the Unfunded Mandates Reform Act of 1995

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written statement that includes an assessment of anticipated costs and benefits before proposing ''any rule that includes any federal mandate that may result in the expenditure by state, local, and tribal organizations, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation with base year of 1995) in any one year.'' The inflation-adjusted threshold for 2014 is approximately $141 million. Participation in the UGSP is voluntary and not mandated. Therefore, it is certified that this proposed rulemaking does not mandate any spending by state, local, or tribal government in the aggregate or by the private sector.

Executive Order 13132

Executive Order 13132, Federalism, requires that federal agencies consult with state and local government officials in the development of regulatory policies with federalism implications. This proposed rulemaking has been reviewed as required under the Executive Order and it has been determined that the proposed rulemaking does not have any federalism implications. It is certified that this proposed rulemaking will not have an effect on the States or on the distribution of power and responsibilities among the various levels of government.

Paperwork Reduction Act

This proposed rule does not contain any new information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The application and contract forms used by the NIH Undergraduate Scholarship Program have been approved by OMB under OMB No. 0925–0299 (expires August 31, 2016).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance-numbered program affected by the proposed regulations is: 93.187—NIH Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds

List of Subjects in 42 CFR Part 68b

Health—medical research; Student aid—education; Education of disadvantaged.

For reasons presented in the preamble, it is proposed to amend title 42 of the Code of Federal Regulations by adding a new Part 68b to read as set forth below.

PART 68b—NATIONAL INSTITUTES OF HEALTH (NIH) UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES (UGSP)

Sec.

68b.1 What is the scope and purpose of the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes?
68b.2 Definitions.
68b.3 Who is eligible to apply for a Scholarship Program award?
68b.4 How is an application made for a Scholarship Program award?
68b.5 How will applicants be selected to participate in the Scholarship Program?
68b.6 What will an individual be awarded for participating in the Scholarship Program?
68b.7 What does an individual have to do in return for the Scholarship Program award?

68b.8 Under what circumstances can the period of obligated service be deferred to complete approved graduate training?
68b.9 What will happen if an individual does not comply with the terms and conditions of participating in the Scholarship Program?
68b.10 When can a Scholarship Program payment obligation be discharged in bankruptcy?
68b.11 Under what circumstances can the service or payment obligation be canceled, waived, or suspended?
68b.12 What other regulations and statutes apply?

Authority: 42 U.S.C. 288–4.

§ 68b.1 What is the scope and purpose of the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes?

These regulations apply to the award of scholarships under the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes, authorized by section 487D of the Public Health Service Act (42 U.S.C. 288–4), to undergraduate students attending schools, as the term is defined in these regulations. The purpose of this program is to help ensure an adequate supply of trained health professionals for the National Institutes of Health, which has the mission to uncover new knowledge that will lead to better health.

§ 68b.2 Definitions.

As used in this part:

Academic year means all or part of a 9-month period during which an applicant is enrolled in an undergraduate school as a full-time student.

Acceptable level of academic standing means the level at which a full-time student retains eligibility to continue in attendance under the school's standards and practices.

Act means the Public Health Service Act, as amended.

Applicant means an individual who applies to and meets the eligibility criteria for the UGSP.

Application means forms that have been completed in such manner, and containing such agreements, assurances, and information, as determined to be necessary by the Director.

Approved graduate training means graduate programs leading to a doctoral-level degree (e.g., Ph.D., M.D., D.O., D.D.S., D.V.M., M.D./Ph.D., and equivalent degrees) in a profession needed by the National Institutes of Health.

Director means the Director of the National Institutes of Health or his/her designee.

Full-time student means an individual registered for a sufficient number of credit hours to be classified as full-time, as defined by the school attended.

Individual from Disadvantaged Background means an individual who (1) comes from an environment that inhibited (but did not prevent) him or her from obtaining the knowledge, skills, and abilities required to enroll in an undergraduate institution; or (2) comes from a family with an annual income below established low-income thresholds. These low-income thresholds are based on family size, published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary of Health and Human Services for use in the U.S. Department of Health and Human Services' health professions programs. The Secretary periodically publishes these income levels in the **Federal Register**.

Scholarship Program means the National Institutes of Health Undergraduate Scholarship Program Regarding Professions Needed by National Research Institutes authorized by section 487D of the Act (42 U.S.C. 288–4).

Scholarship Program participant or participant means an individual whose application to the Scholarship Program has been approved and whose contract has been signed by the Director.

Scholarship Program Review Committee means the committee that reviews, ranks, and accepts or declines applications for Program participation. This committee also ascertains whether a participant will be awarded continued scholarship support after his or her initial acceptance.

School means a 4-year college or university that (a) is accredited by an agency recognized by the Commission on Recognition of Post-Secondary Accreditation and (b) is located in a State.

State means one of the several U.S. States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, Palau, Marshall Islands, and the Federated States of Micronesia.

§ 68b.3 Who is eligible to apply for a Scholarship Program award?

(a) To be eligible for a scholarship under this part, applicants must meet the following requirements:

(1) Applicants must be accepted for enrollment, or be enrolled, as full-time undergraduate students in a school;

(2) Applicants must have an overall grade point average of at least 3.5 or a 3.5 average in their major field of study (on a 4.0 scale) or be ranked within the top five percent of their current class (or those students entering, if applying in their freshman year);

(3) Applicants must come from a disadvantaged background as defined by § 68b.2;

(4) Applicants must meet the citizenship requirements for federal employment; and

(5) Applicants must submit an application to participate in the Scholarship Program together with a signed contract as outlined in sections 487D(a) and (f) of the Act.

(b) Any applicant who owes an obligation for service to a State or other entity under an agreement entered into before filing an application under this part is ineligible for an award unless a written statement satisfactory to the Director is submitted from the State or entity that:

(1) There is no potential conflict in fulfilling the service obligation to the State or entity and the Scholarship Program, and

(2) The Scholarship Program service obligation will be served before the service obligation for professional practice owed to the State or entity.

§ 68b.4 How is an application made for a Scholarship Program award?

Each individual desiring a scholarship under this part must submit an application (including a signed contract as required under section 487D(a) of the Act) in such form and manner as the Director may prescribe.

§ 68b.5 How will applicants be selected to participate in the Scholarship Program?

(a) *General.* In deciding which applications for participation in the Scholarship Program will be approved, the Director will place the applications into categories based upon the selection priorities described in paragraph (b) of this section. Except for renewal awards (see paragraph (e) of this section), the Director will then evaluate each applicant under paragraph (c) of this section.

(b) *Priorities.* (1) First priority will be given to applicants who have completed at least 2 years of undergraduate course work, including four core science courses, and are classified by their educational institutions as juniors or seniors as of the beginning of the academic year of scholarship. (Core science courses include, but are not

limited to, biology, chemistry, physics, and calculus.)

(2) Second priority will be given to applicants who have completed four core science courses, as defined above.

(3) Third priority will be given to applicants who are matriculated freshmen or sophomores.

(c) *Selection.* In selecting participants and determining continuation of program support, the Director will take into consideration those factors determined necessary to ensure effective participation in the Scholarship Program. These factors may include, but are not limited to:

(1) Biomedical research experience and performance,

(2) Academic performance,

(3) Career goals, and

(4) Recommendations.

(d) *Duration of Scholarship award.* Subject to the availability of funds appropriated for the Scholarship Program, the Director may, at his/her discretion, award scholarships under this part for a period of one, two, or three academic years.

(e) *Continuation of scholarship support.* Subject to the availability of funds for the Scholarship Program, the Director may continue scholarship support if:

(1) The participant requests a continuation of scholarship support;

(2) The scholarship will not extend the total period of Scholarship Program support beyond 4 years; and

(3) The participant is eligible for continued participation in the Scholarship Program, as determined by the Scholarship Program Review Committee.

§ 68b.6 What will an individual be awarded for participating in the Scholarship Program?

(a) *Amount of scholarship.* (1) Subject to a maximum annual award of $20,000, a scholarship award for each school year will consist of:

(i) Tuition;

(ii) Reasonable educational expenses, including required fees, books, supplies, and required educational equipment;

(iii) Reasonable living expenses for the academic year as documented in the school's financial aid budget; and

(iv) For purposes of this section, ''required fees'' means those fees that are charged by the school to all students pursuing a similar curriculum, and ''required educational equipment'' means educational equipment that must be purchased by all students pursuing a similar curriculum at that school.

(2) The Director may enter into an agreement with the school in which the participant is enrolled for the direct payment of tuition and reasonable educational expenses on the participant's behalf.

(b) *Payment of scholarship: Leave-of-absence; repeated course work.* The Director will suspend scholarship payments to or on behalf of a participant if the school:

(1) Approves a leave-of-absence for the participant for health, personal, or other reasons; or

(2) Requires the participant to repeat course work for which the Director has previously made scholarship payments under § 68b.6. However, if the repeated course work does not delay the participant's graduation date, scholarship payments will continue except for any additional costs relating to the repeated course work. Any scholarship payments suspended under this paragraph will be resumed by the Director upon notification by the school that the participant has returned from the leave-of-absence or has completed the repeated course work and is pursuing as a full-time student the course of study for which the scholarship was awarded.

§ 68b.7 What does an individual have to do in return for the Scholarship Program award?

(a) *General.* For each academic year of scholarship support received, participants must serve as full-time employees of the National Institutes of Health:

(1) For not less than 10 consecutive weeks of each year during which the participant receives the scholarship; and

(2) For 12 months for each academic year for which the scholarship has been provided.

(b) *Beginning of service.* The period of obligated service under § 68b.7(a)(2) must begin within 60 days of obtaining the undergraduate degree, except for participants who receive a deferment under section § 68b.8 below.

§ 68b.8 Under what circumstances can the period of obligated service be deferred to complete approved graduate training?

(a) *Requested deferment.* Upon the request of any participant receiving an undergraduate degree, the Director may defer the beginning date of the obligated service to allow the participant to complete an approved graduate training program. Individuals desiring a deferment under this part must submit a request in such form and manner as the Director may prescribe.

(b) *Altering deferment.* Before altering the length or type of approved graduate training for which the period of obligated service was deferred under paragraph (a) of this section, the participant must request and obtain the Director's approval of the alteration.

(c) *Additional terms of deferment.* The Director may prescribe additional terms and conditions for deferment under paragraphs (a) and (b) of this section as necessary to carry out the purposes of the Scholarship Program.

(d) *Beginning of service after deferment.* Any participant whose period of obligated service has been deferred under paragraph (a) of this section must begin the obligated service within 30 days of the expiration of their deferment.

§ 68b.9 What will happen if an individual does not comply with the terms and conditions of participating in the Scholarship Program?

(a) When a participant fails to maintain an acceptable level of academic standing, is dismissed from the school for disciplinary reasons, or voluntarily terminates the course of study or program for which the scholarship was awarded before completing the course of study or program, the participant must, instead of performing any service obligation, pay to the United States an amount equal to all scholarship funds awarded under § 68b.6. Payment of this amount must be made within 3 years of the date the participant becomes liable to make payment under this paragraph.

(b) If, for any reason not specified in § 68b.11(b), a participant fails to begin or complete the period of obligated service incurred under § 68b.7, including failing to comply with the applicable terms and conditions of a deferment granted by the Director, the participant must pay to the United States an amount determined by the penalties set forth in section 487D(e) of the Act. Payment of this amount shall be made within one year of the date that the participant failed to begin or complete the period of obligated service, as determined by the Director.

§ 68b.10 When can a Scholarship Program payment obligation be discharged in bankruptcy?

Any payment obligation incurred under § 68b.9 may be discharged in bankruptcy under Title 11 of the United States Code only if such discharge is granted after the expiration of the seven-year period beginning on the first date that payment is required and only if the bankruptcy court finds that a nondischarge of the obligation would be unconscionable.

§ 68b.11 Under what circumstances can the service or payment obligation be canceled, waived, or suspended?

(a) Any obligation of a participant for service or payment to the federal government under this part will be canceled upon the death of the participant.

(b) The Director may waive or suspend any service or payment obligation incurred by the participant upon request whenever compliance by the participant:

(1) Is impossible, or

(2)(i) Would involve extreme hardship, and

(ii) If enforcement of the service or payment obligation would be unconscionable, as required by section 487 D(e) of the Act, 42 U.S.C. 288–4(e).

(c) The Director may approve a request for a suspension of the service or payment obligations for a period of one year. A renewal of this suspension may also be granted.

(d) Compliance by a participant with a service or payment obligation will be considered impossible if the Director determines, on the basis of information and documentation as may be required, that the participant suffers from a physical or mental disability resulting in the permanent inability of the participant to perform the service or other activities that would be necessary to comply with the obligation.

(e) In determining whether to waive or suspend any or all of the service or payment obligations of a participant as imposing an undue hardship and being against equity and good conscience, the Director, on the basis of information and documentation as may be required, will consider:

(1) the participant's present financial resources and obligations;

(2) the participant's estimated future financial resources and obligations; and

(3) the extent to which the participant has problems of a personal nature, such as physical or mental disability or terminal illness in the immediate family, which so intrude on the participant's present and future ability to perform as to raise a presumption that the individual will be unable to begin or complete the obligation incurred.

§ 68b.12 What other regulations and statutes apply?

Several other regulations and statutes apply to this part. These include, but are not necessarily limited to:

(a) Debt Collection Act of 1982 (31 U.S.C. 3701 et seq.);

(b) Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 note);

(c) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

(d) Federal Debt Collection Procedures Act of 1990 (28 U.S.C. 176); and

(e) Privacy Act of 1974 (5 U.S.C 552a).

Dated: April 15, 2014.

Francis S. Collins,

Director, National Institutes of Health.

Approved:

Kathleen Sebelius,

Secretary.

[FR Doc. 2014–12180 Filed 5–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 217, 234, 237, and 252

RIN 0750–AI27

Defense Federal Acquisition Regulation Supplement: Clauses With Alternates—Special Contracting Methods, Major System Acquisition, and Service Contracting (DFARS Case 2014–D004)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to revise and update clauses and their prescriptions for special contracting methods, major system acquisition, and service contracting to create basic and alternate clauses structured in a manner to facilitate use of automated contract writing systems. The rule also includes the full text of each alternate, rather than only showing the paragraphs that differ from the basic clause.

DATES: *Comment Date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before July 28, 2014, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2014–D004, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2014–D004'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2014–D004.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2014–D004'' on your attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2014–D004 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Janetta Brewer, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Janetta Brewer, Defense Acquisition Regulations System, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6104.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is undertaking a revision of provisions and clauses with alternates and the associated prescriptions, in order to clarify usage and facilitate the use of automated contract writing systems. These proposed changes do not affect the meaning or applicability of the provisions or clauses.

II. Discussion

This proposed rule addresses DFARS parts 217, 234, and 237 clauses that have alternates. The affected clauses are—

- 252.217–7000, Exercise of Option to Fulfill Foreign Military Sales Commitments, with one alternate;
- 252.234–7003 Notice of Cost and Software Data Reporting System, with one alternate;
- 252.234–7004 Cost and Software Data Reporting System, with one alternate;
- 252.237–7002 Award to Single Offeror, with one alternate; and
- 252.237–7016 Delivery Tickets, with two alternates.

The naming convention results in proposed new clause titles, e.g., Exercise of Option to Fulfill Foreign Military Sales Commitments—Basic, and Exercise of Option to Fulfill Foreign Military Sales Commitments—Alternate I.

An umbrella prescription is proposed to be added for the elements common to

the basic clause and alternate. The specific prescription for the basic clause and alternate would then address only the requirements for their use that enable the selection of the basic or the alternate. The planned changes will increase the clarity and ease of use but will not revise the applicability of the clause or provision in any way. The presentation of the text of alternates would no longer consist solely of paragraphs that are different from the basic clause, but would instead include the entire full text of the alternate clause. Further, this proposed rule would also revise the applicable clause preface, i.e., the language in part 252 that precedes a provision, clause, or alternate. The clause preface language is being tailored to identify the specific clause prescription reference for each basic and alternate clause and to delineate how the basic and alternate clauses differ.

III. Executive Orders 12866 and 13563

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

IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because it merely revises the prescriptions for solicitation provisions and clauses with alternates, and includes the full text of each provision or clause for each alternate. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

The purpose of this case is to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to create unique prescriptions for the basic version and each alternate of DFARS parts 217, 234, and 237 solicitations provisions and clauses, and to include the full text of each clause alternate.

The use of automated contract writing systems will be facilitated by having unique prescriptions for the basic version and each alternate of DFARS solicitations provisions and clauses. The current convention requires the prescription for the basic provision or clause to address all the possibilities covered by the alternates, and then the prescription for each alternate addresses only what is different for the use of that particular alternate. This rule will revise the prescriptions so that the basic solicitation provision or clause and each alternate is unique and stands on its own. The prescriptions will not be revised in any way to change when they are applicable to offerors, contractors, or subcontractors.

Additionally, the inclusion of the full text of each provision or clause alternate aims to make the terms of a provision or clause alternate clearer to offerors, as well as to DoD contracting officers. Instead of the current convention for alternates to show only paragraphs changed from the basic version of the provision or clause, this rule proposes to include the full text of each version of the clause. This will assist in making the terms of the clause clearer, because all paragraph substitutions will have already been made. Inapplicable paragraphs from the basic version of the clause that are superseded by the alternate are not included in the solicitation or contract to prevent confusion.

Potential offerors, including small businesses, may be affected by this rule by seeing an unfamiliar format for clause alternates in solicitations and contracts issued by DoD contracting activities. According to the Federal Procurement Data System, in fiscal year 2012, DoD made approximately 270,000 contract awards (not including modification and orders) that exceeded the micro-purchase threshold, of which approximately 180,000 (67%) were awarded to small businesses. It is unknown how many of these contracts were awarded that included an alternate to a DFARS provision or clause. Nothing substantive will change in solicitations or contracts for potential offerors, and only the appearance of how clause alternates are presented in the solicitations and contracts will be changed. This rule may result in potential offerors, including small businesses, expending more time to become familiar with and to understand the new format of the clause alternates in full text contained in contracts issued by any DoD contracting activity. The rule also anticipates saving contractors time by making all paragraph substitutions from the basic version of the clause, and not requiring the contractors to read inapplicable paragraphs contained in the basic version of the clause where alternates are also included in the solicitations and contracts. The overall burden caused by this rule is expected to be negligible and will not be any greater on small businesses than it is on large businesses.

This rule does not add any new information collection requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules. No alternatives were identified that will accomplish the objectives of the rule.

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

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2014–D004), in correspondence.

V. Paperwork Reduction Act

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

List of Subjects in 48 CFR Parts 217, 234, 237, and 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 217, 234, 237, and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 217, 234, 237, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 217—SPECIAL CONTRACTING METHODS

■ 2. In section 217.208–70, revise paragraph (a) to read as follows:

217.208–70 Additional clauses.

(a) Use the basic or the alternate of the clause at 252.217–7000, Exercise of Option to Fulfill Foreign Military Sales Commitments, in solicitations and contracts when an option may be used for Foreign Military Sales requirements. Do not use the basic or the alternate of this clause in contracts for establishment or replenishment of DoD

inventories or stocks, or acquisitions made under DoD cooperative logistics support arrangements.

(1) Use the basic clause when the Foreign Military Sales country is known at the time of solicitation or award.

(2) Use the alternate I clause when the foreign military sale country is not known at the time of solicitation or award.

* * * * *

PART 234—MAJOR SYSTEM ACQUISITION

■ 3. Revise section 234.7101 to read as follows:

234.7101 Solicitation provision and contract clause.

(a) Use the basic or the alternate of the provision at 252.234–7003, Notice of Cost and Software Data Reporting System, in any solicitation that includes the basic or the alternate of the clause at 252.234–7004, Cost and Software Data Reporting.

(1) Use the basic provision when the solicitation includes the clause at 252.234–7004, Cost and Software Data Reporting—Basic.

(2) Use the alternate I provision when the solicitation includes the clause at 252.234–7004, Cost and Software Data Reporting—Alternate I.

(b) Use the basic or the alternate of the clause at 252.234–7004, Cost and Software Data Reporting System, in solicitations that include major defense acquisition programs or major automated information system programs as follows:

(1) Use the basic clause in solicitations and contracts for major defense acquisition programs or major automated information system programs that exceed $50 million.

(2) Use the alternate I clause in solicitations and contracts for major defense acquisition programs or major automated information system programs with a value equal to or greater than $20 million but less than or equal to $50 million, when so directed by the program manager with the approval of the OSD Deputy Director, Cost Assessment.

PART 237—SERVICE CONTRACTING

■ 4. In section 237.7003, revise paragraph (a) to read as follows:

237.7003 Solicitation provisions and contract clauses.

(a) Use the basic or the alternate of the provision at 252.237–7002, Award to Single Offeror, in solicitations and contracts for mortuary services.

(1) Use the basic provision in all sealed bid solicitations for mortuary services.

(2) Use the alternate I provision in all negotiated solicitations for mortuary services.

* * * * *

■ 5. In section 237.7101, revise paragraph (e) to read as follows:

237.7101 Solicitation provisions and contract clauses.

* * * * *

(e) Use the basic or an alternate of the clause at 252.237–7016, Delivery Tickets, in all solicitations and contracts for laundry and dry cleaning services.

(1) Use the basic clause when services are not to be provided on a bulk weight basis.

(2) Use the alternate I clause when services are for bag type laundry to be provided on a bulk weight basis.

(3) Use the alternate II clause when services are unsorted laundry to be provided on a bulk weight basis.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. Amend section 252.217–7000 by—

■ a. Revising the introductory text, clause title and date; and

■ b. Revising Alternate I.

The revisions read as follows:

252.217–7000 Exercise of Option to Fulfill Foreign Military Sales Commitments.

As prescribed in 217.208–70(a), use one of the following clauses:

Basic. As prescribed in 217.208–70(a)(1), use the following clause.

Exercise of Option To Fulfill Foreign Military Sales Commitments—Basic (Date)

* * * * *

Alternate I. As prescribed in 217.208–70(a)(2), use the following clause, which uses a different paragraph (b) than paragraph (b) of the basic clause.

Exercise of Option To Fulfill Foreign Military Sales Commitments—Alternate I (Date)

(a) The Government may exercise the option(s) of this contract to fulfill foreign military sales commitments.

(b) On the date the option is exercised, the Government shall identify the foreign country for the purpose of negotiating any equitable adjustment attributable to foreign military sales. Failure to agree on an equitable adjustment shall be treated as a dispute under the Disputes clause of this contract.

(End of clause)

■ 7. Amend section 252.234–7003 by—

■ a. Revising the introductory text, clause title and date; and

■ b. Revising Alternate I.

The revisions read as follows:

252.234–7003 Notice of Cost and Software Data Reporting System

As prescribed in 234.7101(a) use one of the following provisions:

Basic. As prescribed in 234.7101(a)(1), use the following provision.

Notice of Cost and Software Data Reporting System—Basic (Date)

* * * * *

Alternate I. As prescribed in 234.7101(a)(2), use the following provision, which uses a different paragraph (c) than the basic provision.

Notice of Cost and Software Data Reporting System—Alternate I (Date)

(a) This solicitation includes—

(1) The Government-approved cost and software data reporting (CSDR) plan for the contract, DD Form 2794; and

(2) The related Resource Distribution Table.

(b) As part of its proposal, the offeror shall—

(1) Describe the process to be used to satisfy the requirements of the DoD 5000.04–M–1, CSDR Manual, and the Government-approved CSDR plan for the proposed contract;

(2) Demonstrate how contractor cost and data reporting (CCDR) will be based, to the maximum extent possible, upon actual cost transactions and not cost allocations;

(3) Demonstrate how the data from its accounting system will be mapped into the standard reporting categories required in the CCDR data item descriptions;

(4) Describe how recurring and nonrecurring costs will be segregated;

(5) Provide comments on the adequacy of the CSDR contract plan and related Resource Distribution Table; and

(6) Submit the DD Form 1921, Cost Data Summary Report, and DD Form 1921–1, Functional Cost-Hour Report, with its pricing proposal.

(c) CSDR reporting will be required for subcontractors for selected subcontracts identified in the CSDR contract plan as requiring such reporting. The offeror shall identify, by providing comments on the Resource Distribution Table, the subcontractors, or, if the subcontractors have not been selected, the subcontracted effort.

(End of provision)

■ 8. Amend section 252.234–7004 by—

■ a. Revising the introductory text, clause title and date; and

■ b. Revising Alternate I.

The revisions read as follows:

252.234–7004 Cost and Software Data Reporting System

As prescribed in 234.7101(b), use one of the following clauses:

Basic. As prescribed at 234.7101(b)(1), use the following clause.

Cost and Software Data Reporting System—Basic (Date)

* * * * *

Alternate I. As prescribed in 234.7101(b)(2), use the following clause, which uses a different paragraph (b) than the basic clause.

Cost and Software Data Reporting System—Alternate I (Date)

(a) In the performance of this contract, the Contractor shall use—

(1) A documented standard cost and software data reporting (CSDR) process that satisfies the guidelines contained in the DoD 5000.04–M–1, CSDR Manual;

(2) Management procedures that provide for generation of timely and reliable information for the contractor cost data reports (CCDRs) and software resources data reports (SRDRs) required by the CCDR and SRDR data items of this contract; and

(3) The Government-approved CSDR plan for this contract, DD Form 2794, and the related Resource Distribution Table as the basis for reporting in accordance with the required CSDR data item descriptions (DIDs).

(b) The Contractor shall require CSDR reporting from selected subcontractors identified in the CSDR contract plan as requiring such reporting. If the Contractor changes subcontractors or makes new awards for selected subcontract effort, the Contractor shall notify the Government.

(End of clause)

■ 9. Amend section 252.237–7002 by—

■ a. Revising the introductory text, provision title and date; and

■ b. Revising Alternate I.

The revisions read as follows:

252.237–7002 Award to Single Offeror.

As prescribed in 237.7003(a), use one of the following provisions:

Basic. As prescribed in 237.7003(a)(1), use the following provision.

Award to Single Offeror—Basic (Date)

* * * * *

Alternate I. As prescribed in 237.7003(a)(2), use the following provision, which uses a different paragraph (d) than the basic provision.

Award to Single Offeror—Alternate I (Date)

(a) Award shall be made to a single offeror.

(b) Offerors shall include unit prices for each item. Failure to include unit prices for each item will be cause for rejection of the entire offer.

(c) The Government will evaluate offers on the basis of the estimated quantities shown.

(d) Award will be made to that responsive, responsible offeror whose total aggregate offer is in the best interest of the Government.

(End of provision)

■ 10. Amend section 252.237–7016 by—

■ a. Revising the introductory text, provision title and date; and

■ b. Revising Alternate I and Alternate II.

The revisions read as follows:

252.237–7016 Delivery Tickets.

As prescribed in 237.7101(e), use one of the following clauses:

Basic. As prescribed in 237.7101(e)(1), use the following clause.

Delivery Tickets—Basic (Date)

* * * * *

Alternate I. As prescribed in 237.7101(e)(2), use the following clause, which includes paragraphs (c), (d), and (e) not included in the basic clause.

Delivery Tickets—Alternate I (Date)

(a) The Contractor shall complete delivery tickets in the number of copies required and in the form approved by the Contracting Officer, when it receives the articles to be serviced.

(b) The Contractor shall include one copy of each delivery ticket with its invoice for payment.

(c) Before the Contractor picks up articles for service under this contract, the Contracting Officer will ensure that—

(1) Each bag contains only articles within a single bag type as specified in the schedule; and

(2) Each bag is weighed and the weight and bag type are identified on the bag.

(d) The Contractor shall, at time of pickup—

(1) Verify the weight and bag type and record them on the delivery ticket; and

(2) Provide the Contracting Officer, or representative, a copy of the delivery ticket.

(e) At the time of delivery, the Contractor shall record the weight and bag type of serviced laundry on the delivery ticket. The Contracting Officer will ensure that this weight and bag type are verified at time of delivery.

(End of clause)

Alternate II. As prescribed in 237.7101(e)(3), use the following clause, which includes paragraphs (c), (d), and (e) not included in the basic clause.

Delivery Tickets—Alternate II (Date)

(a) The Contractor shall complete delivery tickets in the number of copies required and in the form approved by the Contracting Officer, when it receives the articles to be serviced.

(b) The Contractor shall include one copy of each delivery ticket with its invoice for payment.

(c) Before the Contractor picks up articles for service under this contract, the Contracting Officer will ensure that each bag is weighed and that the weight is identified on the bag.

(d) The Contractor, at time of pickup, shall verify and record the weight on the delivery ticket and shall provide the Contracting Officer, or representative, a copy of the delivery ticket.

(e) At the time of delivery, the Contractor shall record the weight of serviced laundry on the delivery ticket. The Contracting Officer will ensure that this weight is verified at time of delivery.

(End of clause)

[FR Doc. 2014–12134 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

Notices

Federal Register

Vol. 79, No. 102

Wednesday, May 28, 2014

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–14–0038; FV14–996–2]

Peanut Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for nominations.

SUMMARY: The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) requires the Secretary of Agriculture to establish a Peanut Standards Board (Board) for the purpose of advising the Secretary on quality and handling standards for domestically produced and imported peanuts. The initial Board was appointed by the Secretary and announced on December 5, 2002. USDA seeks nominations for individuals to be considered for selection as Board members for a term of office ending June 30, 2017. Selected nominees would replace three producers and three industry representatives who currently serve on the Board and who have terms of office that end on June 30, 2014. The Board consists of 18 members representing producers and the industry. In an effort to obtain diversity among candidates, USDA encourages the nomination of men and women of all racial and ethnic groups and persons with a disability.

DATES: Written nominations must be received on or before July 14, 2014.

ADDRESSES: Nominations should be sent to Jennie M. Varela of the Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 799 Overlook Drive, Suite A, Winter Haven, FL 33884; Telephone: (863) 324–3375; Fax: (863) 325–8793; Email: *Jennie.Varela@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Section 1308 of the 2002 Farm Bill requires the Secretary of Agriculture to establish and consult with the Board for the purpose of advising the Secretary regarding the establishment of quality and handling standards for all domestic and imported peanuts marketed in the United States.

The 2002 Farm Bill provides that the Board's makeup will include three producers and three peanut industry representatives from states specified in each of the following producing regions: Southeast (Alabama, Georgia, and Florida); Southwest (Texas, Oklahoma, and New Mexico); and Virginia/Carolina (Virginia and North Carolina).

The term ''peanut industry representatives'' includes, but is not limited to, representatives of shellers, manufacturers, buying points, and marketing associations and marketing cooperatives. The 2002 Farm Bill exempted the appointment of the Board from the requirements of the Federal Advisory Committee Act.

USDA invites individuals, organizations, and groups affiliated with the categories listed above to nominate individuals for membership on the Board. Nominees sought by this action would fill two positions in the Southeast region, two positions in the Southwest region, and two positions in the Virginia/North Carolina region.

Nominees should complete a Peanut Standards Board Background Information form and submit it to Jennie Varela at the address provided in the ''Addresses'' section above. Copies of this form may be obtained at the internet site *http://www.ams.usda.gov/PeanutStandardsBoard,* or from the Southeast Marketing Field Office. USDA seeks a diverse group of members to represent the peanut industry.

Equal opportunity practices will be followed in all appointments to the Board in accordance with USDA policies. To ensure that the recommendations of the Board have taken into account the needs of the diverse groups within the peanut industry, membership shall include, to the extent practicable, individuals with demonstrated abilities to represent minorities, women, persons with disabilities, and limited resource agriculture producers.

Authority: 7 U.S.C. 7958

Dated: May 22, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–12320 Filed 5–27–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et. seq.), the National Forest Management Act of 1976 (16 U.S.C. 1612), and the Federal Public Lands Recreation Enhancement Act (Pub. L. 108–447). Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's Web site at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Wednesday, June 18, 2014, at 1:00 p.m.

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

ADDRESSES: The meeting will be held at the Mystic Ranger District, 8221 South Highway 16, Rapid City, South Dakota. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–673–9216, or by email at *sjjacobson@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: The purpose of the meeting is to provide:

(1) Northern Long Eared Bat and Black Backed Woodpecker Presentation;

(2) Grazing on Black Hills National Forest—Program Overview/Coordination;

(3) 50th Anniversary Wilderness Celebration—Significance and Plans;

(4) Sheridan Lake Valve Update;

(5) Plan August Field Trip; and

(6) Prepare for September Elections

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by June 9, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208. A summary/minutes of the meeting will be posted on the Web site listed above within 45 days after the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: May 19, 2014.

Craig Bobzien,

Forest Supervisor.

[FR Doc. 2014–12315 Filed 5–27–14; 8:45 am]

BILLING CODE 3410–11–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: June 5, 2014, 4 p.m.–7 p.m. c.d.t.

PLACE: Hilton Americas, 1600 Lamar Street, Houston, TX 77010.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on June 5, 2014, starting at 4:00 p.m. CDT, at the Hilton Americas Hotel, Grand Ballroom, Houston, Texas 77010.

At the public meeting, the Board will consider and vote on the executive summary and first two volumes of the CSB's report into the April 20, 2010 blowout of the Macondo well in the Gulf of Mexico. The Macondo incident had a catastrophic impact. Eleven workers died, 17 others were seriously injured, and millions of barrels of oil spilled into the Gulf of Mexico, making it one of the largest environmental disasters in U.S. history. The CSB, at the request of the Chairman of the House Committee on Energy and Commerce, launched an independent investigation with a broad mandate to examine not only the technical factors surrounding the incident, but also certain organizational issues and opportunities for improvement to regulatory standards and industry best practices offshore.

Following a presentation by CSB investigators, the Board will hear public comments related to the report. The staff presentations are preliminary and are intended solely to allow the Board to publicly consider the findings and potential recommendations for this case. No factual analyses, conclusions, or findings presented by staff should be considered final. The Board may vote to adopt the final investigation report and recommendations after hearing staff presentations and public comments.

Public Comment

Members of the public are invited to make brief statements to the Board at the conclusion of the staff presentations. The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to five minutes or less, but commenters may submit written statements for the record.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least five business days prior to the meeting.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems. General information about the CSB can be found on the agency Web site at: *www.csb.gov.*

Contact Person for Further Information

Hillary J. Cohen, Communications Manager, *hillary.cohen@csb.gov* or (202) 446–8094.

Dated: May 23, 2014.

Daniel M. Horowitz,

Managing Director.

[FR Doc. 2014–12485 Filed 5–23–14; 4:15 pm]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Hampshire Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a briefing meeting of the New Hampshire Advisory Committee to the Commission will convene at 9:30 a.m. (EST) on Wednesday, June 18, 2014, in Room 303 of the Legislative Office Building located at 33 N. State Street, Concord, NH 03301. The purpose of the briefing meeting is to hear from government officials, advocates, citizens, and others on the issue of human trafficking in New Hampshire.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Friday, July 18, 2014. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Melanie Reingardt at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Persons needing accessibility services should contact the Eastern Regional Office at least 10 working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email, or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: May 22, 2014.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–12269 Filed 5–27–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Foreign Fishing Vessel Permits, Vessel, and Gear Identification, and Reporting Requirements.

OMB Control Number: 0648–0075.

Form Number(s): NA.

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

Number of Respondents: 7.

Average Hours per Response: Activity reports and weekly reports, 6 minutes; logbooks and internal waters operations, 30 minutes each; directed fishing applications and joint venture applications, 2 hours each; transshipment applications, 45 minutes; vessel marking, 45 minutes; gear marking, 1 hour.

Burden Hours: 82.

Needs and Uses: This request is for extension of a current information collection. The National Marine Fisheries Service (NMFS) issues permits, under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.;* MSA), to foreign fishing vessels fishing or operating in U.S. waters. MSA and associated regulations at 50 CFR Part 600 requires applications for the permits, vessels and certain gear be marked for identification purposes, and for permit holders to report their fishing effort and catch or, when processing fish, amount and locations of fish received from U.S. vessels. These requirements apply to all foreign vessels fishing, transshipping, or processing fish in U.S. waters. Information is collected from persons who operate a foreign fishing vessel in U.S. waters to participate in a directed fishery or joint venture operation, transship fish harvested by a U.S. vessel to a location outside the U.S., or process fish in internal waters. Each person may be required to submit information for a permit, mark their vessels and gear, or submit information about their fishing activities. To facilitate observer coverage, foreign fishing vessel operators must provide a quarterly schedule of fishing effort and upon request must also provide observers with copies of any required records. For foreign fishing vessels that process fish in internal waters, the information collected varies somewhat from other foreign fishing vessels that participate in a directed fishery or a joint venture operation. In particular these vessels may not be required to provide a permit application or mark their vessels. The information submitted in applications is used to determine whether permits should be used to authorize directed foreign fishing, participation in joint ventures with U.S. vessels, or transshipments of fish or fish products within U.S. waters. The display of identifying numbers on vessels and gear aids in fishery law enforcement and allows other fishermen to report suspicious activity. Reporting of fishing activities allows monitoring of fish received by foreign vessels.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

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

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

Dated: May 21, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12190 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: U.S.-Canada Albacore Treaty Reporting System.

OMB Control Number: 0648–0492.

Form Number(s): NA.

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

Number of Respondents: 100.

Average Hours per Response: 5 minutes.

Burden Hours: 158.

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

The National Marine Fisheries Service (NMFS), West Coast Region, manages the United States (U.S.)—Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from U.S. West Coast ports for albacore tuna will be required to notify the National Marine Fisheries Service (NMFS) West Coast Region of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border as well as to mark their fishing vessels to facilitate enforcement of the effort limits under the Treaty. Vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR part 300.172–300.176.

The estimated burden below includes hours to complete the logbook requirement, although it is assumed that most if not all of the respondents already complete the required logbook under the mandatory West Coast Highly Migratory Species Fishery Management Plan (HMS FMP), OMB Control No. 0648–0223. Duplicate reporting under the Treaty and HMS FMP is not required. Most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which the estimate is based.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

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

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

Dated: May 21, 2014

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12191 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

President's Export Council Subcommittee on Export Administration; Notice of Partially Closed Meeting

The President's Export Council Subcommittee on Export Administration (PECSEA) will meet on June 18, 2014, 10:00 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 4830, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The PECSEA provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Agenda

Open Session

1. Opening remarks by the Chairman and Vice Chairman.
2. Opening remarks by the Bureau of Industry and Security.
3. Export Control Reform Update.
4. Presentation of papers or comments by the Public.
5. 600 Series Impact.
6. Strategic Trade Authorization Briefing.

Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 secs. 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first served basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than June 11, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 12, 2013, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 sec. (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 secs. 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: May 20, 2014.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2014–12257 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet June 10, 2014, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Opening remarks by Bureau of Industry and Security.
3. Presentation of papers or comments by the Public.
4. Export Enforcement update.
5. Regulations update.
6. Working group reports.

Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than June 3, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 14, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: May 21, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–12253 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–838]

Seamless Refined Copper Pipe and Tube from Mexico: Rescission, in Part, of Antidumping Duty Administrative Review; 2012–2013

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

DATES: *Effective Date:* May 28, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or Dennis McClure, 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) 482–3874 or (202) 482–5973, respectively. Background:

On November 1, 2013, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico covering the period November 1, 2012, through October 31, 2013.[1] The Department received a timely request for an antidumping duty administrative review from the petitioners (*i.e.,* Cerro Flow Products, LLC; Wieland Copper Products, LLC; Mueller Copper Tube Products, Inc.; and Mueller Copper Tube Company, Inc.) for the following companies: (1) GD Affiliates S. de R.L. de C.V. (Golden Dragon); (2) IUSA, S.A. de C.V. (IUSA); (3) Luvata Juarez S. de R.L. de C.V. (Luvata Juarez); (4) Luvata Monterrey S. de R.L. de C.V. (Luvata Monterrey); and (5) Nacional de Cobre, S.A. de C.V. (Nacobre). The Department also received timely requests for an antidumping duty administrative review from Golden Dragon and Nacobre. On December 30, 2013, the Department published a notice of initiation of administrative review with respect to these companies.[2]

On March 31, 2014, the petitioners withdrew their request for an administrative review for all five companies noted above; this submission was timely, pursuant to 19 CFR 351.213(d)(1). On April 7, 2014, Nacobre also withdrew its request for an administrative review. However, because this submission was received after the 90-day deadline for withdrawal requests, on April 8, 2014, the Department denied Nacobre's request as untimely.

Rescission, In Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioners' request was submitted within the 90-day period and, thus, is timely. Because this withdrawal of request for an antidumping duty administrative review is timely and because no other party requested a review for IUSA, Luvata Juarez, and Luvata Monterrey, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to these companies.

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

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

We are continuing the administrative review with respect to Golden Dragon and Nacobre because both companies have requested reviews on their own behalf and we did not receive a timely withdrawal of review request from either party.

Assessment

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

Notification to Importers

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

Notification Regarding Administrative Protective Orders

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

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

Dated: May 21, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–12390 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–932]

Certain Steel Threaded Rod From the People's Republic of China: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (the ''Department'') is conducting the fourth administrative review of the antidumping duty order on certain steel threaded rod (''STR'') from the People's Republic of China (''PRC''),[1] for the period of review (''POR''), April 1, 2012, to March 31, 2013. The Department preliminarily determines that RMB Fasteners Ltd., IFI & Morgan Ltd., and Jiaxing Brother Standard Part Co., Ltd. (collectively ''the RMB/IFI Group'') sold subject merchandise in the United States at prices below normal value (''NV''). If these preliminary results are adopted in the final results, the Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* May 28, 2014.

FOR FURTHER INFORMATION CONTACT: Julia Hancock or Jerry Huang, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1394 or (202) 482–4047, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order includes steel threaded rod. The subject merchandise is currently classifiable under subheading 7318.15.5051, 7318.15.5056, 7318.15.5090, and 7318.15.2095 of the United States Harmonized Tariff Schedule (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.[2]

[1] *See Certain Steel Threaded Rod from the People's Republic of China: Notice of Antidumping Duty Order,* 74 FR 17154 (April 14, 2009) (''*Order*'').

[2] For a full description of the scope of the *Order, see* Memorandum from Christian Marsh, Deputy Assistant Secretary, AD/CVD Operations, to Ronald

Continued

Partial Rescission of the Administrative Review

On September 13, 2013, the Department rescinded this administrative review with respect to seven companies named in the *Initiation Notice* based on the timely withdrawal of requests for review.[3] At that time, the Department did not rescind the review for Zhejiang New Oriental Fastener Co., Ltd. (''Zhejiang New Oriental''), because that company had not yet established its entitlement to a separate rate. On November 5, 2013, the Department issued the final results of the third administrative review of the *Order* and granted Zhejiang New Oriental a separate rate.[4]

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. On July 5, 2013, Vulcan Threaded Products, Inc. (''Petitioner'') timely withdrew its request for an administrative review on Zhejiang New Oriental.[5] No other party had requested a review of Zhejiang New Oriental. Based on the timely withdrawal of the request for review and because Zhejiang New Oriental established its entitlement to a separate rate from a prior segment, the Department is rescinding this administrative review with respect to Zhejiang New Oriental, in accordance with 19 CFR 351.213(d)(1).

PRC-Wide Entity

On July 5, 2013, Petitioner timely withdrew its request for review for 76 companies.[6] No other party requested a review on these 76 companies.

For those eight companies referenced above for which a review was initiated, for which all review requests have been withdrawn, and which previously received separate rate status in a prior segment of this case, the Department rescinded the administrative review, in part, in accordance with 19 CFR 351.213(d)(1).[7] Of the four companies for which Petitioner's requests for review remain standing, other than the mandatory respondent RMB/IFI Group which demonstrated eligibility for a separate rate, none are eligible for separate rate status or rescission, as they did not submit completed separate rate applications or certifications.[8] Accordingly, the PRC-wide entity is under review for these preliminary results.

None of the remaining 68 companies for which Petitioner withdrew its request for review has a separate rate. While the requests for review of these companies were timely withdrawn, those companies remain a part of the PRC-wide entity. Thus, we are not rescinding this review with respect to these companies at this time, but the Department will make a determination with respect to the PRC-wide entity at the conclusion of these preliminary results and final results.[9] As a result, all 71 companies for which a review was initiated and which have not established entitlement to a separate rate are under review as part of the PRC-wide entity.[10] For our determination with respect to the PRC-wide entity, *see* the Preliminary Decision Memorandum.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the ''Act''). Export prices have been calculated in accordance with section 772 of the Act. Because the PRC is a non-market economy (''NME'') within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period April 1, 2012, through March 31, 2013:

Exporter	Weighted-average margin (*ad valorem*)
IFI & Morgan Ltd. and RMB Fasteners Ltd. (collectively ''RMB/IFI Group'')	51.43
PRC-Wide Rate [11]	206.00

K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Fourth Antidumping Duty Administrative Review: Certain Steel Threaded Rod from the People's Republic of China,'' (''Preliminary Decision Memorandum'') (May 16, 2014).

[3] *See Certain Steel Threaded Rod from the People's Republic of China; 2012–2013; Partial Rescission of the Fourth Antidumping Duty Administrative Review,* 78 FR 56655 (September 13, 2013) (''*Partial Rescission Notice''*); *see also Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 33052, 33056–58 (June 3, 2013) (''*Initiation Notice''*). The Department incorrectly included three companies in the *Initiation Notice,* which was corrected in a subsequent initiation notice, where the Department removed these three companies and instead correctly initiated on two other companies. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 53128, 53130, n.6 (August 28, 2013).

[4] *See Certain Steel Threaded Rod from the People's Republic of China; Final Results of Third Antidumping Duty Administrative Review; 2011–2012,* 78 FR 66330, 66332 (November 5, 2013).

[5] *See* Letter to the Department from Petitioner, ''Certain Steel Threaded Rod from the People's Republic of China: Petitioners' Withdrawal of Review Requests for Certain Companies'' (July 5, 2013).

[6] *Id.*

[7] *See Partial Rescission Notice.*

[8] These companies are: Haiyan Dayu Fasteners Co., Ltd., Jiaxing Brother Standard Part, and Zhejiang Morgan Brother Technology Co., Ltd.

[9] *See, e.g., Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 77 FR 47363, 47365 (August 8, 2012), unchanged in *Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 10130 (February 13, 2013). A change in practice with respect to the conditional review of the PRC-wide entity is not applicable to this administrative review. *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65964, 65969–70 (November 4, 2013).

[10] *See* Appendix I for the list of these companies.

Disclosure, Public Comment & Opportunity To Request a Hearing

The Department will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review.[12] Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the time limit for filing case briefs.[13] Parties who submit arguments are requested to submit with the argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.[14] Parties submitting briefs should do so pursuant to the Department's electronic filing system, IA ACCESS.

Any interested party may request a hearing within 30 days of publication of this notice.[15] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.[16]

The Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[17] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation.[18] Where either a respondent's weighted average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific *ad valorem* is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[19] We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

The Department announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[20] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

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

Dated: May 16, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Companies Subject to the Administrative Review That Are Part of the PRC-Wide Entity

Aihua Holding Group Co. Ltd.
Autocraft Industry (Shanghai) Ltd.
Autocraft Industry Ltd.
Billion Land Ltd.
C And H International Corporation
Changshu City Standard Parts Factory
China Brother Holding Group Co. Ltd.
China Friendly Nation Hardware Technology Limited
Ec International (Nantong) Co. Ltd.
Fastco (Shanghai) Trading Co., Ltd.
Fastwell Industry Co. Ltd.
Fuda Xiongzhen Machinery Co., Ltd.
Fuller Shanghai Co. Ltd.
Haiyan Dayu Fasteners Co., Ltd.
Haiyan Evergreen Standard Parts Co. Ltd.
Haiyan Hurras Import & Export Co. Ltd.
Haiyan Hurras Import Export Co. Ltd.
Haiyan Jianhe Hardware Co. Ltd.
Hangzhou Everbright Imp. & Exp. Co. Ltd.
Hangzhou Grand Imp. & Exp. Co., Ltd.
Hangzhou Great Imp. & Exp. Co. Ltd.
Hangzhou Lizhan Hardware Co. Ltd.
Hangzhou Tongwang Machinery Co., Ltd.
Jiabao Trade Development Co. Ltd.

[11] The PRC-wide entity includes the companies listed in Appendix I.

[12] *See* 19 CFR 351.309(c)(1)(ii).

[13] *See* 19 CFR 351.309(d)(1)–(2).

[14] *See* 19 CFR 351.309(c)(2), (d)(2).

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

[16] *See* 19 CFR 351.310(d).

[17] *See* 19 CFR 351.212(b).

[18] *See* 19 CFR 351.212(b)(1).

[19] *See* 19 CFR 351.106(c)(2).

[20] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Jiangsu Zhongweiyu Communication Equipment Co. Ltd.
Jiashan Steelfit Trading Co. Ltd.
Jiaxing Brother Standard Part
Jiaxing Yaoliang Import & Export Co. Ltd.
Jinan Banghe Industry & Trade Co., Ltd.
Macropower Industrial Inc.
Midas Union Co., Ltd.
Nanjing Prosper Import & Export Corporation Ltd.
New Pole Power System Co. Ltd.
Ningbiao Bolts & Nuts Manufacturing Co.
Ningbo Beilun Milfast Metalworks Co. Ltd.
Ningbo Dexin Fastener Co. Ltd.
Ningbo Dongxin High-Strength Nut Co., Ltd.
Ningbo Fastener Factory
Ningbo Fengya Imp. And Exp. Co. Ltd.
Ningbo Haishu Holy Hardware Import And Export Co. Ltd.
Ningbo Haishu Wit Import & Export Co. Ltd.
Ningbo Haishu Yixie Import & Export Co. Ltd.
Ningbo Jinding Fastening Pieces Co., Ltd.
Ningbo Mpf Manufacturing Co. Ltd.
Ningbo Panxiang Imp. & Exp, Co. Ltd.
Ningbo Yinzhou Foreign Trade Co., Ltd.
Ningbo Zhongjiang High Strength Bolts Co. Ltd
Ningbo Zhongjiang Petroleum Pipes & Machinery Co. Ltd.
Orient International Holding Shanghai Rongheng Intl Trading Co. Ltd.
Prosper Business And Industry Co., Ltd.
Qingdao Free Trade Zone Health Intl.
Qingdao Top Steel Industrial Co. Ltd.
Shaanxi Succeed Trading Co., Ltd.
Shanghai East Best Foreign Trade Co.
Shanghai East Best International Business Development Co., Ltd.
Shanghai Fortune International Co. Ltd.
Shanghai Furen International Trading
Shanghai Nanshi Foreign Economic Co.
Shanghai Overseas International Trading Co. Ltd.
Shanghai Printing & Dyeing And Knitting Mill
Shanghai Printing & Packaging Machinery Corp.
Shanghai Recky International Trading Co., Ltd.
Shanghai Sinotex United Corp. Ltd.
T and C Fastener Co. Ltd.
T and L Industry Co. Ltd.
Wuxi Metec Metal Co. Ltd.
Zhejiang Heiter Industries Co., Ltd.
Zhejiang Heiter Mfg & Trade Co. Ltd.
Zhejiang Jin Zeen Fasteners Co. Ltd.
Zhejiang Morgan Brother Technology Co. Ltd.
Zhejiang Yanfei Industrial Co., Ltd (a/k/a Jiangsu Ronry Nico Co., Ltd., Formerly Jiangsu Yanfei Industrial Co., Ltd.)

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Background
2. Respondent Selection
3. Scope of the Order
4. Non-Market Economy Country
5. Separate Rates
6. PRC-Wide Entity
7. Surrogate Country and Surrogate Value Data
8. Surrogate Country
9. Date of Sale
10. U.S. Price—Export Price
11. Normal Value
12. Fair Value Comparisons
13. Factor Valuations
14. Currency Conversion
15. Conclusion

[FR Doc. 2014–12380 Filed 5–27–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results

SUMMARY: On February 5, 2014, the United States Court of Appeals for the Federal Circuit (''CAFC'') affirmed the judgment of the United States Court of International Trade (''CIT'') sustaining the Department of Commerce's (''the Department'') final results of redetermination pursuant to remand of the 2008–2009 antidumping duty administrative review of pure magnesium from the People's Republic of China (''PRC'') (''*Remand Redetermination''*).[1] Consistent with the decision of the CAFC in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken''*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (CAFC 2010) (''*Diamond Sawblades''*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Results* and is amending the *Final Results* of the administrative review of pure magnesium from the PRC with respect to the margin assigned to Tianjin Magnesium International Co., Ltd. (''TMI'') covering the period of review (''POR'') May 1, 2008, through April 30, 2009.[2]

DATES: *Effective Date:* December 1, 2012.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4243.

SUPPLEMENTARY INFORMATION: In the *Final Results,* TMI received a calculated margin based upon information it submitted during the review. TMI's margin was 0.80 percent.[3] Both TMI and petitioner challenged the *Final Results* with respect to several issues. Upon review, the CIT remanded the *Final Results,* holding that the Department's ''decision not to apply total adverse facts available to TMI was not supported by substantial evidence in the record and was not in accord with the law.''[4] On remand, the Department reconsidered its findings and determined to apply total adverse facts available to TMI based upon its submission of falsified documents during the administrative review. The Department assigned TMI an adverse facts available rate of 111.73 percent, thereby replacing the rate of 0.80 percent originally assigned. The CIT sustained the Department's remand results on November 21, 2012, making the effective date of this notice December 1, 2012.[5] Furthermore, the CAFC recently affirmed the CIT's findings in a non-precedential order.[6]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's November 21, 2012 judgment sustaining the Department's remand results with respect to TMI constitutes a final decision of that court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the company-specific rate established for the most recent period

[1] *See* Final Results Of Redetermination Pursuant To Remand issued by the Department of Commerce, Consol. Ct. No. 11–00006, Slip Op. 12–63 (CIT 2012), dated August 30, 2012.

[2] *See Pure Magnesium from the People's Republic of China: Final Results of the 2008–2009 Antidumping Duty Administrative Review of the Antidumping Duty Order,* 75 FR 80791 (December 23, 2010); *Amended Final Results of the 2008–2009 Antidumping Duty Administrative Review: Pure Magnesium from the People's Republic of China,* 76 FR 7813 (February 11, 2011) (collectively, ''*Final Results'').*

[3] *See Amended Final Results.*

[4] *See Tianjin Magnesium Int'l* v. *United States,* 844 F. Supp. 2d 1342, 1344 (CIT May 16, 2012).

[5] *See Tianjin Magnesium Int'l* v. *United States,* 878 F. Supp. 2d 1351 (CIT Nov. 21, 2012).

[6] *See Tianjin Magnesium Int'l* v. *United States,* 2014 U.S. App. LEXIS 2679 (Fed. Cir. Feb. 5, 2014) (non-precedential).

during which the respondent was reviewed.[7]

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to TMI's margin for the period May 1, 2008 through April 30, 2009. The revised weighted-average dumping margin is as follows:

Exporter	Percent margin
Tianjin Magnesium International Co., Ltd.	111.73

In the event the CAFC's ruling is not appealed, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise exported by TMI during the POR using the revised assessment rate calculated by the Department in the *Remand Redetermination.*

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 16, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12386 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Seventh Annual U.S. Industry Program at the International Atomic Energy Agency General Conference

AGENCY: International Trade Administration (ITA), Department of Commerce (DOC).

ACTION: Notice.

Event Description

The United States Department of Commerce's (DOC) International Trade Administration (ITA), with participation from the U.S. Departments of Energy and State, is organizing the 7th Annual U.S. Industry Program at the International Atomic Energy Agency (IAEA) General Conference, to be held September 21–24, 2014, in Vienna, Austria. The IAEA General Conference is the premier global meeting of civil nuclear policymakers and typically attracts senior officials and industry representatives from all 162 Member States. The U.S. Industry Program is part of the Department of Commerce-led Civil Nuclear Trade Initiative (CNTI), *www.trade.gov/mas/ian/nuclear/index.asp*), a U.S. Government effort to help U.S. civil nuclear companies identify and capitalize on commercial civil nuclear opportunities around the world. The purpose of the program is to help the U.S. nuclear industry promote its services and technologies to an international audience, including senior energy policymakers from current and emerging markets as well as IAEA staff.

Representatives of U.S. companies from across the U.S. civil nuclear supply chain are eligible to participate. In addition, organizations providing related services to the industry, such as universities, research institutions, and U.S. trade associations in the civil nuclear industry, are eligible for participation. The mission will help U.S. participants gain market insights, make industry contacts, solidify business strategies, and identify or advance specific projects with the goal of increasing U.S. civil nuclear exports to a wide variety of countries interested in nuclear energy.

The schedule will include: (1) Meetings with foreign delegations; (2) briefings from senior U.S. Government officials and IAEA staff on important civil nuclear topics including regulatory, technology and standards issues; liability, export controls, financing, infrastructure development, and R&D cooperation; and (3) networking events. Past U.S. Industry Programs have included participation by the U.S. Secretary of Energy, the Chairman of the U.S. Nuclear Regulatory Commission (NRC) and other senior U.S. Government officials from the Departments of Commerce, Energy, State, the U.S. Export-Import Bank and the National Security Council.

There are significant opportunities for U.S. businesses in the global civil nuclear energy market. With 173 nuclear plant projects planned in 26 countries, this translates to a market demand for equipment and services totaling $500–740 billion over the next ten years. This mission contributes to the President's National Export Initiative (NEI, *www.trade.gov/nei*) and DOC's CNTI, by assisting U.S. businesses in entering or expanding in international markets and enhancing opportunities for U.S. exports.

Event Setting

The IAEA General Conference is the premier global meeting of civil nuclear policymakers, and typically attracts over 1,200 senior officials and industry representatives from all 162 IAEA Member States. As such, it is an opportunity to highlight the breadth and depth of the U.S. civil nuclear sector to foreign energy policymakers and potential customers. The U.S. Industry Program will provide opportunities for U.S. industry representatives to meet with U.S. Government and IAEA officials and to discuss key issues of interest for civil nuclear exporters. The program also will feature exclusive briefings from foreign government representatives, providing opportunities for participants to develop contacts in potential export markets. Past U.S. Industry Programs have included participation from U.S. companies and organizations from across the U.S. civil nuclear supply chain, including large reactor and small modular reactor (SMR) designers; component manufacturers; engineering, procurement, and construction firms; civil nuclear program management providers; advisory services firms; fuel cycle service providers (including uranium enrichment); National Laboratories; and industry trade associations and professional organizations.

Event Goals

The purpose of the U.S. Industry Program is to highlight the benefits of U.S. civil nuclear technology to foreign decision makers in key export markets and to enable representatives from the U.S. public and private sector to discuss U.S. industry's role in the safe and secure expansion of civil nuclear power worldwide. U.S. participants also will have the opportunity to network and build relationships in the global civil nuclear sector, interact with foreign government and industry officials, and learn more about current and future project opportunities. Foreign government participants will hear about the expertise that the U.S. industry has

[7] *See Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 94 (January 2, 2014).

amassed in this sector and may (?) learn how to better partner with U.S. industry on future nuclear power projects, thus potentially leading to increased U.S. exports. Participants also will be able to schedule one-on-one meetings with visiting ITA staff from key markets to learn about export opportunities and how to identify potential buyers, agents and distributors in those markets.

Event Scenario

Prior to the start of the IAEA General Conference, on Sunday, September 21, trade mission participants can attend a welcome reception hosted by ITA officials. Monday, September 22, will begin with a Policymaker's Roundtable and an interagency U.S. Government briefing featuring discussion sessions and remarks by senior officials from the U.S. Departments of Commerce, Energy and State, the NRC, and the National Security Council. Participants will receive invitations to the IAEA Director General's Reception and the U.S. Mission to the IAEA Reception, offering further opportunities for networking. Tuesday, September 23, will feature panel discussions with U.S. Government officials, industry representatives, and other experts that will focus on relevant nuclear issues. A special reception for Industry Program participants and invited foreign government officials will be held that evening. In addition, on Monday, Tuesday, and Wednesday, meetings with foreign delegation officials from some of the top markets for U.S. civil nuclear exports will be scheduled. Approximately ten such meetings will be planned throughout the duration of the event.

Participants will have access to the catered America lounge which includes meeting space. In addition, the U.S. Government will support an exhibit within the IAEA General Conference venue to showcase U.S. nuclear energy policies, programs, technology and services wherein participating organizations will have the option to provide company literature that will be integrated into the exhibit. The U.S. exhibit will be staffed by DOC staff throughout the conference. Exhibit staff will be instructed to note interest on the part of country delegates and pass those contacts on to program participants. The exhibit also will serve as a meeting-point for U.S. company representatives at the conference.

Event Dates and Proposed Agenda

Note that specific events and meeting times have yet to be confirmed

Sunday, September 21

6:00–8:00 p.m. U.S. Industry Delegation Welcome Reception and Program Orientation/Major Nuclear Markets Overview

Monday, September 22

7:45 a.m. Industry Program breakfast meeting begins
8:15–9:45 a.m. U.S. Policymakers Roundtable
9:45–10:00 a.m. Break
10:00 a.m.–12:00 p.m. USG Briefing for Industry
10:00 a.m.–6:00 p.m. IAEA Side Events
12:00–12:30 p.m. Break
12:30–2:00 p.m. Industry Program Meetings: One-on-one meetings with ITA Commercial Service staff over lunch
2:00–3:00 p.m. Secretary of Energy visits U.S. Exhibit
3:00–6:00 p.m. Country and IAEA Briefings for Industry Delegation (foreign delegates and IAEA staff)
6:30–7:30 p.m. IAEA Director General Reception
7:30–9:30 p.m. U.S. Mission to the IAEA Reception

Tuesday, September 23

9:00–11:00 a.m. USG/Industry Roundtable briefings
11:00 a.m.–6:00 p.m. Country and IAEA Briefings for Industry (presented by foreign delegates and IAEA staff)
10:00 a.m.–6:00 p.m. IAEA Side Event Meetings
6:00–8:00 p.m. U.S. Industry Reception (America Lounge)

Wednesday, September 24

10:00 a.m.–3:00 p.m. Country and IAEA Briefings for Industry (presented by foreign delegates and IAEA staff)
10:00 a.m.–6:00 p.m. IAEA Side Events

Participation Requirements

U.S. companies, U.S. trade associations, and U.S. academic and research institutions 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 their ability to meet certain conditions and best satisfy the selection criteria as outlined below. Applications will be reviewed on a rolling basis in the order that they are received. A minimum of 15 and maximum of 50 companies and/or organizations will be selected to participate in the mission from the applicant pool.

Fees and Expenses

After a company or organization has been selected to participate on the mission, a payment to the DOC in the form of a participation fee is required. Participants will be able to take advantage of U.S. Embassy rates for hotel rooms.

• The fee to participate in the event is *$3,400* for a large, small or medium-sized (SME) company,[1] a trade association, or a U.S. university or research institution. The fee for each additional representative (large company, trade association, university/research institution, or SME) is *$2,000.*

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation, except as stated in the proposed agenda, and air transportation from the United States to the mission site and return to the United States.

Sponsorship Opportunities

In order to afford interested companies with the opportunity to define a higher profile during the program, we are offering a number of marketing partnership opportunities for the program. More information about these opportunities will be posted online soon.

Conditions for Participation

Applicants must submit a completed mission application signed by a company, trade association, or academic or research institution official, together with supplemental application materials, including adequate information on the organization's products and/or services, primary market objectives, and goals for participation. If the DOC receives an incomplete application, the DOC may reject the application, request additional information, or take the lack of information into account in its evaluation.

Each applicant also must certify that the products or services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have demonstrable U.S. content as a percentage of the value of the finished

[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/contracting opportunities/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).

product or service. In the case of a trade association, 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 demonstrable U.S. content. In the case of an academic or research institution, the applicant must certify that as part of its activities at the event, it will represent the interests of constituents that meet the criteria above.

Applicants from a company, organization or institution that is majority owned or controlled by a foreign government entity will not be considered for participation in the U.S. Industry Program.

Selection Criteria

Selection will be based on the following criteria:

- Suitability of the company's (or, in the case of another organization, represented companies' or constituents') products or services to each of the markets the company or organization has expressed an interest in exporting to as part of this trade mission.
- The company's (or, in the case of another organization, represented companies' or constituents') potential for business in each of the markets to which the company or organization has expressed an interest in exporting as part of this trade mission, including likelihood of exports resulting from the mission.
- Consistency of the applicant company's (or, in the case of another organization, represented companies' or constituents') goals and objectives with the stated mission scope.

Diversity of company size, sector or subsector, and location also may be considered in 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 will not be considered.

Timeframe for Recruitment and Participation

Recruitment for participation in the U.S. Industry Program as a representative of the U.S. nuclear industry will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the DOC trade mission calendar, notices to industry trade associations and other multiplier groups. Recruitment will begin two weeks after publication in the **Federal Register** and conclude no later than June 14, 2014. The ITA will review applications and make selection decisions on a rolling basis. Applications received after June 14, 2014, will be considered only if space and scheduling permit.

Contacts

Jonathan Chesebro, Industry & Analysis, Office of Energy and Environmental Industries, Washington, DC, Tel: (202) 482–1297, Email: *jonathan.chesebro@trade.gov.*

Marta Haustein, Embassy of the United States of America, U.S. Commercial Service, Vienna, Austria, Tel: +43(0) 1 313 39 2205, Email: *marta.haustein@trade.gov.*

Shannon Fraser, International Business Development, U.S. Commercial Service—Silicon Valley, San Jose, CA, Tel: (408) 535–2757, ext. 106, Email: *shannon.fraser@trade.gov.*

Dated: May 21, 2014.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2014–12173 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing Draft Federal Information Processing Standard (FIPS) 202, SHA–3 Standard: Permutation-Based Hash and Extendable-Output Functions, and Draft Revision of the Applicability Clause of FIPS 180–4, Secure Hash Standard, and Request for Comments

Docket No.: [130917811–3811–01]

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) launched a public competition in November 2007 to develop a new cryptographic hash algorithm for standardization to augment the Government standard hash algorithms specified in Federal Information Processing Standard (FIPS) 180, *Secure Hash Standard.* NIST announced the selection of Keccak as the winning algorithm in a press release issued on October 2, 2012, which is available at *http://www.nist.gov/itl/csd/sha-100212.cfm.* Draft FIPS 202 specifies the new ''Secure Hash Algorithm-3'' (SHA–3) family of permutation-based functions based on Keccak.

Four fixed-length cryptographic hash algorithms (SHA3–224, SHA3–256, SHA3–384, and SHA3–512) and two closely related, ''extendable-output'' functions (SHAKE128 and SHAKE256) are specified in Draft FIPS 202; all six algorithms are permutation-based ''sponge'' functions. The four SHA–3 hash functions provide alternatives to the SHA–2 family of hash functions. The extendable-output functions (XOFs) can be specialized to hash functions, subject to additional security considerations, or used in a variety of other applications. Hash algorithms are used in many information security applications, including (1) the generation and verification of digital signatures, (2) key-derivation functions, and (3) random bit generation.

Both FIPS 180–4 and Draft FIPS 202 specify cryptographic hash algorithms. FIPS 180–4 specifies SHA–1 and the SHA–2 family of hash functions, and mandates the use of one of these functions for Federal applications that require a cryptographic hash function. Draft FIPS 202 specifies the new SHA–3 family of hash and extendable-output functions. To allow the use of the functions specified in either FIPS 180–4 or Draft FIPS 202 for Federal applications that require a cryptographic hash function, NIST proposes revising the Applicability Clause (#6) of the Announcement Section of FIPS 180–4; the other sections of FIPS 180–4 remain unchanged. The *NIST Policy on Hash Functions,* available at *http://csrc.nist.gov/groups/ST/hash/policy.html,* provides guidance on the choice of hash functions for specific applications.

NIST invites public comments on Draft FIPS 202, which is available at *http://csrc.nist.gov/publications/PubsDrafts.html,* and on the proposed revision of the Applicability Clause of the Announcement Section of FIPS 180–4, available at *http://csrc.nist.gov/publications/PubsFIPS.html.* After the comment period closes, NIST will analyze the comments, make changes to the respective documents, as appropriate, and then propose Draft FIPS 202 and the revised FIPS 180–4 to the Secretary of Commerce for approval.

DATES: Comments on Draft FIPS 202 and the revised Applicability Clause of FIPS 180–4 must be received on or before August 26, 2014.

ADDRESSES: Comments on Draft FIPS 202 and the revised Applicability Clause of FIPS 180–4 may be sent electronically to *SHA3comments@nist.gov* with the relevant Subject line: ''Comment on Draft FIPS 202,'' or

''Comment on draft revision to the Applicability Clause of FIPS 180.'' Comments may also be sent by mail to: Chief, Computer Security Division, Information Technology Laboratory, ATTN: Comments on Draft FIPS 202 for SHA–3, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930.

FOR FURTHER INFORMATION CONTACT: Ms. Shu-jen Chang (301) 975–2940, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930, email: *Shu-jen.Chang@nist.gov.*

SUPPLEMENTARY INFORMATION: On November 2, 2007, NIST announced a Request for Candidate Algorithm Nominations for a New Cryptographic Hash Algorithm (SHA–3) Family in the **Federal Register** (72 FR 62212), which is available at *https://federalregister.gov/a/E7-21581.* The notice requested the submission of candidate hash algorithms for consideration in a public competition to select a new hash algorithm that would augment the Government standard hash algorithms specified in Federal Information Processing Standard (FIPS) 180, *Secure Hash Standard.* The competition was referred to as the SHA–3 Cryptographic Hash Algorithm Competition, or the SHA–3 Competition.

By October 31, 2008, NIST received sixty-four entries from cryptographers around the world. From these entries, NIST selected fifty-one first-round candidates in December 2008, fourteen second-round candidates in July 2009, and five finalists in December 2010. NIST summarized its decision in a report at the end of each round; NISTIR 7620 for the first round and NISTIR 7764 for the second round are available at *http://csrc.nist.gov/publications/PubsNISTIRs.html.*

Eighteen months were provided for the public review of the SHA–3 finalists. The worldwide cryptographic community provided an enormous amount of analysis and public feedback on the candidates throughout the competition. NIST also hosted a SHA–3 candidate conference during each round of the competition to obtain public feedback. After much careful study and consideration of the finalists and public comments, NIST announced the selection of Keccak as the winner of the SHA–3 Cryptographic Hash Algorithm Competition in a press release on October 2, 2012. Keccak is a family of permutation-based sponge functions that cryptographic hash functions and other applications can be built from. The press release is available at *http://www.nist.gov/itl/csd/sha-100212.cfm,* and a report explaining this selection (NISTIR 7896) is available at *http://dx.doi.org/10.6028/NIST.IR.7896.*

Request for Comments

NIST publishes this notice to solicit public comments on Draft FIPS 202. Draft FIPS 202 specifies the new SHA–3 family of permutation-based hash and extendable-output functions based on Keccak. This algorithm is the core of the proposed SHA–3 Standard, but the standard does not standardize nor approve every variant that the Keccak family of functions can support.

NIST strongly encourages the public to continue analyzing the security of the Keccak family of permutation-based sponge functions in general, and the six algorithms specified in Draft FIPS 202 in particular, and to submit those analyses as official comments in response to this request. NIST invites public comments on Draft FIPS 202, which is available at *http://csrc.nist.gov/publications/PubsDrafts.html.* Such analyses and other comments received will be considered by NIST in preparing the final version of FIPS 202.

NIST also invites public comments on the revised Applicability Clause in the Announcement Section of FIPS 180–4; the revision would permit compliance with FIPS 202 in lieu of FIPS 180–4 for Federal applications when a cryptographic hash function is called for. Public comments received in response to this request will be posted regularly at *http://csrc.nist.gov/groups/ST/hash/sha-3/sha-3_standardization.html.* NIST reminds all interested parties that the SHA–3 development effort was conducted as an open standards-setting activity. NIST requests that all interested parties inform NIST of any patents or inventions that may be required for the use of Draft FIPS 202 algorithms. This includes comments from all parties regarding specific claims that the use of Draft FIPS 202 algorithms infringes on their patent(s). Claims regarding the infringement of copyrighted software are also solicited. NIST views this input as a critical factor in the eventual widespread adoption and implementation of Draft FIPS 202. All comments received by the deadline will be made publicly available at *http://csrc.nist.gov/groups/ST/hash/sha-3/sha-3_standardization.html* without change or redaction. Therefore, comments should not include proprietary or confidential information.

To encourage on-going discussions related to the SHA–3 standardization effort, NIST will continue to maintain its SHA–3 electronic discussion forum at *hash-forum@nist.gov.* Please note that comments sent to this list will NOT be considered ''official'' comments; to be considered ''official,'' a comment must be submitted as described above in the **ADDRESSES** section of this Notice.

Authority: In accordance with the Information Technology Management Reform Act of 1996 (Pub. L. 104–106) and the Federal Information Security Management Act of 2002 (FISMA) (Pub. L. 107–347), the Secretary of Commerce is authorized to approve FIPS. NIST activities to develop computer security standards to protect federal sensitive (unclassified) information systems are undertaken pursuant to specific responsibilities assigned to NIST by Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), as amended.

E.O. 12866: This notice has been determined not to be significant for the purposes of E.O. 12866.

Dated: May 21, 2014.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2014–12336 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Board of Overseers of the Malcolm Baldrige National Quality Award and Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Board of Overseers of the Malcolm Baldrige National Quality Award (Board of Overseers) and the Judges Panel of the Malcolm Baldrige National Quality Award (Judges Panel) will meet together in open session on Thursday, June 12, 2014, from 8:30 a.m. to 3:00 p.m. Eastern time. The Board of Overseers, appointed by the Secretary of Commerce, reports the results of the Malcolm Baldrige National Quality Award (Award) activities to the Director of The National Institute of Standards and Technology (NIST) each year, along with its recommendations for the improvement of the Award process. The Judges Panel, also appointed by the Secretary of Commerce, ensures the integrity of the Award selection process and recommends Award recipients to the Secretary of Commerce. The purpose of this meeting is to discuss and review information received from the National

Institute of Standards and Technology and from the Chair of the Judges Panel. The agenda will include: Baldrige Program Update, Baldrige Fundraising Update, Baldrige Judges Panel Update, Ethics Review, Applicants and Eligibility, and New Business/Public Comment.

DATES: The meeting will be held on Thursday, June 12, 2014 from 8:30 a.m. Eastern time until 3:00 p.m. Eastern time. The meeting will be open to the public.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 101, Lecture Room A, 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, telephone number (301) 975–2360, or by email at *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(1), 15 U.S.C. 3711a(d)(2)(B) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Board of Overseers and the Judges Panel will meet together in open session on Thursday, June 12, 2014 from 8:30 a.m. to 3:00 p.m. Eastern time. The Board of Overseers, composed of approximately eleven members preeminent in the field of organizational performance excellence and appointed by the Secretary of Commerce, make an annual report on the results of Award activities to the Director of the National Institute of Standards and Technology (NIST), along with its recommendations for improvement of the Award process. The Judges Panel consists of twelve members with balanced representation from U.S. service, manufacturing, nonprofit, education, and health care industries. The Panel includes members familiar with the quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, health care providers, and educational institutions. The Judges Panel recommends Malcolm Baldrige National Quality Award recipients to the Secretary of Commerce.

The purpose of this meeting is to discuss and review information received from the National Institute of Standards and Technology and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award. The agenda will include: Baldrige Program Update, Baldrige Fundraising Update, Baldrige Judges Panel Update, Ethics Review, Applicants and Eligibility, and New Business/Public Comment. The agenda may change to accommodate the Judges Panel and Board of Overseers business. The final agenda will be posted on the NIST Baldrige Performance Excellence Web site at *http://www.nist.gov/baldrige/community/overseers.cfm.* The meeting is open to the public.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Board's affairs and/or the Panel of Judges' general process are invited to request a place on the agenda. On June 12, 2014 approximately one-half hour will be reserved in the afternoon for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the Baldrige Performance Excellence Program Web site at *http://www.nist.gov/baldrige/community/overseers.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the Baldrige Performance Excellence Program, Attention Nancy Young, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, via fax at 301–975–4967 or electronically by email to *nancy.young@nist.gov.*

All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Nancy Young no later than 4:00 p.m. Eastern time, Thursday, June 5, 2014, and she will provide you with instructions for admittance. Non-U.S. citizens must submit additional information; please contact Nancy Young. Contact Ms. Young, by email at *nancy.young@nist.gov* or by phone at (301) 975–2361.

Dated: May 20, 2014.

Phillip Singerman,

Associate Director for Innovation & Industry Services.

[FR Doc. 2014–12330 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: The Judges Panel of the Malcolm Baldrige National Quality Award (Judges Panel) will meet in on Wednesday, June 11, 2014, from 9:00 a.m. to 3:30 p.m. Eastern time. The purpose of this meeting is to discuss and review the role and responsibilities of the Judges Panel and information received from the National Institute of Standards and Technology (NIST) in order to ensure the integrity of the Malcolm Baldrige National Quality Award (Award) selection process. The agenda will include: Judges Panel roles and processes; Baldrige Program updates; new business/public comment; lessons learned from the 2013 judging process; and the 2014 Award process. A portion of this meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

DATES: The Judges Panel will be held on Wednesday, June 11, 2014 from 9:00 a.m. until 3:30 p.m. Eastern time. The portion of the meeting, from 9:00 a.m. to 11:30 a.m., will include discussions on the Judges Panel roles and processes and Baldrige program updates. This session is open to the public. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice. The portion of the meeting from 12:30 p.m. to 3:30 p.m., will include discussions on lessons learned from the 2013 judging process and on the 2014 Award process. This session is closed to the public in order to protect the proprietary data to be examined and discussed.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Building 101, Lecture Room A, 100 Bureau Drive, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige

Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, at telephone number (301) 975–2360, or by email at *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(1) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet on Wednesday, June 11, 2014, from 9:00 a.m. to 3:30 p.m. Eastern time. The Judges Panel is composed of twelve members, appointed by the Secretary of Commerce, chosen for their familiarity with quality improvement operations and competitiveness issues of manufacturing companies, services companies, small businesses, health care providers, and educational institutions. Members are also chosen who have broad experience in for-profit and nonprofit areas. The Judges Panel will assemble to discuss and review the role and responsibilities of the Judges Panel and information received from the National Institute of Standards and Technology in order to ensure the integrity of the Malcolm Baldrige National Quality Award selection process. The agenda will include: Judges Panel roles and processes; Baldrige Program updates; new business/public comment; lessons learned from the 2013 judging process; and the 2014 Award process. A portion of this meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

The portion of the meeting, from 9:00 a.m. to 11:30 a.m. Eastern time, will include discussions on the Judges Panel roles and processes and Baldrige program updates and is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions related to the Panel of Judges' general process are invited to request a place on the agenda. Approximately one-half hour will be reserved for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the Baldrige Performance Excellence Program Web site at *http://www.nist.gov/baldrige/community/overseers.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the Baldrige Performance Excellence Program, Attention Nancy Young, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland, 20899–1020, via fax at 301–975–4967 or electronically by email to *nancy.young@nist.gov.*

All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Nancy Young no later than 4:00 p.m. Eastern time, Thursday, June 5, 2014, and she will provide you with instructions for admittance. Non-U.S. citizens must submit additional information; please contact Nancy Young. Contact Ms. Young, by email at *nancy.young@nist.gov* or by phone at (301) 975–2361.

The portion of the meeting from 12:30 p.m. to 3:30 p.m. Eastern time, will include discussions on lessons learned from the 2013 judging process and on the 2014 Award process, and is closed to the public in order to protect the proprietary data to be examined and discussed. The Chief Financial Officer and Assistant Secretary for Administration, with the concurrence of the Assistant General Counsel for Administration, formally determined on March 25, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in Sunshine Act, Public Law 94–409, that a portion of the meeting of the Judges Panel may be closed to the public in accordance with 5 U.S.C. 552b(c)(4) because the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential and 5 U.S.C. 552b(c)(9)(b [*sic*]) because for a government agency the meeting is likely to disclose information that could significantly frustrate implementation of a proposed agency action. Portions of the meeting involve examination of prior year Award applicant data. Award applicant data are directly related to the commercial activities and confidential information of the applicants.

Dated: May 20, 2014.

Phillip Singerman,

Associate Director for Innovation & Industry Services.

[FR Doc. 2014–12334 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 131211999–3999–01]

Solicitation of Letters of Interest To Form Participating Research Teams at the NIST Center for Neutron Research

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) Center for Neutron Research (NCNR) announces its intent to form collaborations, called ''Participating Research Teams'' (PRTs), to develop and apply advanced cold and thermal neutron beam measurement capabilities at the NCNR to assist crucial and timely U.S. R&D on the structure and dynamics of advanced materials that enhance technology and manufacturing. The NCNR is therefore soliciting letters of interest in forming PRTs, which will be open to one or more U.S. companies, universities, and/or government agencies. Any resulting PRTs will be implemented through a Cooperative Research and Development Agreement (CRADA) with NCNR. The appropriate percentage of cost sharing among the non-federal partners will be determined as part of the negotiations to form the PRT, and will be documented in the CRADA.

DATES: Letters of interest will be received on an ongoing basis, anticipated to continue for up to five years following publication of this notice. Should a date be reached when letters of interest will cease to be accepted, a notice will be posted at *www.ncnr.nist.gov.*

ADDRESSES: Interested parties should send letters to Dr. Robert Dimeo, Director, NIST Center for Neutron Research, 100 Bureau Drive, Gaithersburg, MD 20899–6100, or via email to *robert.dimeo@nist.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Dan Neumann, Group Leader, Neutron Condensed Matter Science (NCMS), NIST Center for Neutron Research, 100 Bureau Drive, Mail Stop 6102, Gaithersburg, MD 20899–6102, (301)

975–5252, or via email to *dan.neumann@nist.gov.*

SUPPLEMENTARY INFORMATION: The National Institute of Standards and Technology (NIST) Center for Neutron Research (NCNR), which is located at NIST in Gaithersburg, MD, intends to form collaborations, called PRTs, to develop and apply advanced cold and thermal neutron beam measurement capabilities at the NCNR to assist crucial and timely U.S. R&D on the structure and dynamics of advanced materials of technological relevance, such as polymers, nanomaterials, lightweight alloys, biomaterials, magnetic materials, and colloidal systems. The collaboration agreements will be based upon the statutory technology transfer authorities available to NIST, including the Federal Technology Transfer Act (15 U.S.C. § 3710a). Under these collaborations, new or existing NCNR neutron-scattering instrumentation, which are uniquely sensitive to the structure, behavior, and nanoscale properties of advanced materials, would be developed, upgraded, modified, and operated to permit the study of critical materials and devices under conditions that are directly relevant to their use and performance in technological applications. Organizations participating in a PRT would share the costs of developing and constructing neutron instrumentation and/or the operation. In return, PRT members would share access to a portion of the total time available on the capabilities developed and/or operated under the partnership. At the same time, at least 25% of the total available time would be made available to non-PRT U.S. organizations for non-proprietary research on a competitive, merit-based basis. The modes of PRT access could be tailored for either individual or joint research, and the subsequent data would be made available to the U.S. science and technology community through open publication in archived and peer-reviewed journals, or in publicly available reports. Proprietary research by both PRT and non-PRT organizations would require separate approval and the payment of established fees by the partnership organizations to assure full cost recovery to the Federal Government, including a commensurate share of the overhead operating expenses of the NCNR.

PRTs will be open to one or more U.S. companies, universities, and/or government agencies. It is anticipated that PRT agreements will be established for three-year periods, with renewal for three-year terms subject to the requirements and interests of the collaborators and the NCNR. Letters of interest for PRT's will be evaluated by an internal panel of NCNR staff on the basis of rationality and technical merit. Specifically, the following criteria and assigned weights will be used to evaluate PRT letters submitted to NCNR:

(1) Rationality. The rationality, feasibility, and coherence of the proposer's approach, including the extent to which the proposed PRT would effectively develop and apply advanced cold and/or thermal neutron beam measurement capabilities at the NCNR to assist crucial and timely U.S. R&D on the structure and dynamics of advanced materials that enhance technology and manufacturing, and an appropriately-scaled level of effort. *(0 to 65 points)*

(2) Technical Merit of Contribution. The potential technical effectiveness of the proposed work, including the value it would contribute to neutron research, and the extent to which the proposed work supports the statutory mission of NIST (to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life). *(0 to 35 points)*

Letters of interest scoring 80 points or higher as a result of the evaluation will be offered the opportunity to enter into a PRT using a CRADA or multiple CRADAs. NIST intends to form up to four PRTs and will announce on the NCNR Web site (*www.ncnr.nist.gov*) when any agreement has been executed. The NCNR Director will make one or more final PRT selections, taking into consideration the results of the reviewers' evaluations and relevance to the NCNR objectives described in this notice. Letters of interest should be submitted in accordance with the **DATES** and **ADDRESSES** sections of this notice.

Dated: May 21, 2014.

Willie E. May,

Associate Director of Laboratory Programs.

[FR Doc. 2014–12339 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Billfish Certificate of Eligibility

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 28, 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 Margo Schulze-Haugen, (301) 427–8503 or *Margo.Schulze-Haugen@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et. seq.*), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' (U.S.) obligations under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et. seq.*). A Certificate of Eligibility (COE) for Billfishes is required under 50 CFR part 635 to accompany all billfish, except for a billfish landed in a Pacific state and remaining in the state of landing. This documentation certifies that the accompanying billfish was not harvested from the applicable Atlantic Ocean management unit (described on the NOAA sample certificate), and identifies the vessel landing the billfish, the vessel's homeport, the port of offloading, and the date of offloading. The certificate must accompany the billfish to any dealer or processor who subsequently receives or possesses the billfish. A standard certificate format is not currently required to document the necessary information, provided it contains all of the information required. The extension of this collection is necessary to implement the Consolidated Highly Migratory Species Fishery Management Plan, which contains an objective to reserve Atlantic billfish for the recreational fishery.

On October 5, 2012, the President signed Public Law 112–183 entitled the ''Billfish Conservation Act of 2012,'' which prohibits the sale of billfish (or products containing billfish), or the custody, control, or possession of billfish (or products containing billfish) for purposes of sale. The only exemptions to this prohibition include billfish landed by U.S. fishing vessels in Hawaii and Pacific Insular Areas, and billfish landed by foreign fishing vessels in the Pacific Insular Areas when the foreign-caught billfish are exported to non-U.S. markets or retained within Hawaii and the Pacific Insular Areas for local consumption. NOAA is currently developing implementing regulations for the Billfish Conservation Act. If necessary, upon publication of the proposed rule, the information collection associated with the Billfish Certificate of Eligibility (0648–0216) may be revised accordingly.

II. Method of Collection

A paper document is required to be completed by respondents. The document must be signed and dated by each dealer or processor who subsequently receives or possesses the billfish.

III. Data

OMB Control Number: 0648–0216.

Form Number: None.

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

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Response: 20 minutes for initial completion of certificate and 2 minutes for subsequent billfish purchase recordkeeping.

Estimated Total Annual Burden Hours: 43.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the 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: May 21, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12343 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD310

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 peer review by the Center for Independent Experts (CIE) on June 12–13, 2014. The review panel is being convened for the purpose of providing expert technical comments and advice on the use of a final report prepared by Compass Lexecon for the Council in Amendment 18 to the Northeast Multispecies Fishery Management Plan. The report is titled, ''Recommendations for Excessive-Share Limits in the Northeast Multispecies Fishery'' and was submitted to the Council in December 2013. The peer review is being coordinated by NMFS and hosted by the Council.

DATES: This meeting will be held on Thursday June 12, 2014 and Friday June 13, 2014. The meeting will be open to the public on the first day, June 12 and begin at 9 a.m. The review panel will meet in a closed session on June 13, 2014.

ADDRESSES:

Meeting address: The meeting will be held at the Hawthorne Hotel, 18 Washington Square West, Salem MA 01970; telephone: (978) 744–4080; fax: (978) 745–2626.

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 New England Fishery Management Council has been developing Amendment 18 to the Northeast Multispecies Fishery Management Plan. One goal of Amendment 18 is to consider establishing accumulation limits in the fishery. Through this Amendment, the Council has been working to identify an ''excessive share'' threshold for the fishery. All federal fishery management plans must comply with National Standard 4 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), requiring that fishing privilege allocations be carried out so that ''no particular individual, corporation, or other entity acquires an excessive share of such privileges.'' During the course of the Council's deliberations, it was decided that additional expertise from an external contractor was needed to help determine if excessive shares exist in the fishery today and describe potential constraints that could prevent excessive shares from existing in the future. To provide this expertise, the economic consulting firm Compass Lexecon was contracted to give advice on an appropriate excessive share threshold for the Northeast Multispecies Fishery.

Compass Lexecon performed their analysis in the latter half of 2013. Their research involved receiving input from fishery stakeholders via surveys and interviews and analyzing NMFS fishery data. Compass Lexecon assessed available models for evaluating the presence of market power, and made recommendations with regard to setting accumulation limits. Their final report will be evaluated by the Center for Independent Experts (CIE) on June 12–13, 2014.

The National Marine Fisheries Service's Office of Science and Technology coordinates and manages a contract providing external expertise through the CIE to conduct independent peer reviews of NMFS scientific projects. CIE reviewers are selected by the CIE Steering Committee and CIE Coordination Team to conduct the independent peer review in compliance with predetermined Terms of Reference of the peer review. Each CIE reviewer is contracted to deliver an independent peer review report to be approved by the CIE Steering Committee, and the Chairman will provide a summary report. Further information on the CIE process can be obtained from *www.ciereviews.org*.

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: May 21, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–12199 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD309

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Salmon Advisory Subpanel (SAS) and Salmon Technical Team (STT) will hold a webinar, which is open to the public.

DATES: The SAS and STT will hold the webinar on Thursday, June 12, from 1:30 to 5 p.m.

ADDRESSES: To attend the webinar, visit *http://www.joinwebinar.com*. Enter the webinar ID, which is 826–482–319, and your name and email address (required). Once you have joined the webinar, choose either your computer's audio or select ''Use Telephone.'' If you do not select ''Use Telephone'' you will be connected to audio using your computer's microphone and speakers (VolP). It is recommended that you use a computer headset as GoToMeeting allows you to listen to the meeting using your computer headset and speakers. If you do not have a headset and speakers, you may use your telephone for the audio portion of the meeting by dialing this TOLL number 1–646–558–2121 (not a toll-free number); phone audio access code 278–821–392; audio phone pin shown after joining the webinar. System Requirements for PC-based attendees: Required: Windows® 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; and for mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting Webinar Apps). You may also send an email to Mr. Kris Kleinschmidt or contact him at 503–820–2425 for technical assistance. A listening station will also be provided at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Pacific Council; telephone: (503) 820–2414.

SUPPLEMENTARY INFORMATION: The SAS and STT will discuss items on the Pacific Council's June meeting agenda. Major topics include: Lower Columbia River Natural Coho Harvest Matrix Update and Columbia River Cormorant Management Plan. The SAS and STT may also address one or more of the Pacific Council's scheduled Administrative Matters. Public comments during the webinar will be received from attendees at the discretion of the SAS and STT Chairs.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document 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

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: May 21, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–12198 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD311

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's (Council) Joint VMS/Enforcement Committee and Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Thursday, June 12, 2014 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Fairfield Inn & Suites by Marriott, 185 MacArthur Drive, New Bedford, MA 02740; telephone: (774) 634–2000; fax: (774) 634–2001.

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 items of discussion in the committee and advisory panel's agenda are:

To review alternatives under consideration in Omnibus Essential Fish Habitat Amendment 2 and provide recommendations regarding enforceability. Habitat Amendment alternatives include year-round and seasonal areas intended to conserve habitats, protect groundfish spawning, and facilitate research, with various gear restrictions according to the area's purpose. Also on the agenda is the discussion and preparation of a letter commenting on the proposed rule regarding gear stowage, and specifically to comment to include the yellow mesh in addition to orange mesh in the additional measures. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may be discussed, those issues may not be the subject of formal action during this meeting. 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 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 (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Tracey L. Thompson,

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

[FR Doc. 2014–12200 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

ACTION: Notice.

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for a collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Global Intellectual Property Academy (GIPA) Surveys.

Form Number(s): None.

Agency Approval Number: 0651–0065.

Type of Request: Extension of a currently approved collection.

Burden: 163 hours annually.

Number of Respondents: 650 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take participants of the GIPA training programs 15 minutes (0.25 hours) to complete the surveys. This includes the time to gather the necessary information, complete the survey, and submit the completed survey to the USPTO.

Needs and Uses: The pre-program, post-program, and alumni surveys will be used to obtain feedback from the participants of the various GIPA training classes. The pre-program surveys allow participants to provide feedback on the program expectations and training needs immediately prior to participating in the GIPA training programs. The post-program surveys allow participants to provide feedback on program effectiveness, service, facilities, teaching practices, and processes immediately after completing the GIPA training programs. The alumni surveys allow participants to provide feedback on program effectiveness approximately one year after completing the GIPA training programs.

The USPTO will use the data collected from the surveys to evaluate the percentage of foreign officials trained by GIPA who have initiated or implemented a positive intellectual property change in their organization and to evaluate the percentage of foreign officials trained by GIPA who increased their expertise in intellectual property. The data will also be used to evaluate the satisfaction of the participants with the intellectual property program and the value of the experience as it relates to future job performance. The USPTO also uses the survey data to meet organizational performance and accountability goals.

Affected Public: Individuals.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A_Fraser@omb.eop.gov*.

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov*.

Paper copies can be obtained by:

- *Email: InformationCollection@uspto.gov*. Include ''0651–0065 Global Intellectual Property Academy (GIPA) Surveys copy request'' in the subject line of the message.
- *Fax:* 571–273–0112, marked to the attention of Susan K. Fawcett.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before June 27, 2014 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A_Fraser@omb.eop.gov* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: May 21, 2014.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2014–12189 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) 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: United States Patent and Trademark Office (USPTO).

Title: Response to Office Action and Voluntary Amendment Forms.

Form Number(s): PTO 1771, 1822, 1957, 1960, and 1966.

Agency Approval Number: 0651–0050.

Type of Request: Extension of a currently approved collection.

Burden: 132,122 hours annually.

Number of Respondents: 271,783 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public approximately 10 to 40 minutes (0.17 to 0.67 hours) to complete the submission, depending on the request. This includes time to gather the necessary information, prepare the responses, substitute applications, amendments, petitions, or additional papers, and submit the completed request to the USPTO, depending on the complexity of the situation.

Needs and Uses: This information is required by the Trademark Act of 1946, Sections 1, 3, 4, 6, 11, 12, 23, 26, 27, 44, and, 60, 15 U.S.C. 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141, respectively. The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. This information is important to the public, as both common-law trademark owners and Federal trademark registrants must actively protect their own rights. This collection includes the information needed by the USPTO to review the various types of responses, substitute applications, amendments, petitions and other papers filed in connection with applications for registration.

Affected Public: Businesses or other for-profits or non-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov*.

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at *www.reginfo.gov*.

Paper copies can be obtained by:

- Email: *InformationCollection@uspto.gov*. Include ''0651–0050 copy request'' in the subject line of the message.
- Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before June 27, 2014 to Nicholas A. Fraser, OMB Desk Officer, via email to

Nicholas_A_Fraser@omb.eop.gov or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: May 21, 2014.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2014–12188 Filed 5–27–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0077]

Proposed Collection; Comment Request

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Security Service (DSS) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Security Service, ATTN: Ms. Helmut Hawkins, Industrial Security Program Policy, Clearance Oversight Office, 1340 Braddock Place, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Industry Cost Collection Report Survey; OMB Control Number 0704–0458.

Needs and Uses: Executive Order 12829, ''National Industrial Security Program'' requires the Department of Defense to account each year for the costs associated with implementation of the National Industrial Security Program and report those costs to the Director of the Information Security Oversight Office (ISOO). In furtherance of this requirement, and pursuant with 32 CFR, Subpart F, section 2001.61(b); Classified National Security Information; Final Rule, the Secretary of Defense, acting as executive agent for NISP, is obligated to collect cost estimates for classification-related activities of contractors, licensees, certificate holders, and grantees and report them to ISOO annually. The cost collection methodology employed since 1996 was validated with the ISOO in December 2007. Participation in the survey is strictly voluntary. Input is integrated into total cost figure for the President and is never associated with a specific facility.

Affected Public: A statistical sample of active and cleared businesses, or other profit and non-profit organizations under Department of Defense Security Cognizance, approved for storage of classified materials.

Annual Burden Hours: 125 hours.

Number of Respondents: 749.

Responses per Respondent: 1.

Total Annual Responses: 749.

Average Burden per Response: 10 minutes.

Frequency: Annually.

Collection of this data is required to comply with the reporting requirements of Executive Order 12829, ''National Industrial Security Program.'' This collection of information requests the assistance of the Facility Security Officer to provide estimates of annual security labor cost in burdened, current year dollars and the estimated percentage of security labor dollars to the total security costs for the facility. Security labor is defined as personnel whose positions exist to support operations and staff in the implementation of government security requirements for the protection of classified information. Guards who are required as supplemental controls are included in security labor. This data will be incorporated into a report produced to ISOO for the estimated cost of securing classified information within industry. The survey will be distributed electronically via a Web-based commercial survey tool.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12286 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0005]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services-Indianapolis, 8899 E. 56th Street, Indianapolis, IN 46249–0201. ATTN: Mr. Dick Dahoney, *dick.dahoney@dfas.mil*, 317–212–3473.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DD Form 2761, Personal Check Cashing Agreement, OMB Number 0730–0005.

Needs and Uses: The information collection requirement is necessary to meet the Department of Defense's (DoD) requirement for cashing personal checks overseas and afloat by DoD disbursing activities, as provided in 31 U.S.C. 3342. The DoD Financial Management Regulation, Volume 5, provides guidance to DoD disbursing officers in the performance of this information collection. This allows the DoD disbursing officer or authorized agent the authority to offset the pay without prior notification in cases where this form has been signed subject to conditions specified within the approved procedures.

Affected Public: Individuals or households.

Annual Burden Hours: 1187 hours.

Number of Respondents: 4748.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

The Personal Check Cashing Agreement form is designed exclusively to help the DoD disbursing offices expedite the collection process of dishonored checks. The front of the form will be completed and signed by the authorized individual requesting check cashing privileges. By signing the form, the individual is freely and voluntarily consenting to the immediate collection from their current pay, without prior notice, for the face value of any check cashed, plus any charges assessed against the government by a financial institution, in the event the check is dishonored. In the event the check is dishonored, the disbursing office will complete and certify the reverse side of the form and forward the form to the applicable payroll office for collection from the individual's current pay.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12283 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0070]

Proposed Collection; Comment Request

AGENCY: Defense Threat Reduction Agency (DTRA), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Threat Reduction Agency (DTRA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Threat Reduction Agency, Office of Small Business Programs (DTRA/B), 8725 John J. Kingman Road MSC 6201, Ft. Belvoir, VA 22060–6201, or call (703) 767–7889, or email *BusinessRelations@dtra.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DTRA Industry Partner Questionnaire; OMB Control Number 0704–0442.

Needs and Uses: This information collection instrument will allow DTRA to benchmark our contract relationships and request best practices from our industry partners via an electronic questionnaire. Further, the questionnaire will result in more constructive agendas for subsequent DTRA industry outreach conferences.

Affected Public: Business or other for-profit; not-for-profit institutions.

Annual Burden Hours: 70 hours.

Number of Respondents: 209.

Responses per Respondent: 1.

Total Annual Responses: 209.

Average Burden per Response: 20 minutes.

Frequency: On Occasion.

Respondents are small businesses, large businesses, and universities that have received DTRA contract awards greater than $100,000 since October 1, 2002, major Indefinite Delivery Indefinite Quantity (IDIQ) subcontractors, and vendors that have bid unsuccessfully on DTRA contracts greater than $100,000 since October 1, 2002. DTRA plans to utilize this survey information in subsequent business process reengineering initiatives which leverage our industry partnerships to better support the warfighter. Further, DTRA is required under the Defense

Federal Acquisition Regulation Supplement (DFARS) to maintain an active industry outreach program. DTRA plans to use the survey results to develop constructive agendas for subsequent outreach conferences with our contractor community.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12264 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0072]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics/Defense Technical Information Center (DTIC), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics/Defense Technical Information Center (DTIC) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to or send an email to DTIC–BC Registration Team, Defense Technical Information Center, 8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060–6218, or email Ms. Kerry Christensen: *kchriste@dtic.mil.* Ms. Christensen may be telephoned at (703) 767–8247.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Registration for Scientific and Technical Information Services; DD Form 1540; OMB Control Number 0704–0264.

Needs and Uses: The data that the Defense Technical Information Center handles is controlled, because of either distribution limitations or security classification. For this reason, all potential users are required to register for service. DoD Instruction 3200.14, Principles and Operational Parameters of the DoD Scientific and Technical Information Program, mandates that registration procedure. Federal Government agencies and their contractors are required to complete the DD Form 1540, Registration for Scientific and Technical Information Services. The contractor community completes a separate DD Form 1540 for each contract or grant, and registration is valid until the contract expires.

Affected Public: Business or other for profit; Federal Government; and State, Local or Tribal government.

Annual Burden Hours: 1,667 hours.

Number of Respondents: 10,000.

Responses per Respondent: 1.

Total Annual Responses: 10,000.

Average Burden per Response: 10 minutes.

Frequency: On Occasion.

The DD Form 1540 serves as a registration tool for Federal Government Agencies and their contractors to access DTIC services. Potential users registering for services are required to obtain certification from a designated approving official. Collected information is verified by DTIC's Marketing and Registration Division.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12267 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0076]

Proposed Collection; Comment Request

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Security Service (DSS) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public

viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Industrial Security Clearance Office (DISCO), 2780 Airport Drive, Suite 400, Columbus, OH 43219–2268, or call DISCO at (614) 827–1530/1528.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personnel Security Clearance Change Notification; NISCO Form 562; OMB Control Number 0704–0418.

Needs And Uses: DISCO Form 562 is used by contractors participating in the National Industrial Security Program to report various changes in employee personnel clearance status or identification information, e.g., reinstatements, conversions, terminations, changes in name or other previously submitted information.

Affected Public: Business or other for-profit; not-for-profit institutions.

Annual Burden Hours: 45,816 hours.

Number of Respondents: 11,454.

Responses per Respondent: 20.

Total Annual Responses: 229,080.

Average Burden per Response: 12 minutes.

Frequency: On Occasion.

The execution of the DISCO Form 562 is a factor in making a determination as to whether a contractor employee is eligible to have a security clearance. These requirements are necessary in order to preserve and maintain the security of the United States through establishing standards to prevent the improper disclosure of classified information.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12285 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0073]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, 3330 Defense Pentagon, Washington, DC 20301–3330.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Application for Priority rating for Production or Construction Equipment; DD Form 691; OMB Control Number 0704–0055.

Needs and Uses: Executive Order 12919 delegates to DoD authority to require certain contracts and orders relating to approved Defense Programs to be accepted and performed on a preferential basis. This program helps contractors acquire industrial equipment in a timely manner, thereby facilitating development and support of weapons systems and other important Defense Programs.

Affected Public: Business or other For-Profit; Not-for-Profit Institutions; Federal Government.

Annual Burden Hours: 610 hours.

Number of Respondents: 610.

Responses per Respondent: 1.

Total Annual Responses: 610.

Average Burden per Response: 1 hour.

Frequency: On Occasion.

This information is used so that authority to use a priority rating in ordering a needed item can be granted. This is done to assure timely availability of production or construction equipment to meet current Defense requirements in peacetime and in case of national emergency. Without this information DoD would not be able to assess a contractor's stated requirement to obtain equipment needed for fulfillment of contractual obligations. Submission for this information is voluntary.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12268 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0069]

Proposed Collection; Comment Request

AGENCY: Office of the Deputy Under Secretary of Defense (Installations and Environment), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Deputy Under Secretary of Defense (Installations and Environment) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Under Secretary of Defense (Installations & Environment), 3400 Defense Pentagon, Washington, DC 20301–3400, or call (703) 695–6107.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Technical Assistance for Public Participation (TAPP) Application; DD Form 2749; OMB Control Number 0704–0392.

Needs and Uses: The collection of information is necessary to identify products or services requested by community members of restoration advisory boards or technical review committees to aid in their participation in the Department of Defense's environmental and restoration program, and to meet Congressional reporting requirements.

Affected Public: Not-for-profit institutions.

Annual Burden Hours: 200 hours.

Number of Respondents: 50.

Responses per Respondent: 1.

Total Annual Responses: 50.

Average Burden per Response: 4 hours.

Frequency: On Occasion.

Respondents are community members of restoration advisory boards or technical review committees requesting technical assistance to interpret scientific and engineering issues regarding the nature of environmental hazards at an installation. This assistance will assist communities in participating in the cleanup process. The information, directed by 10 U.S.C. 2705, will be used to determine the eligibility of the proposed project, begin the procurement process to obtain the requested products or services, and determine the satisfaction of community members of restoration advisory boards and technical review communities receiving the products and services.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12263 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0071]

Proposed Collection; Comment Request

AGENCY: Defense Contract Management Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Director, Defense Contract Management Agency, ATTN: Gary Moorman, 6350 Walker Lane, Suite 300, Alexandria, VA 22310, or call Mr. Gary Moorman at 703–254–2134.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Request for Government Approval for Aircrew Qualifications and Training (DD Form 2627), and Request for Approval of Contractor Flight Crewmember (DD Form 2628); OMB Control Number 0704–0347.

Needs and Uses: The information collection requirement is necessary to

request qualification training for contractor crewmembers. The DD Form 2628 requests approval for contractor personnel to function as a flight crewmember.

Affected Public: Individuals; business or other for profit; not-for-profit institutions; state, local or tribal government.

Annual Burden Hours: 7 hours.

Number of Respondents: 42.

Responses per Respondent: 2.

Total Annual Responses: 84.

Average Burden per Response: 5 minutes.

Frequency: On Occasion.

The requirement to have government approval of contract flight crewmembers is in Defense Contract Management Agency Directive 1, Chapter 8, Contractor's Flight and Ground Operations. The contractor provides a personal history and requests the government approve training in a particular type government aircraft (DD Form 2627). The contractor certifies that crewmember has passed a flight evaluation and, with the DD Form 2628, requests approval for the personnel to operate and fly government aircraft. Without the approvals, the contractor cannot use their personnel as requested.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12265 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0074]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services—Cleveland, Retired and Annuitant Pay, 1240 East 9th Street, Cleveland, OH 44199, ATTN: Mr. Charles Moss, *charles.moss@dfas.mil*, 216–204–4426.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Trusteeship, DD Form 2827, OMB License 0730–0013.

Needs and Uses: Individuals will complete this form to apply for appointment as a trustee on behalf of a mentally incompetent member of the uniformed services pursuant to 37 U.S.C. 602–604.

Affected Public: Individuals or Households, Business and Other for Profit (Nursing Homes).

Annual Burden Hours: 75 hours.

Number of Respondents: 75.

Responses per Respondent: 1.

Average Burden per Response: 1 hour.

Frequency: On occasion.

When members of the uniformed services are declared mentally incompetent, the need arises to have a trustee appointed to act on their behalf with regard to military pay matters. Individuals will complete this form to apply for appointment as a trustee on behalf of the member. The requirement to complete this form helps alleviate the opportunity for fraud, waste and abuse of government funds and member's benefits.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12284 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0026]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Washington Headquarters Service (WHS), Enterprise Management, DoD.

ACTION: Notice and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, we are seeking comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—the Interactive Customer Evaluation (ICE) System'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.). This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection,

A copy of the draft supporting statement is available at *www.regulations.gov* (see Docket ID: DoD–2013–OS–0026).

DATES: Consideration will be given to all comments received by July 28, 2014.

ADDRESSES: Submit comments by one of the following methods:

- Web site: *www.regulations.gov.* Direct comments to Docket ID: DoD–2013–OS–0026.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Comments submitted in response to this notice may be made available to the public through *www.regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please note that responses

to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: DoD WHS Enterprise Management, ATTN: Mr. Jeremy Consolvo, 1550 Crystal Drive, Arlington, VA 22202, or call the DoD WHS Enterprise Management at (703) 697–2224.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—the Interactive Customer Evaluation (ICE) System; 0704–0420.

Needs and Uses: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Processing Revision as Generic.

Type of Review: Revision.

Affeced Public: Individuals and Households.

Estimated Annual Number of Respondents: 58,500.

Below we provide projected *average* estimates for the next three years:

Average Expected Annual Number of Activities: 29,250.

Average Number of Respondents per Activity: 2.

Annual Responses: 58,500.

Frequency of Response: Once per request.

Average Minutes per Response: 3.

Annual Burden Hours: 2,925.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection on Regulations.gov.

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.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12241 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the U.S. Air Force Scientific Advisory Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b) (''the Sunshine Act''), and 41 CFR 102–3.50(d).

The Board shall provide independent advice and recommendations to the Secretary of Defense and the Secretary of the Air Force, to include the Secretary of the Air Force's senior leadership, as determined by the Office of the Secretary of the Air Force and shall:

a. Conduct studies on topics deemed critical by the Secretary of the Air Force and the Chief of Staff of the Air Force.

b. Recommend application of technology to improve U.S. Air Force capabilities.

c. Provide an independent review of the quality and relevance of the U.S. Air Force science and technology program.

The Board is not established to advise on individual Department of Defense (DoD) or Department of the Air Force procurements, but instead shall be concerned with pressing and complex technology and business management issues facing the Department of the Air Force in the areas referenced above.

No matter shall be assigned to the Board for its consideration that would require any Board member to participate personally and substantially in the conduct of any specific procurement or place him or her in the position of acting as a contracting or procurement official. The DoD, through the Office of the Secretary of the Air Force, shall provide support as deemed necessary, for the Board's performance and functions, and shall ensure compliance with the requirement of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Board shall be comprised of no more than 20 members; all members are distinguished members of the science and technology communities; Federally Funded Research and Development Centers, National Laboratories, industry, and academia (universities and colleges). Board members appointed by the Secretary of Defense or Deputy Secretary of Defense, who are not full-time or permanent part-time federal employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109 and shall serve as special government employee (SGE) members. Board members appointed by the Secretary of Defense or Deputy Secretary of Defense, who are full-time or permanent part-time Federal employees, shall serve as regular government employee (RGE) members. All Board members shall be appointed by the Secretary of Defense or Deputy Secretary of Defense and their appointments must be renewed on an annual basis.

The Secretary of Defense authorizes the Secretary of the Air Force to select the Board's Chair and Vice Chair from among Board members previously approved by the Secretary of Defense or Deputy Secretary of Defense. In addition, the Secretary of the Air Force may appoint, as deemed necessary, non-voting consultants to provide technical subject matter expertise to the Board.

These consultants, if not full-time or part-time Federal employees, shall be appointed under the authority of 5 U.S.C. 3109, shall serve as SGE members, and shall be appointed on an intermittent basis to work specific Board-related efforts; such individuals shall have no voting rights and shall not count toward the Board's total membership.

Board members and consultants, with the exception of travel and per diem for official travel, shall serve without compensation.

The Secretary of Defense or the Deputy Secretary of Defense may approve Board members for one to four-year terms of service, with annual renewals; however, no member, unless authorized by the Secretary of Defense or Deputy Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees.

Each Board member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The DoD, when necessary, and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Air Force, as the Board's sponsor.

Such subcommittees shall not work independently of the chartered Board, and shall report all their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Board members; that is, the Secretary of Defense or the Deputy Secretary of Defense shall appoint subcommittee members even if the member in question is already a Board member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one-to-four years, with annual renewals; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109, and serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal employees, shall be appointed to serve as RGE members. All subcommittee member appointments shall be renewed on an annual basis. With the exception of travel and per diem for official Board related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD

employee, and shall be appointed in accordance with governing DoD policies and procedures.

In addition, the Board's DFO is required to be in attendance at all meetings of the Board and its subcommittee for the entire duration of each and every meeting; however, in the absence of the DFO, a properly approved Alternate DFO, duly appointed to the Board according to established DoD policies and procedures, shall attend the entire duration of the meetings of the Board or subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Board and its subcommittees; prepare and approve all meeting agendas; adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the official to whom the Board reports.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to U.S. Air Force Scientific Advisory Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of U.S. Air Force Scientific Advisory Board.

All written statements shall be submitted to the DFO for the U.S. Air Force Scientific Advisory Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the U.S. Air Force Scientific Advisory Board DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/*. The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the U.S. Air Force Scientific Advisory Board. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12243 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting; Revision

AGENCY: Office of the Secretary of Defense, Reserve Forces Policy Board (RFPB), DoD.

ACTION: Notice of Federal Advisory Committee Meeting; revision.

SUMMARY: On Wednesday, May 14, 2014, the Department of Defense published a notice in the **Federal Register** announcing a Federal Advisory Committee meeting of the Reserve Forces Policy Board (79 FR 27579–27580). Subsequent to the publication of that notice, DoD realized that the sequencing of the meeting agenda presentations must be altered to accommodate scheduling difficulties with certain presentations. This notice revises the sequencing of the meeting agenda presentations and revises the times of each presentation.

DATES: Wednesday, June 4, 2014 from 8:40 a.m. to 4:30 p.m.

ADDRESSES: The address is the Pentagon, Room 3E863, Arlington, VA. An escort may be required as discussed in the meeting accessibility section.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Sabol, Designated Federal Officer, (703) 681–0577 (Voice), (703) 681–0002 (Facsimile), Email—*Alexander.J.Sabol.Civ@Mail.Mil*. Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Web site: *http://ra.defense.gov/rfpb/*. The most up-to-date changes to the meeting can be found on the RFPB's Web site.

SUPPLEMENTARY INFORMATION: The Reserve Forces Policy Board must amend its meeting agenda for its meeting on June 4, 2014. The previously approved and announced agenda topics remain unchanged, but the sequencing of presentations must be altered to accommodate scheduling difficulties with certain presentations. Due to the lateness of these changes, the designated federal officer for the Reserve Forces Policy Board is unable to file an amended Federal Register notice as required by 41 CFR § 102–3.150(a). Based on the facts and circumstances, 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.

This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 8:40 a.m. until 4:30 p.m.

The portion of the meeting from 10:35 a.m. to 4:30 p.m. will be closed to the public and will consist of remarks to the RFPB from the Deputy Secretary of Defense, the Acting Under Secretary of Defense (Personnel & Readiness), the Acting Deputy Assistant Secretary of Defense for Cyber Policy, and the Deputy Chief of Staff, G–3/5/7, United States Army Forces Command, each of whom will likely address future strategies for use of the Reserve Components, highlighting issues impacting reserve organizations, the right balance of Active and Reserve Component forces, the cost to maintain a strong Reserve Component, their thoughts on the increased emphasis placed on cyber security and the logical mission fit for Reserve Component members. Additionally, the RFPB's Cyber Policy Task Group plans to provide an update to the RFPB on its current findings concerning the Services' Active and Reserve cyber force structure and force structure management and will offer recommendations for Board consideration. The open portion of the meeting from 8:40 a.m. to 10:35 a.m. will consist of the Cost Methodology Update and remarks from the chairs of the three RFPB subcommittees' chairs who will provide updates on their work. The Enhancing DoD's Role in the Homeland Subcommittee plans to provide an update to the RFPB on the Presidential Nominating Convention funding recommendation and other Homeland issues being researched as possible RFPB matters of interest. The Supporting & Sustaining Reserve Component Personnel Subcommittee plans to provide an update to the RFPB on Survivor Benefits Program & Duty Status recommendations to the Secretary of Defense and discuss findings on the Service's Reserve Component Transition Assistance Programs and other Total Force Policies issues. The Ensuring a Ready, Capable, Available and Sustainable Operational Reserve Subcommittee plans to provide a discussion on the examination of Reserve enlisted and junior officer

perspectives as revealed by survey data. Additionally, areas of emphasis from junior/senior enlisted leader discussions will be presented.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public from 8:40 a.m. to 10:35 a.m. Seating is based on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, not later than 12:00 p.m. on Thursday, May 29, 2014, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance with sufficient time to complete security screening no later than 8:00 a.m. on June 4. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the portion of this meeting scheduled to occur from 10:35 a.m. to 4:30 p.m. will be closed to the public. Specifically, the Acting Under Secretary of Defense (Personnel and Readiness), in coordination with the DoD FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it is likely to disclose matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, interested persons may submit written statements to the RFPB at any time. Written statements should be submitted to the RFPB's Designated Federal Officer at the address or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the committee members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the RFPB's Web site.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12218 Filed 5–27–14; 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 Monday, June 16, 2014, from 9:00 a.m. to 5:00 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. Shannon Green, Response Systems Panel, One Liberty Center, 875 N. Randolph Street, Suite 150, Arlington, VA 22203. Email: *Shannon.l.green8.civ@mail.mil.* Phone: (703) 693–3837. 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:

June 16, 2014

- 9:00 a.m.–9:05 a.m. Comments from the Panel Chair
- 9:05 a.m.–4:45 p.m. Panel Deliberations on Final Report and Subcommittee Recommendations not yet Considered
- 4:45 p.m.–5:00 p.m. Public Comment

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the June 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. Shannon Green at *Shannon.l.green8.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. Shannon Green 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. Shannon Green 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 4:45 p.m. and 5:00 p.m. June 16, 2014 in front of the Panel. However, if the Panel deliberations conclude prior to 4:45 p.m., the public comment period may

begin sooner than 4:45 p.m. 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.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12311 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2014–0015]

Proposed Collection; Comment Request

AGENCY: Department of Defense/Department of the Air Force/Air Force Office of Scientific Research.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Air Force Office of Scientific Research, ATTN: AFOSR/RSPE, 875 North Randolph Street, Suite 325, Room 3112, Arlington, VA 22203 or AFOSR/IO at 703–696–7316.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Summer Faculty Fellowship Program (SFFP and the USAF/NRC Resident Research Associateships Program on-line application and associated acceptance forms; OMB Control Number 0701–0155.

Needs and Uses: The Air Force Office of Scientific Research (AFOSR) manages the entire basic research investment for the U.S. Air Force. As part of the Air Force Research Laboratory (AFRL), AFOSR's technical experts support and fund research programs within the AFRL and other Air Force research activities. Applications for fellowships and associateships at AFRL research sites and the research activities at the U.S. Air Force Academy, and Air Force Institute of Technology (AFIT) and the associated award forms provide information used to identify some of the nation's most talented scientific personnel for award of fellowships and associateships at Air Force research activities. Summer fellowships provide research opportunities for 8–14 weeks at an Air Force research site. Research Associates generally spend 1 to 3 years at an Air Force research site. SFFP and NRC/RRA provide postdoctoral and senior scientists and engineers of unusual promise and ability, opportunities for conducting research on problems that are defense requirements. Application information will be used for evaluation and selection of scientists and engineers to be awarded fellowships and associateships. Failure to respond renders the applicant ineligible for a fellowship.

Affected Public: Individuals or households.

Annual Burden Hours: 5,760 hours.

Number of Respondents: 360.

Responses per Respondent: 1.

Average Burden per Response: 16 hours.

Frequency: Annually (SFFP) and quarterly (NCR/RRA).

Respondents are postdoctoral, senior, and university scientists and engineers desiring to conduct stimulating research projects and activities at Air Force research sites. The on-line, electronic application process provides information necessary for evaluation and selection of researchers. Associated award forms provide required information for direct deposit of stipends and reporting to the IRS.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12213 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2014–0013]

Proposed Collection; Comment Request

AGENCY: Department of Defense/Department of the Air Force/Headquarters, Air Force Reserve Officer Training Corps (AFROTC).

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to AFROTC/HQ 551 E. Maxwell Blvd. Maxwell AFB, AL 36112 or call 334–953–0266.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for AFROTC Membership, OMB Number 0701–0105.

Needs and Uses: Air Force ROTC uses the AFROTC Form 20 to collect data from applicants to the Air Force ROTC program. This collected data is used to determine whether or not an applicant is eligible to join the Air Force ROTC program and, if accepted, the enrollment status of the applicant within the program. Upon acceptance into the program, the collected information is used to establish personal records for Air Force ROTC cadets. Eligibility for membership cannot be determined if this information is not collected.

Affected Public: Individuals or households.

Annual Burden Hours: 4,000.

Number of Respondents: 12,000.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Respondents are college students desiring to join the Air Force ROTC program. AFROTC Form 20 provides vital information needed by detachment personnel to determine their eligibility to participate in that program.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12211 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2014–0016]

Proposed Collection; Comment Request

AGENCY: United States Air Force Academy, Department of the Air Force, Department of Defense.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to: HQ USAFA/RRS, ATTN: Patty Edmond, 2304 Cadet Drive, Suite 2400, USAF Academy, CO 80840 or call 719–333–3358.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number

Nomination For Appointment To The United States Military Academy, Naval Academy or Air Force Academy, DD FORM 1870; United States Air Force Drug and Alcohol Abuse Certitficate, AF Form 2030; Application for Appointment to the United States Air Force Academy, AF Form 1786; United States Air Force Academy Candidate Writing Sample, USAFA Form 0–878; United States Air Force Academy School Official's Evaluation of Candidate, USAFA Form 145; United States Air Force Academy Candidate Personal Data Record, USAFA Form 146, United States Air Force Academy Candidate Activities Record, USAFA Form 147; United States Air Force Academy Request for Secondary School Transcript, USAFA Form 148; Air Force Academy PreCandidate Questionairre, USAFA Form 149; and Candidate Fitness Assessment, USAFA Form 158; OMB Control Number 0701–XXXX.

Needs and Uses

The information collection requirement is necessary in order to determine which candidates have been nominated by their Congress person or Senator; to evaluate background and aptitude for commissioned service; to provide a candidate's participation in athletic and non-athletic extracurricular activities, family and personal background, and academic and school background data by a candidate's high school official. This data collection also includes eligibility by verification of age, U.S. citizenship, law infractions, schooling beyond high school, previous active duty tours, and previous applications to service academies. Without this information it would be difficult to accurately determine a candidate's leadership, academic, physical abilities and if an initial applicant would be qualified to enter the candidate phase of the process. Final USAF Academy selections could not be made if reviewing committees are not able to determine whether basic requirements have or have not been met.

Affected Public: Individuals or households, Not-for-profit institutions.

Annual Burden Hours: 117,570.

Number of Respondents: 58,785.

Responses per Respondent: 1.

Average Burden per Response: 2 hours.

Frequency: On occasion.

Respondents are candidates applying to the Air Force Academy, instructors of candidates, and their high school counselors. Information collection is necessary in order to determine which candidates have been nominated by their Congress person or Senator; to evaluate background and aptitude for commissioned service; to provide a candidate's participation in athletic and non-athletic extracurricular activities, family and personal background, and academic and school background data by a candidate's high school official. This data also includes eligibility by verification of age, U.S. citizenship, law infractions, schooling beyond high school, previous active duty tours, and previous applications to service academies. It is also necessary in order to provide a candidate opportunity to show through English, Math, or other instructors that they can meet Air Force academic performance. This data allows the selection panel to evaluate the ''whole person'' concept. Without this information it would be difficult to accurately determine if an initial applicant would be qualified to enter into the candidate phase of the process. It would also be difficult to accurately determine a candidate's leadership abilities, physical stamina, and academic abilities. Final USAF Academy selections could not be made if reviewing committees are not able to determine if basic requirements have or have not been met.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12214 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2014–0014]

Proposed Collection; Comment Request

AGENCY: Air Force Office of Scientific Research, (USAF/AFOSR), Department of the Air Force, Department of Defense.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Air Force Office of Scientific Research, AFOSR/RSPP, 875 North Randolph Street, Suite 325, Room 3112, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD National Defense Science and Engineering Graduate (NDSEG) Fellowships Program; National Defense Science and Engineering Graduate Fellowship Application; OMB Control Number 0701–0154.

Needs and Uses: Support of Science, Mathematics, and Engineering Education, 10 U.S.C. 2191, states that ''the Secretary of Defense shall prescribe regulations providing for the award of fellowships to citizens and nationals of the United States who agree to pursue graduate degrees in science, engineering or other fields of study designed by the Secretary (of Defense) to be priority interest to the DoD. Recipients shall be selected on the basis of nationwide competition. The DoD is committed to increasing the number of quality of the nation's scientists and engineers. Application information will be used for evaluation and selection of students to be awarded fellowships. Failure to respond renders the student ineligible for a fellowship.

Affected Public: Individuals or households.

Annual Burden Hours: 36,000 hours.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Average Burden per Response: 12 hours.

Frequency: Annually.

Respondents are students enrolled in doctoral programs in science and engineering desiring to complete their education. The on-line, electronic application provides information necessary for evaluation and selection of fellowships.

The NDSEG fellowships allow recipients to pursue their graduate studies at whichever United States institution they choose to attend. The goal is to provide the United States with talented, doctorally trained American men and women who will lead state of the art research projects in disciplines having the greatest payoff to national defense requirements. Approximately 190–200 3-year fellowships are anticipated to be awarded in the fields of Aeronautical and Astronautical Engineering, Biosciences, Chemical Engineering, Chemistry, Civil Engineering, Cognitive, Neural, and Behavioral Sciences, Computer and Computational Sciences, Electrical Engineering, Geosciences, Material Science and Engineering, Mathematics, Mechanical Engineering, Naval Architecture and Ocean Engineering, Oceanography, and Physics.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12212 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0017]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–AAHS), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of the Army, U.S. Military Academy, Institutional Research & Analysis, Office of Policy, Planning & Analysis, ATTN: Dr. William Burke, West Point, New York 10966–5000, or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: West Point Engineering Graduates Surveys; OMB Control Number 0702–0116.

Needs and Uses: An assessment of perceptions of graduates on the effectiveness of the U.S. Military Academy programs and curricula is needed for periodic accreditation by the Accreditation Board or Engineering and Technology. The information collected will be used to evaluate programs/curricula and make changes deemed advisable.

Affected Public: Individual or Households.

Annual Burden Hours: 216 hours.

Number of Respondents: 519.

Responses per Respondent: 1.

Total Annual Responses: 519.

Average Burden per Response: 25 minutes.

Frequency: On Occasion (Every three years).

The information will be collected via seven surveys, each with content appropriate to graduates of engineering and engineering related courses of study at the U.S. Military Academy. The surveys will go to graduates currently serving as officers in the U.S. Army and to graduates not currently serving. Respondents will be allowed to choose between completing a mailed survey or an Internet based survey.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12206 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0015]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–AHS), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Directorate of Admissions, U.S. Military Academy, ATTN: Associate Director of Admissions—Support, 606 Thayer Road, West Point, NY 10996–1905, or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

TItle; Associated Form; and OMB Number: Pre-Candidate Procedures; USMA–375, USMA–723, USMA–450, USMA–21–12, USMA–21–27, USMA–381; OMB Control Number 0702–0060.

Needs and Uses: West Point candidates provide personal background information which allows the West Point Admissions Committee to make subjective judgments on non-academic experiences. Data are also used by West Point's Office of Institutional Research for correlation with success in graduation and military careers.

Affected Public: Individuals or Households.

Annual Burden Hours: 9,930 hours.

Number of Respondents: 66,200.

Responses per Respondent: 1.

Total Annual Responses: 66,200.

Average Burden per Response: 9 minutes.

Frequency: On Occasion.

Title 10, U.S.C. 4346 provides requirements for admission of candidates to the U.S. Military Academy. The U.S. Military Academy (USMA) strives to motivate outstanding potential candidates to apply for admission to USMA. Once candidates are found, USMA collects information necessary to nurture them through successful completion of the application process.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12203 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0019]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Administrative Assistant to the Secretary of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of the Army, Institute for Water Resources, Corps of Engineers Waterborne Commerce Statistics Center, (CEIWR–NDC–C), PO Box 61280, Attn: Christopher Dale Brown, New Orleans, LA 70161–1280, or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Vessel Operation Report; ENG Forms 3925, 3925B, 3925C, 3925P; OMB Control Number 0710–0006.

Needs and Uses: The Corps of Engineers uses ENG Forms 3925, 3925B, 3925C, and 3925P as the basic instruments to collect waterborne commerce statistics. These data, collected from vessel operating companies, constitute the sole source for domestic vessel movements of freight and passengers on U.S. navigable waterways and harbors; are essential to plans for maintaining U.S. navigable waterways; and are critical to enforcing the ''Harbor Maintenance Tax'' authorized under Sec. 1402 of Public Law 99–662.

Affected Public: Business or other for profit.

Annual Burden Hours: 13,560.

Number of Respondents: 824.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: Monthly.

The information collected is the basic data from which the Corps of Engineers compiles and publish waterborne commerce statistics. The data is used not only to report to Congress, but also to perform cost benefit studies for new projects, and rehabilitation projects. It is also used by other Federal agencies involved in transportation and security. This data collection program is the sole source for domestic navigation statistics.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12208 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0016]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–RPA), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated

collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Director of Admissions, U.S. Military Academy, ATTN: Associate Director of Admissions—Support, 606 Thayer Road, West Point, NY 10996–1905, or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Candidate Procedures; USMA Forms 21–16, 21–23, 21–25, 21–26, 5–520, 5–518, 5–497, 481, 546, 5–2, 5–26, 5–515, 480–1, 520, 261, 21–14, 21–8; OMB Control Number 0702–0061.

Needs and Uses: West Point candidates provide personal background information that allows the West Point Admissions Committee to make subjective judgments on non-academic experiences. Data are also used by West Point's Office of Institutional Research for correlation with success in graduation and military careers.

Affected Public: Individuals or Households.

Annual Burden Hours: 11,720 hours.

Number of Respondents: 46,880.

Responses per Respondent: 1.

Total Annual Responses: 46,880.

Average Burden per Response: 15 minutes.

Frequency: On Occasion.

Title 10, U.S.C. 4346 provides requirements for admission of candidates to the U.S. Military Academy. The U.S. Military Academy (USMA) strives to motivate outstanding potential candidates to apply for admission to USMA. Once candidates are found, USMA collects information necessary to nurture them through successful completion of the application process.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12204 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0018]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–AAHS), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Human Resources Command (HRC) ATTN: Ms. Denise L. Camacho, 200 Stovall Street, Alexandria, Virginia 22332–0314, or call the Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application and Agreement for Establishment of a National Defense Cadet Corps Unit, DA Form 3126–1; OMB Control Number 0702–0110.

Needs and Uses: Educational institutions desiring to host a National Defense Cadet Corps Unit (NDCC) may apply by using a DA Form 3126–1. The DA Form 3126–1 documents the agreement and becomes a contract signed by both the secondary institution and the U.S. Government. This form provides information on the school's facilities and states specific conditions if a NDCC unit is placed at the institution. The data provided on the applications is used to determine which school will be selected.

Affected Public: State, Local, or Tribal Government; Not-for-Profit Institution.

Annual Burden Hours: 35.

Number of Respondents: 35.

Responses per Respondent: 1.

Average Burden per Response: 1 hour.

Frequency: On occasion.

The DA Form 3126–1 is initiated by the school desiring to host a unit and is countersigned by a representative of the Secretary of the Army. The contract is necessary to establish a mutual agreement between the secondary institution and the U.S. Government.

The Commanding General, Human Resources Command, is responsible for administering the JROTC program and overall policy. Region commanders are responsible for operating and administering the JROTC training conducted with the areas.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12209 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0020]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of the Army, Operations & Plans Officer Mortuary Affairs and Casualty Support Division, PERSCOM, (ATTN: Mr. Harold Campbell), 200 Stovall Street, Hoffman I, Alexandria, Virginia 22332–0300, or call the Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Disposition of Remains—Reimbursable Basis and Request for Payment of Funeral and/or Interment Expense; DD Forms 2065 and 1375; OMB Control Number 0704–0030.

Needs and Uses: DD Form 2065 records disposition instructions and costs for preparation and final disposition of remains. DD Form 1375 provides next-of-kin an instrument to apply for reimbursement of funeral/interment expenses. This information is used to adjudicate claims for reimbursement of these expenses.

Affected Public: Individuals or Households.

Annual Burden Hours: 425.

Number of Respondents: 2,450.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes (DD 2065); 10 minutes (DD 1375).

Frequency: On occasion.

DD Forms 2065 and 1375 are initially prepared by military authorities and presented to the next-of-kin or sponsor to fill-in the reimbursable costs or desired disposition of remains. Without the information on these forms the government would not be able to respond to the survivor's wishes or justify its expenses in handling the deceased. Also available at government expense is transportation of the remains to a port of entry in the United States.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12207 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2014–0014]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–RPA), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this

same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Director of Admissions, U.S. Military Academy, ATTN: Associate Director of Admissions—Support, 606 Thayer Road, West Point, NY 10996–1905, or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Offered Candidate Procedures; USMA Forms 5–490, 2–66, 847, 5–489, 5–519, 8–2, 5–599, 480–1; OMB Control Number 0702–0062.

Needs and Uses: West Point candidates provide personal background information which allows the West Point Admissions Committee to make subjective judgments on non-academic experiences. Data is also used by West Point's Office of Institutional Research for correlation with success in graduation and military careers. The purpose of this activity is to obtain a group of applicants who eventually may be evaluated for admission to the U.S. Military Academy.

Affected Public: Individuals or Households.

Annual Burden Hours: 11,720 hours.

Number of Respondents: 46,880.

Responses per Respondent: 1.

Total Annual Responses: 46,880.

AVerage Burden per Response: 15 minutes.

Frequency: On Occasion.

Title 10, U.S.C. 4346 provides requirements for admission of candidates to the U.S. Military Academy. The U.S. Military Academy (USMA) strives to motivate outstanding potential candidates to apply for admission to USMA. Once candidates are found, USMA collects information necessary to nurture them through successful completion of the application process.

Dated: May 21, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12205 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2014–0012]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Commander, Naval Service Training Command announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commander, Naval Service Training Command, 2601A Paul Jones Street, Great Lakes, IL 60088, or call at (847) 688–7828.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application Forms and Information Guide, Naval Reserve Officers Training Corps (NROTC) Scholarship Program; OMB Control Number 0703–0026.

Needs and Uses: This collection of information is used to make a determination of an applicant's academic and/or leadership potential and eligibility for an NROTC scholarship. The information collected is used to select the best-qualified candidates.

Affected Public: Individuals or Households.

Annual Burden Hours: 56,000 hours.

Number of Respondents: 14,000.

Responses per Respondent: 1.

Total Annual Responses: 14,000.

Average Burden per Response: 4 hours.

Frequency: Annually.

Applicant submits application via Web site, *https://www.nrotc.navy.mil/apply.aspx.* Application data is stored on secure servers located at Saufley Data Center, Naval Air Station Pensacola, FL. Applicant accesses the application via registration on Web site and password. Once application has been submitted it is a locked document. Data is accessed for selection board review by authorized need to know processers and board members.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12288 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0014]

Proposed Collection; Comment Request

AGENCY: Marine Corps Recruiting Command, Marine Corps Base Quantico, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the U.S. Marine Corps announces a proposed public

information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commanding General, Marine Corps Recruiting Command (G3), Officer Programs, 3280 Russell Road, Quantico, VA 22134–5103, or contact Head, Officer Programs or Deputy, Officer Programs at (703) 784–9449/50/51.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personal Information Questionnaire; NAVMC 100064; OMB Control Number 0703–0012.

Needs and Uses: The Officer Selection Officer will forward a Personal Information Questionnaire (PIQ) form to individuals to be named by the applicant for completion and return as character references. The questionnaire establishes a pattern of moral character on individuals applying for the Marine Corps Officer Program.

Affected Public: Individuals or Households.

Annual Burden Hours: 4,175 hours.

Number of Respondents: 16,700.

Responses per Respondent: 1.

Total Annual Responses: 16,700.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

The OSO will forward a Personal Information Questionnaire (PIQ) form to individuals to be named by the applicant for completion and return as character references. The PIQ is used to provide Headquarters, U.S. Marine Corps with a standardized method in rating officer program applicants in the areas of character, leadership, ability, and suitability for a service as a commissioned officer. The OSO must ensure the integrity of the PIQ process by not allowing applicants to directly handle PIQ forms. All PIQs will be dated and are valid for one year. Individuals completing the form have volunteered to complete the form prior to being sent the questionnaire.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12301 Filed 5–27–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0016]

Proposed Collection; Comment Request

AGENCY: Marine Junior Reserve Officer's Training Corps (MCJROTC), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the U.S. Marine Corps announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commanding General, Training and Education Command (C46JR), MCCDC, 1019 Elliott Road, Quantico, VA 22134–5001, or telephone Mr. Robert Davis at (703) 784–0478.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Individual MCJROTC Instructor Evaluation Summary; NAVMC 10942; OMB Control Number 0703–0016.

Needs and Uses: This form provides a written record of the overall performance of duty of MCJROTC instructors who are responsible for implementing the MCJROTC curriculum. The individual MCJROTC Instructor Evaluation Summary is completed by principles to evaluate the effectiveness of individual MCJROTC instructors. The form is further used as

a performance-related counseling tool and as a record of service performance to document performance and growth of individual MCJROTC instructors. Evaluating the performance of instructors is essential in ensuring that they provide quality training.

Affected Public: Individuals or Households.

Annual Burden Hours: 225 hours.

Number of Respondents: 450.

Responses per Respondent: 1.

Total Annual Responses: 450.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

This form provides a written record of the overall performance of duty of MCJROTC instructors who are responsible for implementing the MCJROTC curriculum. The Individual MCJROTC Instructor Evaluation Summary is completed by principles to evaluate the effectiveness of individual MCJROTC instructors.

The form is further used as a performance related counseling tool and as a record of service performance to document performance and growth of individual MCJROTC instructors. Evaluating the performance of instructors is essential in ensuring that they provide quality training.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12303 Filed 5–27–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0015]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commanding General, Marine Corps Recruiting Command (G3), Officer Programs, 3280 Russell Road, Quantico, VA 22134–5103, or contact Head, Officer Programs or Deputy, Officer Programs at (703) 784–9449/50/51.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Academic Certification for Marine Corps Officer Candidate Program; NAVMC Form 10469; OMB Control Number 0703–0011.

Needs and Uses: The Marine Corps Officer Selection Officer (OS) will submit the completed original NAVMC Form 10469 with the officer applications for the Platoon Leaders Class and Officer Candidate Course (OCC) Programs when the applicant has not yet completed the requirements for a degree. This form is to be completed by a school official of the applicant's college or university and verified by the OSO. Use of this form is the only accurate and specific method to determine an applicant's academic qualifications.

Affected Public: Individuals or Households.

Annual Burden Hours: 875 hours.

Number of Respondents: 3,500.

Responses per Respondent: 1.

Total Annual Responses: 3,500.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

The Marine Corps Officer Selection Officer (OSO) will submit the completed original NAVMC Form 10469 with the officer applications for the Platoon Leaders Class and Officer Candidate Course (OCC) Programs, when the applicant has not yet completed the requirements for a degree. This form is to be completed by a school official of the applicant's college or university and verified by the OSO. Use of this form is the only accurate and specific method to determine an officer applicant's academic qualifications.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12302 Filed 5–27–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0017]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the United States Naval Academy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Admissions Office, United States Naval Academy, 117 Decatur Road, Annapolis, MD 21402–5017, or contact LCDR Eric Brown at telephone number (410) 293–1822.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Candidate Application Procedures for the United States Naval Academy; USN GRB 1110/11, 1110/12, 1110/14, 1110/15, 1110/91, 1110/92, and 1531/34; OMB Control Number 0703–0036.

Needs and Uses: This collection of information is necessary to determine the eligibility and evaluate overall competitive standing of candidates for appointment to the United States Naval Academy. An analysis of the information collected is made by the Admissions Board during the process in order to gauge the qualifications of individual candidates.

Affected Public: Individuals or Households; Federal Government.

Annual Burden Hours: 56,000 hours.

Number of Respondents: 14,000.

Responses per Respondent: 1.

Total Annual Responses: 14,000.

Average Burden per Response: 4 hours.

Frequency: On occasion.

This collection of information is necessary to determine the eligibility and evaluate overall competitive standing of candidates for appointment to the United States Naval Academy. An analysis of the information collected is made by the Admissions Board during the process in order to gauge the qualifications of individual candidates.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12304 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2014–0013]

Proposed Collection; Comment Request

AGENCY: COMNAVSEASYSCOM, Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 28, 2014.

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

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commander, Naval Sea Systems Command (West), 2100 2nd Street SW., Washington, DC 20746. The point of contact is Mr. Russell E. Tomaselli, 202–781–2320, SEA 00P1, *Russell.Tomaselli@navy.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Naval Sea Systems Command and Field Activity Visitor Access for Washington Navy Yard Washington DC; NAVSEA 5500/1 NAVSEA Visitor Sign In/Out Sheet; OMB Control Number 0703–0055.

Needs and Uses: This information collection is necessary for Naval Sea Systems Command and Naval Sea Systems Command Field Activity's at Washington Navy Yard, Washington DC to verify visitors have appropriate credentials, clearance level and need-to-know are granted access to NAVSEA spaces, if they have clearance for classified information, and allow NAVSEA Security to keep record of vistors to NAVSEA spaces. Respondents are Navy business personnel, support contractors, individuals from other agencies visiting the Command and Field Activities, various members of the public.

Affected Public: Individual and households; Business or other for profit; Not-for-profit institutions

Annual Burden Hours: 1,300

Number of Respondents: 5,200

Responses per Respondent: 1

Average Burden per Response: 15 minutes

Frequency: On occasion

Respondents are Navy business personnel, support contractors, vendors, individuals from other agencies, family members of NAVSEA personnel (military/civilian) who want to visit/access the NAVSEA Command and Field Activities at Washington Navy

Yard, Washington DC. Visitors enters the NAVSEA Visitor Control Center. Once the visitor is called to the counter by the Visitor Control Technician (VCT), fills in the next available line on NAVSEA 5500/1. The VCT ask the visitor if he or she has a clearance, if the visitor states, yes, then the VCT ask for their SSN. The visitor has the option to either provide it on a piece of paper or verbally communicate it to the VCT. If the visitor writes their SSN down on a piece of paper, the visitor is given the piece of paper back. If visitor states no, the visitor will need to show the VTC a pictured ID.

Dated: May 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–12300 Filed 5–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0046]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; 2015–16 National Postsecondary Student Aid Study (NPSAS:16) 16 Field Test Institutions and Enrollment Lists

AGENCY: Institute of Education Sciences/ National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 27, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0046 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubdzela, 202–502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2015–16 National Postsecondary Student Aid Study (NPSAS:16) 16 Field Test Institutions and Enrollment Lists.

OMB Control Number: 1850–0666.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households, Private Sector.

Total Estimated Number of Annual Responses: 794.

Total Estimated Number of Annual Burden Hours: 724.

Abstract: The National Postsecondary Student Aid Study (NPSAS), a nationally representative study of how students and their families finance postsecondary education, was first implemented by the National Center for Education Statistics (NCES) in 1987 and has been fielded every 3 to 4 years since. The next major data collection will occur in 2016 with a field test collection in 2015. This submission is for the ninth cycle in the series, NPSAS:16, which will also serve as the base year study for the 2016 Baccalaureate and Beyond Longitudinal Study (B&B) which provides data on the various paths of recent college graduates into employment and additional education. The NPSAS:16 field test sample will include about 300 institutions (full-scale sample about 1,680) and about 4,500 students (120,000 full-scale). Institution contacting for the field test will begin in September 2014 and student data collection will be conducted January through May 2015 (full-scale institution contacting will begin in October 2015 and student data will be collected January through June 2016). A separate package to request clearance for student data collection (interviews and institution record data) will be submitted in the fall 2014. This submission includes contacting materials and collection of enrollment lists from institutions selected to participate in the field test.

Dated: May 22, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–12240 Filed 5–27–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Promoting Postbaccalaureate Opportunities for Hispanic Americans Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information: Promoting Postbaccalaureate Opportunities for Hispanic Americans (PPOHA) Program.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.031M.

DATES: *Applications Available:* May 28, 2014.

Deadline for Transmittal of Applications: June 27, 2014.

Deadline for Intergovernmental Review: August 26, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purposes of Program: The purposes of the PPOHA Program are to: (1) Expand

postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and (2) expand the postbaccalaureate academic offerings, as well as enhance the program quality, in the institutions of higher education that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

Program Authority: 20 U.S.C. 1102–1102c; 1161aa–1.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The notice of final requirements, published in the **Federal Register** on July 27, 2010 (75 FR 44056) (Final Requirements).

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $10,565,280.

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

Estimated Range of Awards: $385,000–$575,000.

Estimated Average Size of Awards: $500,000.

Maximum Awards: The PPOHA Program awards individual development grants. We will not fund any application for a PPOHA Program individual development grant at an amount exceeding $575,000 for a single budget period of 12 months. During our initial review of applications, we may choose not to further consider or review an application with a budget that exceeds the maximum amount. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 21.

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

Note: Applicants should periodically check the PPOHA Program Web site for further information. The address is: *www.ed.gov/programs/ppoha/index.html.*

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education (IHEs) that offer a postbaccalaureate certificate or postbaccalaureate degree program and qualify as eligible Hispanic-Serving Institutions (HSIs) under section 502 of the Higher Education Act of 1965, as amended (HEA).

Eligibility Criteria (Use of 34 CFR 606.2(a) and (b), 606.3 through 606.5): To qualify as an eligible HSI for the PPOHA Program under sections 502 and 512(b) of the HEA (20 U.S.C. 1101a and 1102a), an IHE must—

(a) Have an enrollment of needy students, as defined in section 502(b) of the HEA (20 U.S.C. 1101a(b)) (cross-referenced in section 502(a)(2)(A)(i) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(i));

(b) Have, except as provided in section 522(b) of the HEA (20 U.S.C. 1103a(b)), average educational and general expenditures that are low, per full-time equivalent (FTE) undergraduate student, in comparison with the average educational and general expenditures per FTE undergraduate student of institutions that offer similar instruction (section 502(a)(2)(A)(ii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(ii));

Note: To demonstrate an enrollment of needy students and low average educational and general expenditures per FTE undergraduate student, an IHE must be designated as an ''eligible institution'' in accordance with 34 CFR 606.3 through 606.5 and the notice inviting applications for eligibility designation for the fiscal year for which the grant competition is being conducted. In addition, for the purpose of establishing eligibility under 34 CFR 606.5 for this FY 2014 competition, the notice inviting applications for eligibility designation for FY 2014 was published in the **Federal Register** on January 13, 2014 (79 FR 2161), with a deadline of March 7, 2014. The eligibility notice for PPOHA on April 14, 2014 (79 FR 20880), reopened the application process for IHEs interested in the PPOHA Program and the deadline for applications was May 14, 2014. Only institutions that submitted the required application and received designation through that process are eligible to submit an application for this competition.

(c) Be accredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered, or making reasonable progress toward accreditation, according to such an agency or association (section 502(a)(2)(A)(iv) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iv));

(d) Be legally authorized to provide, and provide within the State, an educational program for which the institution awards a bachelor's degree (section 502(a)(2)(A)(iii) of the HEA; 20 U.S.C. 1101a(a)(2)(A)(iii)); and

(e) Have an enrollment of undergraduate FTE students that is at least 25 percent Hispanic students at the end of the award year immediately preceding the date of application (section 502(a)(5)(B) of the HEA; 20 U.S.C. 1101a(a)(5)(B)).

Note 1: Contingent on Congressional funding, funds for the PPOHA Program will be awarded each fiscal year; thus, for this program, the ''end of the award year immediately preceding the date of application'' refers to the end of the fiscal year prior to the application due date. The end of the fiscal year occurs on September 30 for any given year.

Note 2: In considering applications for grants under this program, the Department will compare the data and documentation the institution relied on in its application with data reported to the Department's Integrated Postsecondary Education Data System (IPEDS), the IHE's State-reported enrollment data, and the institutional annual report. If different percentages or data are reported in these various sources, the institution must, as part of the 25 percent assurance verification, explain the reason for the differences. If the IPEDS data show that less than 25 percent of the institution's undergraduate FTE students are Hispanic, the burden is on the institution to show that the IPEDS data are inaccurate. If the IPEDS data indicate that the institution has an undergraduate FTE less than 25 percent, and the institution fails to demonstrate that the IPEDS data are inaccurate, the institution will be considered ineligible. (See Final Requirements).[1]

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other:*

(a) *Limit on Number of Individual Development Grants.* An eligible HSI will not be awarded more than one grant under the PPOHA Program (20 U.S.C. 1102c).

(b) *Limit on Applications From an Eligible Institution.* In any fiscal year, an eligible institution may submit only one application for a grant under the PPOHA Program. This restriction is intended to ensure that more Hispanic-Serving Institutions have an opportunity for assistance under Title V of the HEA (see Final Requirements).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write,

[1] For the purpose of making the determination described in paragraph (e) of the Eligibility Criteria for the FY 2014 competition, IHEs must report their undergraduate Hispanic FTE percentage based on the student enrollment count closest to, but not after, September 30, 2013.

fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

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

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.031M.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person 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 program.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We have established mandatory page limits for the PPOHA application. You must limit the application narrative to no more than 50 pages, using the following standards:

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

Note: For the purpose of determining compliance with the page limit, each page on which there are words will be counted as one full page.

• Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, endnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single-spaced. These items count toward the page limit.

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

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424); the Department of Education Supplemental Information form (SF 424); Part II, Budget Information-Non-Construction Programs (ED Form 524); Part IV, the assurances and certifications; or the one-page project abstract and program activity budget detail form and supporting narrative. However, the page limit does apply to all of the application narrative section (Part III), including the budget narrative of the selection criteria. If you include any attachments or appendices not specifically requested in the application package, these items will be counted as part of your application narrative (Part III) for the purpose of the page—limit requirement. You must include your complete response to the selection criteria in the application narrative.

Note: The narrative response to the budget selection criteria is not the same as the activity detail budget form and supporting narrative. The supporting narrative for the activity detail budget form details the requested budget items line by line.

We will reject your application if you exceed the page limit or if you apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: May 28, 2014.

Deadline for Transmittal of Applications: June 27, 2014.

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

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

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 26, 2014.

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

5. *Funding Restrictions: Limit on Use of Funds for Direct Assistance:* A PPOHA Program grantee may use no more than 20 percent of its total PPOHA Program grant award to provide financial support—in the form of scholarships, fellowships, and other student financial assistance—to low-income students. (See section 513(8) of the HEA, 20 U.S.C. 1102b(8))

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

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

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

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

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

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

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

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

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

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

If you are currently registered with SAM, you may not need to make any

changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

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

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

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the PPOHA Program, CFDA number 84.031M, 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 PPOHA Program 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 84.031, not 84.031M).

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 will then retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

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

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

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact one of the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the 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: Maria E. Carrington Ph.D., U.S. Department of Education, 1990 K Street NW., Room 6020, Washington, DC 20006–8513. Telephone: (202) 502–7548 or by email: *Maria.Carrington@ed.gov.* FAX: (202) 502–7813.

or

Sandra Steed, U.S. Department of Education, 1990 K Street NW., Room 6066, Washington, DC 20006–8513. Telephone: (202) 219–7120 or by email: *Sandra.Steed@ed.gov.* FAX: (202) 502–7813.

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 84.031M), 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 84.031M), 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 program are from section 75.210 of EDGAR (34 CFR 75.210) and are as follows. Applicants must address each of the selection criteria (separately for each proposed activity). The total weight of the selection criteria is 100 points; the weight of each criterion is noted in parentheses.

(a) *Need for project.* (Maximum 20 points) In determining the need for the proposed project, the Secretary considers:

(i) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project. (10 points)

(ii) The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals. (5 points)

(iii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

(b) *Quality of the project design.* (Maximum 15 points) In determining the quality of the design of the proposed project, the Secretary considers:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (10 points)

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs. (5 points)

(c) *Quality of project services.* (Maximum 15 points) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers:

(i) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services. (10 points)

(ii) The extent to which the services to be provided by the proposed project

reflect up-to-date knowledge from research and effective practice. (5 points)

(d) *Quality of project personnel.* (Maximum 10 points) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator. (5 points)

(ii) The qualifications, including relevant training and experience, of key project personnel. (5 points)

(e) *Adequacy of resources.* (Maximum 5 points) In determining the adequacy of resources for the proposed project, the Secretary considers:

(i) The extent to which the budget is adequate to support the proposed project. (3 points)

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project. (2 points)

(f) *Quality of the management plan.* (Maximum 20 points) In determining the quality of the management plan for the proposed project, the Secretary considers:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (10 points)

(ii) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (5 points)

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project. (5 points)

(g) *Quality of the project evaluation.* (Maximum 15 points) In determining the quality of the evaluation, the Secretary considers:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (5 points)

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (5 points)

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (5 points)

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 as follows:

(a) *Documentation.* Applicants must provide, as an attachment to the application, the documentation the institution relied upon in determining that at least 25 percent of the institution's undergraduate FTE students are Hispanic.

Note: The 25 percent requirement applies only to undergraduate Hispanic students and is calculated based upon FTE students. Instructions for formatting and submitting the verification documentation to Grants.gov are in the application package for this competition.

(b) *Tie-breaker.* To resolve ties in the reader scores of applications for PPOHA grants, the Department will award one additional point to an application from an IHE that has an endowment fund for which the market value per FTE student is less than the comparable average current market value of the endowment funds per FTE student at similar type IHEs. In addition, to resolve ties in the reader scores of applications for PPHOA grants, the Department will award one additional point to an application from an IHE that has expenditures for library materials per FTE student that are less than the comparable average expenditures for library materials per FTE student at similar type IHEs. (34 CFR 606.23(a)(1) and (2)).

For the purpose of these funding considerations, we will use 2012–2013 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE student. (34 CFR 606.23(b)(1)) (See Final Requirements)

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the PPOHA Program:

(a) The percentage change, over the five-year grant period, of the number of full-time degree-seeking graduate and professional students enrolled at HSIs currently receiving an award under this program.

(b) The percentage change, over the five-year grant period, of the number of master's, doctoral, and first-professional degrees and postbaccalaureate certificates awarded at HSIs currently receiving an award under this program.

(c) Cost per successful outcome: Federal cost per master's degree, doctoral, and first-professional degree and postbaccalaureate certificate awarded at HSIs currently receiving an award under this program.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Maria E. Carrington, Ph.D., U.S. Department of Education, 1990 K Street NW., Room 6020, Washington, DC 20006–8513. FAX: (202) 502–7813. Telephone: 202–502–7548 or by email: *Maria.Carrington@ed.gov;*

or

Sandra Steed, U.S. Department of Education, 1990 K Street NW., Room 6066, Washington, DC 20006–8513. FAX: (202) 502–7813. Telephone: 202–219–7120 or by email: *Sandra.Steed@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to one of the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 22, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–12378 Filed 5–27–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Teacher Quality Partnership Grant Program

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

ACTION: Notice.

Overview Information

Teacher Quality Partnership Grant Program Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.336S.

DATES: *Applications Available:* May 28, 2014.

Deadline for Notice of Intent to Apply: June 27, 2014.

Date of Pre-Application Webinars (all times are Washington, DC time): Tuesday, June 10, 2014 at 10:00 a.m. and Thursday, June 12, 2014 at 2:00 p.m.

Deadline for Transmittal of Applications: July 14, 2014.

Deadline for Intergovernmental Review: September 10, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Teacher Quality Partnership (TQP) Grant Program aims to increase student achievement by improving the quality of new prospective teachers by enhancing the preparation of prospective teachers and the professional development activities for current teachers; holding teacher preparation programs at institutions of higher education (IHEs) accountable for preparing highly qualified teachers; and recruiting effective individuals, including minorities and individuals from other occupations, into the teaching force.

Background: The TQP Grant Program supports partnerships among (i) IHEs, (ii) high-need local educational agencies (LEAs), and (iii) high-need schools served by such LEAs or high-need early childhood education (ECE) programs. These partnerships must implement (a) teacher preparation programs at the pre-baccalaureate or ''fifth-year'' level that include specific reforms in IHEs' existing teacher preparation programs; (b) teacher residency programs for individuals with strong academic or professional backgrounds but without teaching experience; or (c) both.

In this competition, we are especially interested in supporting partnership programs that prepare teachers to teach subjects in science, technology, engineering, and mathematics (STEM). In his 2011 State of the Union address, the President called for a new effort to prepare 100,000 STEM teachers over the next decade with strong teaching skills and deep content knowledge. The President's goal has been incorporated into an Administration-wide priority, as part of the both the Federal STEM Education 5-Year Strategic Plan [1] released in May 2013 and as a Cross Agency Priority Goal [2] announced earlier this year. In addition, answering the President's call to action, nearly 200 organizations have formed a coalition called 100Kin10, all committed to the goal of increasing the supply of excellent STEM teachers; hiring, developing, and retaining excellent STEM teachers; and building the 100Kin10 movement.

As described in the President's Council of Advisors on Science and

[1] Federal STEM Education 5-Year Strategic Plan, *www.whitehouse.gov/sites/default/files/microsites/ostp/stem_stratplan_2013.pdf.*

[2] Cross-Agency Priority Goal, *www.performance.gov/node/3404?view=public#apg.*

Technology report ''Prepare and Inspire: K–12 Education in Science, Technology, Engineering, and Math for America's Future,'' [3] being an effective STEM teacher requires both deep content knowledge and strong teaching skills. Deep understanding of content and pedagogical content knowledge can help teachers increase student understanding and achievement, for example, by helping students make connections between STEM subjects and compelling real-world issues, supporting students in approaching problems using the scientific process while addressing student misconceptions along the way, and better equipping students to pursue careers in STEM-related fields.

Shortages of highly effective STEM teachers are particularly acute in public high schools, where States report more shortages in STEM teachers (e.g., teachers of mathematics, biology, and physical sciences) than in teachers of other subjects (e.g., English and social studies).[4]

Compounding the issue of STEM teacher shortages are the challenges regarding preparing and supporting teachers in a national context when most States are in the process of implementing new college- and career-ready academic standards for elementary and secondary school students. Successfully implementing college- and career-ready standards will require, in part, improving the quality of teacher preparation and support. School districts and schools in States implementing new college- and career-ready standards will benefit from assistance to support educators—both pre-service and in-service—throughout the transition to these new standards. In this competition, we encourage applicants to propose projects that develop and implement teacher preparation and professional development programs that will prepare educators to teach to these standards and translate the standards into effective classroom practices.

Priorities: This notice contains two absolute priorities and two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv), the first absolute priority is from section 202(d) of the Higher Education Act of 1965, as amended (HEA), and the second absolute priority is from section 202(e) of the HEA. The competitive preference priorities are from the notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Absolute Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one or both of these absolute priorities. Applicants may submit applications for projects that address both absolute priorities, but must do so in a single application. Addressing more than one absolute priority does not increase the potential points an application can receive. The Secretary intends to award at least one grant that addresses each absolute priority for which applications of sufficient quality are submitted. The Secretary also intends to award at least one grant that addresses both absolute priorities, if applications of sufficient quality are submitted.

These priorities are:

Absolute Priority 1: Partnership Grants for the Preparation of Teachers

Under this priority, an eligible partnership must carry out an effective pre-baccalaureate teacher preparation program or a fifth-year initial licensing program that includes all of the following:

(a) *Program Accountability.* Implementing reforms, described in paragraph (b) of this priority, within each teacher preparation program and, as applicable, each preparation program for ECE programs, of the eligible partnership that is assisted under this priority, to hold each program accountable for—

(1) Preparing—

(i) New or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

(ii) Such teachers and, as applicable, early childhood educators, to understand empirically-based practice and scientifically valid research related to teaching and learning and the applicability of such practice and research, including through the effective use of technology, instructional techniques, and strategies consistent with the principles of universal design for learning, and through positive behavioral interventions and support strategies to improve student achievement; and

(iii) As applicable, early childhood educators to be highly competent; and

(2) Promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

(b) *Required reforms.* The reforms described in paragraph (a) shall include—

(1) Implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

(2) Using empirically-based practice and scientifically valid research, where applicable, about teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

(i) Understand and can implement research-based teaching practices in classroom instruction;

(ii) Have knowledge of student learning methods;

(iii) Possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve classroom instruction;

(iv) Possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general education and special education teachers and early childhood educators in order to—

(A) Meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels, and, as applicable, children in ECE programs; and

(B) Differentiate instruction for such students;

(v) Can effectively participate as a member of the individualized education program team, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act (IDEA); and

(vi) Can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

(3) Ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that prospective teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities

[3] The President's Council of Advisors on Science and Technology (PCAST) (September 2010), Prepare and Inspire: K–12 Education in Science, Technology, Engineering, and Mathematics (STEM) for America's Future. *www.whitehouse.gov/sites/default/files/microsites/ostp/pcast-stemed-report.pdf.*

[4] U.S. Department of Education Office of Postsecondary Education (March 2013), The Teacher Shortage Area Nationwide Listing. *https://www2.ed.gov/about/offices/list/ope/pol/tsa.pdf.*

and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the IDEA;

(4) Developing and implementing an induction program;

(5) Developing admissions goals and priorities aligned with the hiring objectives of the high-need LEA in the eligible partnership; and

(6) Implementing program and curriculum changes, as applicable, to ensure that prospective teachers have the requisite content knowledge, preparation, and degree to teach Advanced Placement or International Baccalaureate courses successfully.

(c) *Clinical experience and interaction.* Developing and improving a sustained and high-quality preservice clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators involved in the program. Such programs shall do the following—

(1) Incorporate year-long opportunities for enrichment, including—

(i) Clinical learning in classrooms in high-need schools served by the high-need LEA in the eligible partnership, and identified by the eligible partnership; and

(ii) Closely supervised interaction between prospective teachers and faculty, experienced teachers, principals, other administrators, and school leaders at ECE programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction;

(2) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas;

(3) Provide high-quality teacher mentoring;

(4) Be offered over the course of a program of teacher preparation;

(5) Be tightly aligned with course work (and may be developed as a fifth-year of a teacher preparation program);

(6) Where feasible, allow prospective teachers to learn to teach in the same LEA in which the teachers will work, learning the instructional initiatives and curriculum of that LEA;

(7) As applicable, provide training and experience to enhance the teaching skills of prospective teachers to better prepare such teachers to meet the unique needs of teaching in rural or urban communities; and

(8) Provide support and training for individuals participating in an activity for prospective or new teachers described in this paragraph, or paragraphs (a) and (b), or (d), and for individuals who serve as mentors for such teachers, based on each individual's experience. Such support may include—

(i) With respect to a prospective teacher or a mentor, release time for such individual's participation;

(ii) With respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

(iii) With respect to a mentor, a stipend, which may include bonus, differential, incentive, or performance pay, based on the mentor's extra skills and responsibilities.

(d) *Induction programs for new teachers.* Creating an induction program for new teachers or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

(e) *Support and training for participants in ECE programs.* In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in ECE.

(f) *Teacher recruitment.* Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

(1) Individuals from underrepresented populations;

(2) Individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and the instruction of limited English proficient students; and

(3) Mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

(g) *Literacy training.* Strengthening the literacy teaching skills of prospective and, as applicable, new elementary school and secondary school teachers—

(1) To implement literacy programs that incorporate the essential components of reading instruction;

(2) To use screening, diagnostic, formative, and summative assessments to determine students' literacy levels, difficulties, and growth in order to improve classroom instruction and improve student reading and writing skills;

(3) To provide individualized, intensive, and targeted literacy instruction for students with deficiencies in literacy skills; and

(4) To integrate literacy skills in the classroom across subject areas.

Absolute Priority 2: Partnership Grants for the Establishment of Effective Teaching Residency Programs

I. General. Under this priority, an eligible partnership must carry out an effective teaching residency program that includes all of the following activities:

(a) Supporting a teaching residency program described in paragraph II(a) for high-need subjects and areas, as determined by the needs of the high-need LEA in the partnership;

(b) Placing graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school;

(c) Ensuring that teaching residents who participate in the teaching residency program receive—

(1) Effective pre-service preparation as described in paragraph II;

(2) Teacher mentoring;

(3) Support required through the induction program as the teaching residents enter the classroom as new teachers; and

(4) The preparation described in paragraphs (c)(1), (2), and (3) of Absolute Priority 1.

II. Teaching Residency Programs.

(a) *Establishment and design.* A teaching residency program under this priority shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

(1) The integration of pedagogy, classroom practice, and teacher mentoring;

(2) Engagement of teaching residents in rigorous graduate-level course work leading to a master's degree while undertaking a guided teaching apprenticeship;

(3) Experience and learning opportunities alongside a trained and experienced mentor teacher—

(i) Whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

(ii) Who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for new teachers; and for establishing, within the program, a learning community in

which all individuals are expected to continually improve their capacity to advance student learning; and

(iii) Who may be relieved from teaching duties as a result of such additional responsibilities;

(4) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on, but not limited to, observations of the following—

(i) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative and diagnostic assessments to improve student learning;

(ii) Appropriate instruction that engages students with different learning styles;

(iii) Collaboration with colleagues to improve instruction;

(iv) Analysis of gains in student learning, based on multiple measures that are valid and reliable and that, when feasible, may include valid, reliable, and objective measures of the influence of teachers on the rate of student academic progress; and

(v) In the case of mentor candidates who will be mentoring new or prospective literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate;

(5) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents;

(6) The development of admissions goals and priorities—

(i) That are aligned with the hiring objectives of the LEA partnering with the program, as well as the instructional initiatives and curriculum of such agency, in exchange for a commitment by such agency to hire qualified graduates from the teaching residency program; and

(ii) Which may include consideration of applicants that reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession; and

(7) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first two years of teaching.

(b) Selection of individuals as teacher residents.

(1) *Eligible Individual.* In order to be eligible to be a teacher resident in a teaching residency program under this priority, an individual shall—

(i) Be a recent graduate of a four-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

(ii) Submit an application to the teaching residency program.

(2) *Selection Criteria.* An eligible partnership carrying out a teaching residency program under this priority shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics—

(i) Strong content knowledge or record of accomplishment in the field or subject area to be taught;

(ii) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests; and

(iii) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

(c) *Stipends or salaries; applications; agreements; repayments.*

(1) *Stipends or salaries.* A teaching residency program under this priority shall provide a one-year living stipend or salary to teaching residents during the teaching residency program;

(2) *Applications for stipends or salaries.* Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require;

(3) *Agreements to serve.* Each application submitted under paragraph (c)(2) of this priority shall contain or be accompanied by an agreement that the applicant will—

(i) Serve as a full-time teacher for a total of not less than three academic years immediately after successfully completing the teaching residency program;

(ii) Fulfill the requirement under paragraph (c)(3)(i) of this priority by teaching in a high-need school served by the high-need LEA in the eligible partnership and teach a subject or area that is designated as high need by the partnership;

(iii) Provide to the eligible partnership a certificate, from the chief administrative officer of the LEA in which the resident is employed, of the employment required under paragraph (c)(3)(i) and (ii) of this priority at the beginning of, and upon completion of, each year or partial year of service;

(iv) Meet the requirements to be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), or section 602 of the IDEA, when the applicant begins to fulfill the service obligation under this priority; and

(v) Comply with the requirements set by the eligible partnership under paragraph (e) of this priority if the applicant is unable or unwilling to complete the service obligation required by the paragraph.

(d) *Repayments.*

(1) *In general.* A grantee carrying out a teaching residency program under this priority shall require a recipient of a stipend or salary under paragraph (c)(1) of this priority who does not complete, or who notifies the partnership that the recipient intends not to complete, the service obligation required by paragraph (c)(3) of this priority to repay such stipend or salary to the eligible partnership, together with interest, at a rate specified by the partnership in the agreement, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary;

(2) *Other terms and conditions.* Any other terms and conditions specified by the eligible partnership may include reasonable provisions for pro-rata repayment of the stipend or salary described in paragraph (c)(1) of this priority or for deferral of a teaching resident's service obligation required by paragraph (c)(3) of this priority, on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, being called to active duty in the Armed Forces of the United States, or other extraordinary circumstances;

(3) *Use of repayments.* An eligible partnership shall use any repayment received under paragraph (d) to carry out additional activities that are consistent with the purposes of this priority.

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points to an application, depending on how well the application meets Competitive Preference Priority 1, and up to an additional two points to an application, depending on how well the application

meets Competitive Preference Priority 2. An applicant may receive a maximum of seven points for its response to these competitive preference priorities.

Note: Applicants may address one or both of the competitive preference priorities. An applicant must identify in the project narrative section of its application the priority or priorities it wishes the Department of Education (Department) to consider for the purpose of earning competitive preference priority points. The Department will not review or award points under any competitive preference priority that the applicant fails to clearly identify in its application.

These priorities are:

Competitive Preference Priority 1: Promoting Science, Technology, Engineering, and Mathematics (STEM) Education (0–5 Points)

Projects that are designed to address one or both of the following priority areas:

(a) Increasing the opportunities for high-quality preparation of, or professional development for, teachers or other educators of STEM subjects.

(b) Increasing the number of individuals from groups traditionally underrepresented in STEM, including minorities, individuals with disabilities, and women, who are teachers or educators of STEM subjects and have increased opportunities for high-quality preparation or professional development.

Note: Applicants that respond to Competitive Preference Priority 1 and Absolute Priority 1 are still required to implement the required reforms within the whole teacher preparation program, as reflected in sections (a) and (b) of Absolute Priority 1. In responding to this competitive preference priority, applicants are encouraged to include the following elements in their proposed projects:

(1) Institutional collaboration to ensure that students in a college of education who intend to teach STEM courses have access to courses that build appropriate content knowledge. Such students should have access to course sequencing that is equal to the course sequencing for other STEM majors outside the college of education.

(2) Emphasis on hands-on and inquiry-based STEM experiences for prospective teachers, including dedicated research or laboratory experiences, STEM discipline-specific pedagogical instruction, and explicit instruction in the interdisciplinary connections between learning sciences and STEM instruction; and

(3) Early and multiple field-based instructional experiences for prospective teachers that are structured to provide exposure to a variety of teaching and learning environments, and that are coordinated and aligned with the teacher preparation curriculum.

Competitive Preference Priority 2—Implementing Internationally Benchmarked, College- and Career-Ready Elementary and Secondary Academic Standards (0–2 Points)

Projects that are designed to support the implementation of internationally benchmarked, college- and career-ready academic standards held in common by multiple States and to improve instruction and learning, including projects in the following priority areas:

(a) The development or implementation of professional development or preparation programs aligned with those standards.

(b) Strategies that translate the standards into classroom practice.

Definitions: The definitions for ''Early childhood educator,'' ''High-need early childhood education (ECE) program,'' ''High-need local educational agency (LEA)'', ''High-need school,'' and ''Partner institution'' are from section 200 of the HEA. The definitions for ''Logic model,'' ''Relevant outcome,'' and ''Strong theory'' are from 34 CFR 77.1.

Early childhood educator means an individual with primary responsibility for the education of children in an early childhood education program.

High-need early childhood education (ECE) program means an ECE program serving children from low-income families that is located within the geographic area served by a high-need LEA.

High-need local educational agency (LEA) means an LEA)—

(i)(A) For which not less than 20 percent of the children served by the agency are children from low-income families;

(B) That serves not fewer than 10,000 children from low-income families;

(C) That meets the eligibility requirements for funding under the Small, Rural School Achievement (SRSA) Program under section 6211(b) of the ESEA; or

(D) That meets eligibility requirements for funding under the Rural and Low-Income School (RLIS) Program under section 6221(b) of the ESEA; and—

(ii)(A) For which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

(B) For which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

High-need school means a school that, based on the most recent data available, meets one or both of the following:

(i) The school is in the highest quartile of schools in a ranking of all schools served by an LEA, ranked in descending order by percentage of students from low-income families enrolled in such schools, as determined by the LEA based on one of the following measures of poverty:

(A) The percentage of students aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary.

(B) The percentage of students eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

(C) The percentage of students in families receiving assistance under the State program funded under Part A of Title IV of the Social Security Act.

(D) The percentage of students eligible to receive medical assistance under the Medicaid program.

(E) A composite of two or more of the measures described in paragraphs (A) through (D).

(ii) In the case of—

(A) An elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act; or

(B) Any other school that is not an elementary school, the other school serves students not less than 45 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

(iii) The Secretary may, upon approval of an application submitted by an eligible partnership seeking a grant under this title, designate a school that does not qualify as a high-need school under this definition, as a high-need school for the purpose of this title. The Secretary shall base the approval of an application for designation of a school under this clause on a consideration of the information required under section 200 (II)(B)(ii) of the HEA, and may also take into account other information submitted by the eligible partnership.

Note: Information on how an applicant could provide alternate evidence to support designation of a school as high-need is included in the application package, and in section 200(II)(B)(ii) of the HEA.

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

components and outcomes, theoretically and operationally.

Partner institution means an IHE, which may include a two-year IHE offering a dual program with a four-year IHE, participating in an eligible partnership that has a teacher preparation program—

(i) Whose graduates exhibit strong performance on State determined qualifying assessments for new teachers through—

(A) Demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

(B) Being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

(1) Using criteria consistent with the requirements for the State Report Card under section 205(b) of the HEA before the first publication of the report card; and

(2) Using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; and

(ii) That requires—

(A) Each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience;

(B) Each student in the program preparing to become a teacher to become highly qualified; and

(C) Each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

Note: For purposes of paragraph (ii)(C) of this definition, the term ''highly competent,'' under section 200(12) of the HEA, when used with respect to an early childhood educator, means an educator—

(a) With specialized education and training in development and education of young children from birth until entry into kindergarten;

(b) With–

(i) A baccalaureate degree in an academic major in the arts and sciences; or

(ii) An associate's degree in a related educational area; and

(c) Who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality ECE.

Relevant outcome means the student outcome (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve, as consistent with the specific goals of a program.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Note: Definitions for the following terms that apply to this program are in section 200 of the HEA: ''arts and sciences,'' ''highly qualified,'' ''induction program,'' ''limited English proficient,'' ''professional development,'' ''scientifically valid research,'' ''teacher mentoring,'' and ''teaching residency program.''

Program Authority: 20 U.S.C. 1021–1022(c).

Applicable Regulations

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485.

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

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $35,000,000.

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

Estimated Range of Awards: $1,000,000—$2,000,000.

Estimated Average Size of Awards: $1,500,000 for the first year of the project. Funding for the second, third, fourth, and fifth years is subject to the availability of funds and the approval of continuation awards (see 34 CFR 75.253).

Estimated Number of Awards: 20.

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

Project Period: Up to 60 months.

III. Eligibility Information

General Application Requirements

All applicants must meet the following general application requirements in order to be considered for funding. Except as specifically noted in this section, the general application requirements are from section 202 of the HEA (20 U.S.C. 1022a).

Each eligible partnership desiring a grant under this program must submit an application that contains—

(a) A needs assessment of the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention of general education and special education teachers, principals, and, as applicable, early childhood educators;

(b) A description of the extent to which the program to be carried out with grant funds, as described in Absolute Priority 1 or Absolute Priority 2, or both, in this notice, and, if the applicant chooses to do so, a Partnership Grant for the Development of Leadership Program, as described in section 202(f) of the HEA, will prepare prospective and new teachers with strong teaching skills;

(c) A description of how such program will prepare prospective and new teachers to understand and use research and data to modify and improve classroom instruction;

(d) A description of—

(1) How the eligible partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including programs funded under the ESEA and IDEA and through the National Science Foundation; and

(2) How the activities of the partnership will be consistent with State, local, and other education reform activities that promote teacher quality and student academic achievement;

(e) An assessment that describes the resources available to the eligible partnership, including—

(1) The integration of funds from other related sources;

(2) The intended use of the grant funds; and

(3) The commitment of the resources of the partnership to the activities assisted under this program, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends.

(f) A description of—

(1) How the eligible partnership will meet the purposes of the TQP Grant Program as specified in section 201 of the HEA;

(2) How the partnership will carry out the activities required under Absolute Priority 1 or Absolute Priority 2, or both, as described in this notice, based on the needs identified in paragraph (a), with the goal of improving student academic achievement;

(3) If the partnership chooses to use funds under the TQP Grant Program for a project or activities under section

202(f) of the HEA [Partnership Grants for the Development of Leadership Programs] or section 202(g) of the HEA [Partnership with Digital Education Content Developer], how the partnership will carry out such project or required activities based on the needs identified in the needs assessment described in paragraph (a), with the goal of improving student academic achievement;

Note: In FY 2014, the Department is not funding any grants under sections 202(f) or 202(g) of the HEA.

(4) The partnership's evaluation plan under section 204(a) of the HEA;

(5) How the partnership will align the teacher preparation program with the—

(i) State early learning standards for ECE programs, as appropriate, and with the relevant domains of early childhood development; and

(ii) Student academic achievement standards and academic content standards under section 1111(b)(1) of the ESEA, established by the State in which the partnership is located;

(6) How the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the IDEA;

(7) How the partnership will prepare general education and special education teachers to teach students who are limited English proficient;

(8) How faculty at the partner institution will work during the term of the grant, with highly qualified teachers in the classrooms of high-need schools served by the high-need LEA in the partnership to—

(i) Provide high-quality professional development activities to strengthen the content knowledge and teaching skills of elementary school and secondary school teachers; and

(ii) Train other classroom teachers to implement literacy programs that incorporate the essential components of reading instruction;

(9) How the partnership will design, implement, or enhance a year-long and rigorous teaching preservice clinical program component;

(10) How the partnership will support in-service professional development strategies and activities; and

(11) How the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and ECE programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system.

(g) With respect to the induction program required as part of the activities carried out under Absolute Priority 1 or Absolute Priority 2, or both—

(1) A demonstration that the schools and departments within the IHE that are part of the induction program will effectively prepare teachers, including providing content expertise and expertise in teaching, as appropriate;

(2) A demonstration of the eligible partnership's capability and commitment to, and the accessibility to and involvement of faculty in, the use of empirically-based practice and scientifically valid research on teaching and learning;

(3) A description of how the teacher preparation program will design and implement an induction program to support, through not less than the first two years of teaching, all new teachers who are prepared by the teacher preparation program in the partnership and who teach in the high-need LEA in the partnership, and, to the extent practicable, all new teachers who teach in such high-need LEA, in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

(4) A description of how faculty involved in the induction program will be able to substantially participate in an ECE program or elementary school or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

1. *Eligible Applicants:* An eligible applicant must be an ''eligible partnership'' as defined in section 200(6) of the HEA. The term ''eligible partnership'' means an entity that—

(1) Shall include:

(i) A high-need LEA;

(ii)(A) A high-need school or consortium of high-need schools served by the high-need LEA, or

(B) As applicable, a high-need ECE program;

(iii) A partner institution;

(iv) A school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a four-year IHE that provides intensive and sustained collaboration between faculty and LEAs consistent with the requirements of title II of the HEA;

(v) A school or department of arts and sciences within such partner institution; and

(2) May include any of the following—

(i) The Governor of the State.

(ii) The State educational agency.

(iii) The State board of education.

(iv) The State agency for higher education.

(v) A business.

(vi) A public or private nonprofit educational organization.

(vii) An educational service agency.

(viii) A teacher organization.

(ix) A high-performing LEA, or a consortium of such LEAs, that can serve as a resource to the partnership.

(x) A charter school (as defined in section 5210 of the ESEA).

(xi) A school or department within the partner institution that focuses on psychology and human development.

(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

(xiii) An entity operating a program that provides alternative routes to State certification of teachers. Any of the mandatory or optional entities in the partnership may be the fiscal agent of the grant.

Note: So that the Department can confirm the eligibility of the LEAs that applicants propose to serve, applicants must include information in their applications that demonstrates that each LEA to be served by the project is a ''high-need LEA'' (as defined in this notice and in section 200(10) of the HEA).

Applicants should refer to the application package for additional information on determining whether an LEA meets the definition of ''high-need LEA.''

2.a. *Cost Sharing or Matching:*

Under section 203(c) of the HEA (20 U.S.C. 1022b), each grant recipient must provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant. Grantees must budget their matching contributions on an annual basis relative to each annual award of TQP Grant Program funds.

The HEA also authorizes the Secretary to waive this matching requirement for any fiscal year for an eligible partnership if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in section 202 of the HEA. Applicants that wish to apply for a waiver for year one or for future years of the project may include a request in their application that describes how the 100 percent matching requirement would cause serious hardship or an

inability to carry out project activities. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, at this time, the Secretary fully expects projects to identify appropriate matching funds.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. In accordance with section 202(k) of the HEA, funds made available under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this program.

IV. Application and Submission Information

1. *Address to Request Application Package:* Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C119, Washington, DC 20202. Telephone: (202) 453–5680 or by email: *tqpartnership@ed.gov.*

You can also obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *https://www2.ed.gov/programs/tqpartnership/applicant.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794.

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

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.336S.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the TDD/TTY number at 1–877–576–7734.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

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

Notice of Intent to Apply: June 27, 2014.

The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. The Secretary requests that this email notification be sent to Christine Miller at *TQPartnership@ed.gov.* Applicants that fail to provide this email notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. It is recommended that the application narrative (Part III) be no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

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

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the TQP Grant Program, some applications may include business information that applicants consider proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to post the project narrative section of funded TQP Grant Program applications on the Department's Web site, applicants may wish to request confidentiality of business information. Identifying proprietary information in the submitted application will help facilitate this public disclosure process.

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

3. *Submission Dates and Times:* Applications Available: May 28, 2014. Deadline for Notice of Intent to Apply: June 27, 2014. Date of Pre-Application Webinars (all times are Washington, DC time): Tuesday, June 10, 2014 at 10:00 a.m. and Thursday, June 12, 2014 at 2:00 p.m. Further information will be available at: *www2.ed.gov/programs/tqpartnership/applicant.html.* Deadline for Transmittal of Applications: July 14, 2014.

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

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

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact 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: September 10, 2014.

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

5. *Funding Restrictions:* We specify unallowable costs in 34 CFR 74.27 and 80.22.

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 two-to-five weeks for your TIN to become active.

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

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

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

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

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

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the TQP Grant Program, CFDA number 84.336S, must be submitted electronically using the Government wide 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 TQP Grant Program at *www.Grants.gov.* You must search for the downloadable application package for this program [competition] by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.336, not 84.336S).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) 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: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C119, Washington, DC 20202. FAX: (202) 401–8446.

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 84.336S), 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 84.336S), 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 program are from 34 CFR 75.210. An applicant may earn up to a total of 100 points based on the selection criteria. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. A note following a selection criterion is guidance to help applicants in preparing their applications, and is not required by statute or regulations. The criteria are as follows:

(a) *Significance* (up to 15 points).

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors—

(i) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(ii) The likelihood that the proposed project will result in system change or improvement.

(iii) The extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated.

(b) *Quality of the Project Design* (up to 45 points).

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project consists of a comprehensive plan that includes a description of—

(i) The extent to which the proposed project is supported by strong theory (as defined in this notice).

(ii) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(iii) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(iv) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(v) The extent to which the applicant demonstrates that it has the resources to operate the project beyond the length of the grant, including a multi-year financial and operating model and accompanying plan; the demonstrated commitment of any partners; evidence of broad support from stakeholders (e.g., State educational agencies, teachers' unions) critical to the project's long-term success; or more than one of these types of evidence.

Note: In order to address this criterion, applicants are encouraged to develop logic models to demonstrate their project's theory of action. Applicants should connect available evidence of past history of successful outcomes to their logic models. Applicants may use resources such as the Pacific Education Laboratory's Education Logic Model Application (*www.relpacific.mcrel.org/PERR.html*) or the Northeast and Island's REL Skill Builder Workshops (*www.relnei.org/events/skill-builder-archive.html*) to help design their logic models. In addressing this criterion, applicants are also encouraged to connect the project design to the intended impact of the project, including an explanation of how the project will affect the preparation, placement, retention, induction, and professional development of teachers, and ultimately student achievement. Finally, applicants are encouraged to discuss the role and commitment of each partner and how the IHE and LEA(s) plan to sustain their partnership beyond the life of the grant.

(c) *Quality of the Management Plan* (up to 20 points).

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors—

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

Note: In order to address this criterion, applicants are encouraged to include in the application narrative a clear, well thought-out implementation plan that includes annual timelines, key project milestones, and a schedule of activities with sufficient time for developing an adequate implementation plan, as well as a description and qualifications of the personnel who would be responsible for each activity and the level of effort each activity entails. Applicants may also describe how the partnering organizations will communicate and coordinate in order to achieve project goals.

(d) *Quality of the Project Evaluation* (up to 20 points).

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers—

(i) The extent to which the methods of evaluation provide valid and reliable performance data on relevant outcomes.

Note: In response to this selection factor, applicants are encouraged to include data on student learning.

(ii) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Note: In addressing this criterion, applicants are encouraged to include a plan for how the project's evaluation will address the TQP Grant Program performance measures established by the Department under the Government Performance and Results Act of 1993 (GPRA), as well as the measures established in section 204(a) of the HEA. (The specific performance measures established for the overall TQP Grant Program are discussed under *Performance Measures* in section VI of this notice.) Further, applicants are encouraged to describe how the applicant's evaluation plan will be designed to collect both output data and outcome data, including benchmarks, to monitor progress. Finally, each applicant is encouraged to select an independent, objective evaluator who has experience in evaluating educational programs and who will play an active role in the design and implementation of the project's evaluation.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The objective of the TQP Grant Program is to increase student achievement in K–12 schools by developing highly qualified teachers. Under GPRA, the following measures will be used by the Department in assessing the performance of this program:

(a) *Performance Measure 1: Graduation.* The percentage of program completers who—

(1) Attain initial certification/licensure by passing all necessary certification/licensure assessments and attain a bachelor's degree (pre-baccalaureate teacher preparation program) or initial license (fifth-year initial licensing program), within six years of beginning the program or a master's degree (residency program) within two years of beginning the program; or

(2) Attain Highly Competent Early Childhood Educator status by earning a bachelor's degree within six years of beginning the program or an associate's degree within three years of beginning the program;

(b) *Performance Measure 2: Employment Retention.* The percentage of beginning teachers who are retained in teaching in the partner high-need LEA or high-need ECE program three years after being hired by the high-need LEA or high-need ECE program;

(c) *Performance Measure 3: Improved Scores.* The percentage of grantees that report improved scaled scores on assessments for initial State certification or licensure of teachers;

(d) *Performance Measure 4: Student Learning.* The percentage of grantees that report improved aggregate learning outcomes of students taught by new teachers. These data can be calculated using a student growth measure, a teacher evaluation measure, or both.

(d) *Efficiency Measure: Employment Retention.* The cost of a successful outcome where success is defined as retention of the teacher in the partner high-need LEA or high-need ECE program three years after the teacher is hired by the high-need LEA or high-need ECE program;

(e) *Short-Term Performance Measures.* Because the performance measures already listed would not provide data for a number of years, the Department has also established the following two measures that will provide data in a shorter timeframe—

(1) *Short-Term Performance Measure 1: Persistence.* The percentage of program participants who were not scheduled to graduate in the previous reporting period and persisted in the postsecondary program in the current reporting period; and

(2) *Short-Term Performance Measure 2: Employment Retention.* The percentage of beginning teachers who are retained in teaching in the partner high-need LEA or high-need ECE program one year after being hired by the LEA or high-need ECE program.

Applicants must also address the evaluation requirements in section 204(a) of the HEA. This section asks applicants to develop objectives and measures for increasing:

(i) Achievement for all prospective and new teachers, as measured by the eligible partnership;

(ii) Teacher retention in the first three years of a teacher's career;

(iii) Improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

(d)(1) The percentage of highly qualified teachers hired by the high-need LEA participating in the eligible partnership;

(2) The percentage of highly qualified teachers hired by the high-need LEA who are members of underrepresented groups;

(3) The percentage of highly qualified teachers hired by the high-need LEA who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

(4) The percentage of highly qualified teachers hired by the high-need LEA who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

(5) The percentage of highly qualified teachers hired by the high-need LEA who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

(6) As applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

(7) As applicable, the percentage of teachers trained—

(i) To integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

(ii) To use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student academic achievement.

Note: If funded, you will be asked to collect and report data on these measures in your project's annual performance report (34 CFR 75.590). Applicants are also advised to consider these measures in conceptualizing the design, implementation, and evaluation of their proposed projects because of their importance in the application review process. Collection of data on these measures should be a part of the evaluation plan, along with measures of progress on goals and objectives that are specific to your project.

All grantees will be expected to submit an annual performance report documenting their success in addressing these performance measures.

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: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C119, Washington, DC 20202–5950. Telephone: (202) 453–5680 or by email: *tqpartnership@ed.gov*.

If you use a TDD or a TTY, call the TDD/TTY number at 1–877–576–7734.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 21, 2014.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2014–12346 Filed 5–27–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. 14–28–LNG; 14–26–NG; 14–27–LNG; 14–33–NG; 13–155–LNG; 14–30–LNG]

Universal LNG Solutions Inc.; Noble Americas Gas & Power Corp.; Shell NA LNG LLC; Toyota Motor Engineering & Manufacturing North America, Inc.; Conocophillips Alaska Natural Gas Corporation; BG LNG Services, LLC: Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas and Vacating Prior Authority During April 2014

AGENCY: Office of Fossil Energy, Department of Energy (DOE).

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during March 2014, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas and to vacate prior authority. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fossil.energy.gov/programs/gasregulation/authorizations/Orders-2014.html*. They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on May 8, 2014.

John A. Anderson,

Director, Division of Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

Appendix

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3414	04/25/14	14–28–LNG	Universal LNG Solutions Inc.	Order granting blanket authority to export LNG to Canada/Mexico in ISO Containers transported by vessel, and to import LNG from various international sources in ISO Containers transported by vessel.
3415	04/10/14	14–26–NG ...	Noble Americas Gas & Power Corp.	Order granting blanket authority to import/export natural gas from/to Canada/Mexico, to import LNG from various international sources by vessel and to vacate prior authority—Order 3098.
3416	04/10/14	14–27–LNG	Shell NA LNG LLC	Order granting blanket authority to import LNG from various international sources by vessel.
3417	04/10/14	14–33–NG ...	Toyota Motor Engineering & Manufacturing North America, Inc.	Order granting blanket authority to export natural gas to Mexico.
3418	04/14/14	13–155–LNG	ConocoPhillips Alaska Natural Gas Corporation.	Order granting blanket authority to export LNG by vessel from the Kenai LNG Facility near Kenai, Alaska to Non-Free Trade Agreement nations.
3419	04/10/14	14–30–LNG	BG LNG Services, LLC	Order granting blanket authority to import LNG from various international sources by vessel.

[FR Doc. 2014–12184 Filed 5–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory

Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, June 11, 2014, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@emor.doe.gov* or check the Web site at *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation
- Additions/Approval of Agenda
- Motions/Approval of May 14, 2014 Meeting Minutes
- Status of Recommendations with DOE
- Committee Reports
- Federal Coordinator Report
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

Issued at Washington, DC, on May 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–12331 Filed 5–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

SunShot Catalyst Program

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

ACTION: Notice; Release of competition rules and processes to compete.

SUMMARY: The Department of Energy (DOE) gives notice of the availability of the SunShot Catalyst Program prize competition rules. The Program is a series of prize-based contests designed to incentivize the public to address time-sensitive market problems in solar. The Program consists of four steps (Ideation, Business Innovation, Prototyping, and Incubation) with value awarded to all winning contestants totaling $1,000,000, which includes approximately $500,000 in cash prizes.

DATES: Submission to the Ideation step began May 21, 2014, and must be received electronically by June 20, 2014. Submission to the Business Innovation step begins July 24, 2014, and must be received electronically by August 13, 2014. All dates are subject to change. Other important dates are provided online at *catalyst.energy.gov.*

ADDRESSES: Interested persons can find full details about the competition rules and register to participate online at *catalyst.energy.gov.* Questions about the prize competition can be sent to:

- *Email: sunshot.catalyst@ee.doe.gov.*
- *Mail:* Mr. Victor Kane, U.S. Department of Energy, Mailstop EE–4S, 1000 Independence Avenue, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to Mr. Victor Kane at (202) 287–1862 or by email at: *sunshot.catalyst@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The America COMPETES Reauthorization Act of 2010 (America COMPETES), Public Law 111–358, enacted January 4, 2011, authorizes Federal agencies to issue competitions to stimulate innovations in technology, education, and science. The SunShot Catalyst Program consists of four steps with value awarded to all winning contestants totaling $1,000,000, which includes approximately $500,000 in cash prizes. The following is only a summary of each step. For more information please review the full details online at *catalyst.energy.gov.* Contest rules are subject to change.

Eligibility: The Contest is open only to: (a) Citizens or permanent residents of the United States; and (b) private entities, such as corporations or other organizations that are incorporated in and maintain a primary place of business in the United States. Individuals submitting on behalf of corporations, nonprofits, or groups of individuals (such as an academic class or other team) must meet the eligibility requirements for individual participants. An individual may join more than one team, corporation, or nonprofit organization. DOE employees, employees of sponsoring organizations, and members of their immediate family (spouses, children, siblings, parents), and persons living in the same household as such persons, whether or not related, are not eligible to participate in any portion of the SunShot Catalyst Program. Federal entities and Federal employees, acting within the scope of their employment, are also not eligible to participate in any portion of the SunShot Catalyst Program.

Step 1: The Ideation Contest focuses on generating and aggregating pressing U.S. solar market needs and problem statements that can be solved through automation, algorithms, data, and software, especially by leveraging available data assets, tools, capabilities and resources. Anyone can participate in this contest by submitting problem statements online or by voting on existing submissions of problem statements during the active voting period. There will be five monetary prizes of $1,000 each, based on the results of a subsequent Incubation Contest (Step 4). A contestant with a problem statement, in the Ideation Contest, may win $1,000 in cash prizes, when a team, who adopted this referenced problem statement in their business solution, has been selected among top five winners in the Incubation Contest.

Submission Period Began: Wednesday May 21, 2014 at 11:59 a.m. ET. Submission Period Ends: Friday June 20, 2014 at 11:59 p.m. ET.

Step 2: The Business Innovation Contest is designed to help teams form and explore business solutions to the most compelling problems in increasing solar energy generation, especially problems and challenges expressed by the public during Step 1, the Ideation Contest. Anyone can participate in this Contest by submitting a business plan package online featuring a five minute video describing the proposed business plan. Winners of Step 2 will be given the opportunity to participate in the next contest, Prototyping (Step 3). DOE will grant access to $25,000 worth of online software development capabilities for every winner of Step 2. Winners will be selected based on the degree to which their business plan addresses a time-sensitive market problem in the solar industry. Up to 20 winners will be given the opportunity to work directly with a crowd-centric performance-based software development platform (PSDP) for 60 days to develop the product proposed in their business plan and complete minimum viable products (MVPs). Submission Period Begins: Thursday July 24, 2014 at 11:59 a.m. ET. Submission Period Ends: Wednesday August 13, 2014 at 11:59 p.m. ET.

Step 3: The Prototyping stage is designed to help the selected winners from the Business Innovation Contest (Step 2) rapidly complete the development of minimum viable products (MVPs) using a crowd-centric, performance-based software development platform. DOE will match winners of stage 2 with a DOE provided software developer. The software developer will work with the winners to provide the technology solutions to support their business plan.

Step 4: The Incubation Contest is designed to help teams with minimum viable products (MVPs) completed during a prior Step 3 (Prototyping) start their businesses and accelerate offering new products and services in the solar marketplace. To win cash awards, teams have to participate in a publically held event, Demonstration (Demo) Day, managed by DOE to showcase their MVPs, market entry execution strategy, and a 6-month growth plan. During Demo Day, Teams will be evaluated by judges selected in accordance with America COMPETES. The top five winners may receive a maximum total of $100,000 in cash prizes, per winning team. Funds will be distributed in two tranches as a seed round and a progress round. The first tranche seed round of $30,000 will be given to the five top teams that participate in Demo Day. Winners will be selected based on the degree to which their minimum viable product addresses a time-sensitive market problem in the solar industry. Those teams will be eligible for a second tranche progress round of $70,000 as a follow-on cash award based on the Team's success in meeting its targets and goals as identified in its 6-month growth plan. Demo Date: January 19–February 09, 2015. Seed Round 1st Tranche Cash Awards Announcement Date: Monday February 09, 2015. 6-month Assessment Period Ends: Monday August 10, 2015 at 11:59 p.m. ET. Progress Round Awards and 2nd Tranche Cash Prizes Announcement Date: September 10–20, 2015.

All dates are subject to change. For more details please visit *catalyst.energy.gov.*

Dated: May 20, 2014.

Steven G. Chalk,

Deputy Assistant Secretary.

[FR Doc. 2014–12290 Filed 5–27–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–14–000]

Commission Information Collection Activities (FERC–519); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 USC 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, Application under Federal Power Act Section 203.

DATES: Comments on the collection of information are due July 28, 2014.

ADDRESSES: You may submit comments (identified by Docket No. IC14–14–000) by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov*, telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–519, Application under Federal Power Act Section 203.

OMB Control No.: 1902–0082.

Type of Request: Three-year extension of the FERC–519 information collection requirements with no changes to the current reporting requirements.

Abstract: The FERC–519, ''Application under Federal Power Act Section 203,'' is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of Section 203 of the Federal Power Act (FPA), 16 U.S.C. 824b. Section 203 authorizes the Commission to grant approval of transactions in which a public utility disposes of jurisdictional facilities, merges such facilities with the facilities owned by another person or acquires the securities of another public utility. Under this statute, the Commission must find that the proposed transaction will be consistent with the public interest.

Under section 203 of the FPA, FERC must review proposed mergers, acquisitions and dispositions of jurisdictional facilities by public utilities, if the value of the facilities exceeds $10 million, and must approve these transactions if they are consistent with the public interest. One of FERC's overarching goals is to promote competition in wholesale power markets, having determined that effective competition, as opposed to traditional forms of price regulation, can best protect the interests of ratepayers. Market power, however, can be exercised to the detriment of effective competition and customers, making it necessary for FERC to review and approve or disapprove all jurisdictional mergers, dispositions and acquisitions. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 33.

Type of Respondents: Public utilities subject to the FPA.

Estimate of Annual Burden:[1] The Commission estimates the total Public Reporting Burden for this information collection as:

FERC–519

[Application under Federal Power Act Section 203]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden & cost per response[2] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
FERC–519	141	1	141	395 $27,847.5	55,695 $3,926,498	$27,847.5 .....

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

Dated: May 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12195 Filed 5–27–14; 8:45 am]

BILLING CODE 6717–01–P

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $70.50 per Hour = Average Cost per Response. The hourly cost figure of $70.50 is the average FERC employee wage plus benefits. We assume that respondents earn at a similar rate.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–12–000]

Commission Information Collection Activities (FERC–523); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 USC 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–523, Applications for Authorization for Issuance of Securities or the Assumption of Liabilities.

Note: This 60-day notice is correcting an erroneous burden estimate that was published in the **Federal Register** on 5/14/2014 (79 FR 27589). That published notice contained data concerning two other FERC collections: FERC Form 2 (OMB Control No. 1902–0028) and FERC Form 2A (OMB Control No. 1902–0030). These collections are also being renewed, but they are completely unrelated to the FERC–523. The burden estimations for the FERC Form 2 and Form 2A are *unaffected* by this notice. Please see the Estimate of Annual Burden section below for the corrected burden estimate for FERC–523. Comments for all three collections will be due by the date listed in this notice.

DATES: Comments on the collections of information are due July 28, 2014.

ADDRESSES: You may submit comments (identified by Docket No. IC14–12–000) by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: Applications for Authorization for Issuance of Securities or the Assumption of Liabilities

OMB Control No.: 1902–0082.

Type of Request: Three-year extension of the FERC–523 information collection requirements with no changes to the current reporting requirements.

Abstract: Under Federal Power Act (FPA) section 204, 16 U.S.C. 824c, no public utility or licensee shall issue any security, or assume any obligation or liability as guarantor, endorser, surety, or otherwise in respect of any security of another person, until the public utility applies for and receives Commission approval by order authorizing the issue or assumption of the liability. The Commission issues an order if it finds that such issue or assumption (a) is for lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant as a public utility, and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

The Commission uses the information contained in filings to determine its acceptance and/or rejection of applications for authorization to either issue securities or to assume an obligation or liability by the public utilities and their licensees who submit these applications.

The specific application requirements and filing format are found at 18 CFR Part 34; and 18 CFR 131.43 and 131.50. The information is filed electronically.

Type of Respondents: Public utilities subject to the FPA.

Estimate of Annual Burden:[1] The Commission estimates the annual public reporting burden for the information collection as:

FERC–523—APPLICATIONS FOR AUTHORIZATION FOR ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden & cost per response[2] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
FERC–523	56	1	56	70 $4,935	3,920 $276,360	$4,935 .....

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

Dated: May 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12194 Filed 5–27–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–56–000.
Applicants: Pullman & Comley, LLC.
Description: Self-Certification of EG of GRE 314 East Lyme, LLC.
Filed Date: 5/19/14.
Accession Number: 20140519–5213.
Comments Due: 5 p.m. e.t. 6/9/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2614–005.
Applicants: ENMAX Energy Marketing, Inc.
Description: Enmax Energy Marketing, Inc. submits updated market power analysis.
Filed Date: 5/16/14.
Accession Number: 20140519–0001.
Comments Due: 5 p.m. e.t. 7/15/14.

Docket Numbers: ER10–2864–001; ER10–2863–001; ER10–2862–001; ER10–2867–001.
Applicants: Las Vegas Cogeneration LP, Las Vegas Cogeneration II, LLC, Valencia Power, LLC, Harbor Cogeneration Company, LLC.
Description: Second Supplement to June 28, 2013 Triennial Market Power Analysis of SGOC Southwest MBR Sellers for the Southwest Region.
Filed Date: 5/20/14.
Accession Number: 20140520–5061.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER10–2881–012; ER10–2882–012; ER10–2883–012; ER10–2884–012; ER10–2885–012; ER10–2641–012; ER10–2663–012; ER10–2886–012; ER13–1101–007; ER13–1541–006.
Applicants: Southern Company Services, Inc. (as Agent, Alabama Power Company, Georgia Power Company, Southern Power Company, Mississippi Power Company, Gulf Power Company, Oleander Power Project, L.P., Southern Company—Florida LLC, Southern Turner Cimarron I, LLC, Campo Verde Solar, LLC, Spectrum Nevada Solar, LLC.
Description: Notice of Non-Material of Change in Status of Alabama Power Company, et al.
Filed Date: 5/20/14.
Accession Number: 20140520–5105.
Comments Due: 5 p.m. e.t. 6/10/14.

Docket Numbers: ER14–1711–001.
Applicants: TC Ravenswood, LLC.
Description: Oil Burn Rate Schedule to be effective 5/19/2014.
Filed Date: 5/19/14.
Accession Number: 20140519–5234.
Comments Due: 5 p.m. e.t. 5/29/14.

Docket Numbers: ER14–1772–000.
Applicants: Oklahoma Cogeneration, LLC.
Description: Supplement to April 25, 2014 Oklahoma Cogeneration, LLC Notice of Succession and Tariff Revisions.
Filed Date: 5/19/14.
Accession Number: 20140519–5176.
Comments Due: 5 p.m. e.t. 6/9/14.

Docket Numbers: ER14–1988–000.
Applicants: PJM Interconnection, L.L.C.
Description: Queue Position X4–035; Original Service Agreement No. 3830 to be effective 4/18/2014.
Filed Date: 5/19/14.
Accession Number: 20140519–5229.
Comments Due: 5 p.m. e.t. 6/9/14.

Docket Numbers: ER14–1989–000.
Applicants: New Hampshire Transmission, LLC.
Description: Request for Limited Tariff Waiver and Motion for Expedited Consideration of New Hampshire Transmission, LLC.
Filed Date: 5/19/14.
Accession Number: 20140519–5250.
Comments Due: 5 p.m. e.t. 5/29/14.

Docket Numbers: ER14–1990–000.
Applicants: Southwest Power Pool, Inc.
Description: 2881 City of Chanute, KS NITSA NOA to be effective 5/1/2014.
Filed Date: 5/20/14.
Accession Number: 20140520–5069.
Comments Due: 5 p.m. e.t. 6/10/14.

Docket Numbers: ER14–1991–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–20_SA 2662 MidAm GIA (J274) to be effective 5/21/2014.
Filed Date: 5/20/14.
Accession Number: 20140520–5070.
Comments Due: 5 p.m. e.t. 6/10/14.

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $70.50 per Hour = Average Cost per Response. The hourly cost figure of $70.50 is the average FERC employee wage plus benefits. We assume that respondents earn at a similar rate.

Docket Numbers: ER14–1992–000.
Applicants: Dynegy Danskammer, L.L.C.
Description: Notice of Cancellation to be effective 5/21/2014.
Filed Date: 5/20/14.
Accession Number: 20140520–5074.
Comments Due: 5 p.m. e.t. 6/10/14.

Docket Numbers: ER14–1993–000.
Applicants: Southwest Power Pool, Inc.
Description: Loss Compensation Clarification to be effective 7/19/2014.
Filed Date: 5/20/14.
Accession Number: 20140520–5130.
Comments Due: 5 p.m. e.t. 6/10/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–12322 Filed 5–27–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–70–000]

National Fuel Gas Supply Corporation; Notice of Onsite Environmental Review

On May 28, 2014, the Office of Energy Projects staff will be in Washington, Allegheny and Beaver Counties, Pennsylvania, to gather data related to the environmental analysis of the proposed West Side Expansion and Modernization Project (Project). Staff will examine Project areas by car, which includes segments of the proposed pipeline route. This will assist staff in completing its evaluation of environmental impacts of the proposed project. Viewing of this area is anticipated to be from public access points and National Fuel Gas Supply Corporation's right-of-way.

All interested parties planning to attend must provide their own transportation. Those attending should meet at the following location:

Wednesday, May 28, 2014 at 9:00 a.m., Janoski's Farm and Greenhouse, 1714 U.S. 30, Clinton, PA 15026, (Parking lot).

Please use the FERC's free eSubscription service to keep track of all formal issuances and submittals in this docket. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to *www.ferc.gov/docs-filing/esubscription.asp*.

Information about specific onsite environmental reviews is posted on the Commission's calendar at *http://www.ferc.gov/EventCalendar/EventsList.aspx*. For additional information, contact the Office of External Affairs at (866) 208–FERC.

Dated: May 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12193 Filed 5–27–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–484–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on May 9, 2014 WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in the above Docket, a prior notice request pursuant to sections 157.205 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA) and WBI Energy's blanket authorization in CP82–487–000 et al., for authorization to construct and operate approximately 16.8 miles of 12-inch diameter steel pipeline located in Butte and Lawrence Counties, South Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, (701) 530–1560 (email: *keith.tiggelaar@wbienergy.com*).

Specifically, WBI Energy proposes to construct pipeline from approximately 1 mile northeast of the town of Belle Fourche to approximately 1.5 miles northwest of the town of Whitewood. Proposed pipeline will run parallel to WBI Energy's existing line. The pipeline maximum allowable operating pressure will be 470 psi. WBI Energy states that proposed pipeline is required to provide 12,500 dekatherms per day of additional incremental firm service to Montana-Dakota Unilities Co. (Montana-Dakota). This capacity is under a precedent agreement between WBI Energy and Montana-Dakota. Target construction start date is June, 2014. Target service date is November 1, 2014. WBI Energy states that the project will cost approximately $10.5 million.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the

day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: May 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12197 Filed 5–27–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD06–6–000]

Joint Meeting of the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission; Notice of Joint Meeting of the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) will hold a joint meeting on Wednesday, May 28, 2014 at the headquarters of the Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The open meeting is expected to begin at 9:00 a.m. and conclude at 10:30 a.m. Eastern Time. Members of the public may attend the open session. This meeting will be followed by a session that is closed pursuant to the attached certification of the Nuclear Regulatory Commission. Commissioners from both agencies are expected to participate.

The format for the joint meeting will consist of discussions between the two sets of Commissioners following presentations by their respective staffs. In addition, representatives of the North American Electric Reliability Corporation (NERC) will attend and participate in this meeting. A copy of the agenda for the open meeting is attached.

A free webcast of this event will be made available through the NRC Web site, at *www.nrc.gov*. In addition, the event will be transcribed and the transcription will be made available through the NRC Web site approximately three business days after the meeting.

All interested persons are invited. Pre-registration is not required and there is no fee to attend this joint meeting. Questions about the meeting should be directed to Sarah McKinley at *sarah.mckinley@ferc.gov* or by phone at 202–502–8368.

Dated: May 19, 2014.

Kimberly D. Bose,

Secretary.

Attachment A

CERTIFICATION

I, Margaret M. Doane, General Counsel of the Nuclear Regulatory Commission, hereby Certify, pursuant to 5 U.S.C. 552b(f)(1) and 10 CFR Sec. 9.108(a), that on the basis of information presently available to me, the meeting of the Nuclear Regulatory Commission on the subject of ''Joint Meeting with the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission on Grid Reliability'' scheduled for May 28, 2014, at One White Flint North, 11555 Rockville Pike, Rockville Maryland may be closed to the public pursuant to 5 U.S.C. 552b(c)(3) and 10 CFR Sec. 9.104(a)(3).

Dated at Rockville, Maryland

This *14th* Day of May, 2014.

Margaret M. Doane,
General Counsel.

Attachment B

Title: JOINT MEETING OF THE (FERC) AND THE NUCLEAR REGULATORY COMMISSION (NRC) ON GRID RELIABILITY

Scheduled: May 28, 2014
9:00 a.m. (Public Session)

Duration: Approx. 1 hour and 35 minutes

Location: Commissioners' Conference Room, 1st fl, NRC Headquarters Building, One White Flint North, Rockville, MD

Participants:

FERC Chairman and Commissioners:
Acting Chairman Cheryl A. LaFleur
Commissioner Philip D. Moeller
Commissioner John R. Norris
Commissioner Tony Clark

NRC Chairman and Commissioners:
Chairman Allison M. Macfarlane
Commissioner Kristine L. Svinicki
Commissioner George Apostolakis
Commissioner William D. Magwood, IV
Commissioner William C. Ostendorff

FERC Staff
Arnie Quinn, Director, Division of Economics and Technical Analysis, Office of Energy Policy and Innovation
Bill Allerton, Director, Division of Dam Safety and Inspections, Office of Energy Projects
Barry Kuehnle, Critical Infrastructure Protection Senior Advisor, Office of Energy Infrastructure Security
Mike Peters, Energy Infrastructure & Cyber Security Advisor, Office of Energy Infrastructure Security

North American Electric Reliability Corporation (NERC) Staff
Tom Burgess, Vice President and Director, Reliability Assessment and Performance Analysis
Tim Roxey, Chief Security Officer, Senior Director—Electricity Sector Information Sharing and Analysis Center (ES–ISAC)

NRC Staff
Brian Smith, Acting Deputy Director, Division of Engineering, Office of Nuclear Reactor Regulation
Brian McDermott, Deputy Director, Office of Nuclear Security and Incident Response

Presentations	
• Introductions and Opening Statements	10 mins.
• Grid Reliability, Markets, and Extended Loss of All AC Power	55 mins.
Mr. Burgess, NERC	10 mins.*
○ 2014 State of Reliability Report Q&A	10 mins.
Mr. Quinn, FERC	5 mins.*
○ Market Dynamics that May Affect the Financial Viability of Nuclear Power Plants Q&A	10 mins.
Mr. Smith, NRC	10 mins.*
○ Nuclear Power Plants—License Renewals and Projections of New Units	
○ Extended Loss of All AC Power Mitigation Strategies—Order Implementation and the Scope of the Rulemaking Activity Q&A.	10 mins.
• Dam Safety	30 mins.
Mr. Allerton, FERC	5 mins.*
○ MOU between FERC and NRC; Inspections; and Flood Evaluations	

Mr. Smith, NRC ..... 5 mins.*
Areas of Cooperation with FERC: Inspections, Dams Upstream of Nuclear Power Plants, and Flooding Reevaluations Q&A. 20 mins.

*For presentations only and does not include time for Q & A's

[FR Doc. 2014–12196 Filed 5–27–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2012–0916; FRL–9911–29–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule (EPA ICR No. 1365.10, OMB Control No. 2070–0091). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on August 8, 2013 (78 FR 48431). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Submit your comments on or before June 27, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2012–0916, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by email to *oppt.ncic@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to the OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Pamela Myrick, Deputy Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–554–1404; fax number: 202–564–8251; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: The ICR, which explains in detail the information collection activities and the related burden and cost estimates, is summarized in this document and is available in the docket for this ICR Renewal. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's docket, visit *http://www.epa.gov/dockets.*

ICR Title: Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule.

ICR numbers: EPA ICR No. 1365.10, OMB Control No. 2070–0091.

ICR status: The current OMB approval for this ICR is scheduled to expire on May 31, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The Asbestos Hazard Emergency Response Act (AHERA) requires local education agencies (LEAs) to conduct inspections, develop management plans, and design or conduct response actions with respect to the presence of asbestos-containing materials in school buildings. AHERA also requires states to develop model accreditation plans for persons who perform asbestos inspections, develop management control plans, and design or conduct response actions. This information collection addresses the burden associated with recordkeeping requirements imposed on LEAs by the asbestos in schools rule, and reporting and recordkeeping requirements imposed on states and training providers related to the model accreditation plan (MAP) rule.

EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA and 40 CFR part 2.

Form numbers: None.

Respondents/affected entities: Local education agencies (LEAs, e.g., elementary or secondary public school districts or a private school or school system); asbestos training providers to schools and educational systems; state education departments or commissions; or state public health departments or commissions.

Respondent's obligation to respond: Mandatory (see 40 CFR parts 763, Subpart E).

Estimated number of respondents: 133,507 (total).

Frequency of response: On occasion.

Total estimated burden: 2,487,439 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $91,829,253 per year, includes $0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is a decrease of 105,449 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's reduced estimate of the number of schools containing friable asbestos-containing materials.

Dated: May 16, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12326 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–063; FRL–9911–28–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Pesticide Spray Drift Reduction Technologies (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following new information collection request (ICR) to the Office of

Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Pesticide Spray Drift Reduction Technologies (EPA ICR No. 2472.01, OMB Control No. 2070-New). The ICR, which is summarized in this document and available in the docket, addresses the comments received in response to the previously provided public review opportunity EPA issued on November 21, 2012 (77 FR 69823). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 27, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2012–0631, to (1) EPA online using *www.regulations.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Kathryn Boyle, Field and External Affairs Division, Office of Pesticide Programs, (7506P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–305–6304; fax number: 703–305–5584; email address: *boyle.kathryn@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Title: Pesticide Spray Drift Reduction Technologies.

ICR numbers: EPA ICR No. 2472.01, OMB Control No. 2070—New.

ICR Status: This request is for approval of a new collection.

Abstract: EPA intends to initiate a voluntary information collection for research to verify the effectiveness of application technologies for agricultural pesticide sprays that have the potential to significantly reduce pesticide spray drift. The focus of this research is on technologies, such as spray nozzles, shrouds and shields, and nozzle/drift reducing adjuvant chemical combinations, which are used for aerial or groundboom applications to row and field crops. Collectively these technologies are referred to as drift reduction technologies (DRTs). The voluntary program would encourage the identification and use of DRTs that can substantially reduce drift of pesticide spray droplets from the target application site (e.g., a corn field) downwind to non-target areas. Exposures and adverse effects to humans, wildlife, and crops and other vegetation from pesticide spray drift are well recognized. Published research suggests 1–10% or more of applied agricultural pesticide sprays drift from the target field. EPA believes there are application technologies that have the potential to significantly reduce the amount of spray drift. As these technologies are identified, their drift-reducing potential needs to be verified.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by the voluntary collection activities under this ICR include pesticide application equipment manufacturers, chemical manufacturers, pesticide registrants, university researchers, and others who have an interest in reducing spray drift. The North American Industrial Classification System (NAICS) codes for the principal respondents include 32532, 111, 541710 and 611310.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 12 companies (total).

Estimated average number of responses for each respondent: 1.

Frequency of response: On occasion.

Total estimated burden: 539 hours (annualized). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $73,000 (annualized), includes $0 annualized capital or operation and maintenance costs.

Changes in the Estimates: This is a new ICR.

Dated: May 16, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12328 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0493; FRL–9911–35–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Compliance Requirement for Child-Resistant Packaging (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Compliance Requirement for Child-Resistant Packaging (EPA ICR No. 0616.11, OMB Control No. 2070–0052). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on September 25, 2013 (78 FR 59014). With this submission, EPA is providing an additional 30 days for public comments. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Submit your comments on or before June 27, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPP–2013–0493, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Scott Drewes, Field and External Affairs

Division, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703–347–0107; fax number: 703–305–5884; email address: *Drewes.Scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: The ICR, which explains in detail the information collection activities and the related burden and cost estimates, is summarized in this document and is available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's docket, visit *http://www.epa.gov/dockets.*

ICR Title: Compliance Requirement for Child-Resistant Packaging.

ICR numbers: EPA ICR No. 0616.11, OMB Control No. 2070–0052.

ICR status: The current OMB approval for this ICR is scheduled to expire on May 31, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: This information collection program is designed to provide EPA with assurances that the packaging of pesticide products sold and distributed to the general public in the United States meets standards set forth by the Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Registrants must certify to the Agency that the packaging or device meets these standards. Section 25(c)(3) of FIFRA authorizes EPA to establish standards for packaging of pesticide products and pesticidal devices to protect children and adults from serious illness or injury resulting from accidental ingestion or contact. The law requires that these standards are designed to be consistent with those under the Poison Prevention Packaging Act, administered by the Consumer Product Safety Commission (CPSC). Unless a pesticide product qualifies for an exemption, if the product meets certain criteria regarding toxicity and use, it must be sold and distributed in child-resistant packaging.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this ICR include large and small entities engaged in manufacturing pesticide chemicals, wholesale merchandizing of pesticide products, or pest management activities. The North American Industrial Classification System (NAICS) codes for respondents under this ICR include 325320 (Pesticide and other Agricultural Chemical Manufacturing), 424690 (Other Chemical and Allied Products Merchant Wholesalers), and 561710 (Exterminating and Pest Control Services).

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 1,733.

Frequency of response: On occasion.

Total estimated burden: 5,507 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $ 306,880 (per year). There are no annualized capital or operation & maintenance costs associated with this information collection.

Changes in the Estimates: There is an increase of 614 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is an adjustment due to revised estimates of the burden per response and a net shift in the type of submissions. The estimated average burden per response increased from 4.20 hours to 8.04 hours per submission. Based on comments received during consultations with stakeholders, EPA increased the burden per response for CRP certifications without data. The average burden per response is an average over all response types. In addition, there has been a change in the distribution of responses among the response types. Although the estimated number of responses for the current ICR renewal is expected to be is expected to decrease from 1,165 in the last ICR approval to 685, there is a net shift from less-burdensome (CRP certifications without data) to more-burdensome (CRP certifications with data) type responses.

Dated: May 16, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12314 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0667, FRL–9911–52–OW]

Proposed Information Collection Request; Comment Request; Cooling Water Intake Structures at Existing Facilities (Final Rule)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Cooling Water Intake Structures at Existing Facilities (Final Rule)'' to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a revision of an existing ICR. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2008–0667 online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Samantha Lewis, Engineering and Analysis Division, Office of Science and Technology, Office of Water, (4303T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–1058; fax number: 202–566–1053; email address: *Lewis.Samantha@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit .

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including

whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval.

EPA ICR Number: 2060.07.

OMB Control Number: 2040–0257.

Abstract: The section 316(b) Existing Facility Final Rule applies to existing facilities that use cooling water intake structures to withdraw water from waters of the United States and have or require a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the Clean Water Act (CWA). If a facility meets the conditions specified below (from 40 CFR 125.91), it is subject to the rule. If a facility has or requires an NPDES permit but does not meet the 2 million gallons per day (mgd) intake flow threshold, it is subject to permit conditions implementing CWA section 316(b) developed by the NPDES permit director on a case-by-case basis using best professional judgment (BPJ). The rule applies to owners and operators of existing facilities that meet all of the following criteria:

- The facility is a point source;
- The facility uses or proposes to use one or more cooling water intake structures with a cumulative design intake flow (DIF) of greater than 2 mgd to withdraw water from waters of the United States; and
- Twenty-five percent or more of the water the facility withdraws on an actual intake flow basis is used exclusively for cooling purposes.

Generally, facilities that meet these criteria fall into two major groups: steam electric generating facilities and manufacturing facilities. The rule also makes limited corrections to the requirements for ''Phase I'' facilities (i.e., new facilities).[1]

The rule establishes national requirements applicable to the location, design, construction, and capacity of cooling water intake structures at existing facilities that reflect the best technology available for minimizing the adverse environmental impact—impingement and entrainment—associated with the use of these structures. The rule requires several types of information collection as part of the NPDES permit application. In general, the information would be used to identify both how the facility plans to meet the rule requirements and if the facility is meeting the rule requirements. Specific data requirements that apply to all facilities are:

- Source water physical data which shows the physical configuration of all source waterbodies used by the facility, identifies and characterizes the source waterbody's hydrological and geomorphological features, and provides location through maps [§ 122.21(r)(2)].
- Cooling water intake structure data which shows the configuration and location of cooling water intake structures, provides details on the design and operation of each cooling water intake structure, and diagrams showing flow distribution and water balance [§ 122.21(r)(3)].
- Source water baseline biological characterization data that characterizes the biological community in the vicinity of the cooling water intake structure (CWIS) and characterizes the operation of the CWIS [§ 122.21(r)(4)].
- Cooling water system data that, among other things, describes the operation of the cooling water system, its relationship to the CWIS, the proportion of the design intake flow used in the system, the number of days the cooling water system is operational and seasonal changes in operation, as well as design and engineering calculations to support these descriptions [§ 122.21(r)(5)].
- Intended method of compliance information that describes how the facility will meet the impingement mortality standards; the specific requirements vary, depending on the compliance approach chosen by the facility. This information would be reflected in the facility's Impingement Technology Performance Optimization Study [§ 122.21(r)(6)].
- Description of any biological survival studies conducted at the facility and a summary of any conclusions or results for entrainment related studies only [§ 122.21(r)(7)].
- Operational status data that describes the operational status of each generating, production, or process unit [§ 122.21(r)(8)].

In addition to the above requirements, existing facilities with actual intake flows in excess of 125 mgd actual intake flow are required as part of the permit application process to submit an entrainment characterization study and related supporting information [(§ 122.21(r)(9)–(12)] that has been peer reviewed [§ 122.21(r)(13)]. Facilities that withdraw less than 125 mgd actual intake flow do not have specific permit application requirements for entrainment but the Director may require additional information on a site-specific basis.[2]

Under the rule, a new unit at an existing facility that withdraws more than 2 mgd would have requirements similar to the requirements of a new facility in Phase I. A new unit (as defined at § 125.92(u)) is required to reduce flow commensurate with closed-cycle cooling. Alternatively, a facility could demonstrate compliance with the entrainment control requirements by establishing reductions in entrainment mortality for the new unit that are 90 percent or greater of the reductions that would be achieved by closed-cycle cooling.

Finally, facilities are required to maintain records of all submitted documents, supporting materials, and monitoring results for at least five years. Depending on the compliance method chosen, facilities may also be required to perform compliance monitoring to demonstrate that their selected method of complying with the impingement mortality standard (e.g. screen velocity, actual intake flow, numeric impingement mortality performance) achieves the required performance.

Form Numbers: None.

Respondents/affected entities: Respondents include existing electric power generating facilities, including traditional steam electric utilities and nonutility power producers. The rule also applies to existing manufacturing and industrial facilities. EPA anticipates that the regulated manufacturing facilities will be largely concentrated in five industrial sectors: Chemicals and allied products; primary metals industries; paper and allied products; petroleum and coal products; and food and kindred products.

Respondent's obligation to respond: Mandatory, under section 316 of the

[1] This ICR does not calculate the burden and costs associated with amendments related to the Phase I Rule (66 FR 65255, December 18, 2001; amended 68 FR 36749, June 19, 2003), as the changes to the Phase I rule promulgated today do not materially affect the burden associated with compliance for Phase I facilities. See the 76 FR 22183 for a discussion of the amendments to the Phase I Rule.

[2] For this ICR, no burden has been assigned for entrainment-related studies at § 122.21(r)(9)–(13) for facilities that withdraw less than 125 mgd actual intake flow, as it is not possible to project which facilities might be required to submit these studies.

Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500).

Estimated number of respondents: 1,115 (1,068 facility respondents and 47 state respondents).

Frequency of response: Varies (monthly, quarterly, or annually; every 5 years).

Total estimated burden: Total estimated burden is 634,596 hours (per year). Burden is defined at 5 CFR 1320.03(b).

T*otal estimated cost:* $37,725,394 (per year), includes $8,525,907annualized capital and operation & maintenance costs (all costs in 2011 dollars).

Changes in Estimates: There is a decrease of 388,925 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to changes in program requirements. The currently approved ICR is for electric generators with a DIF of at least 50 mgd and that were subject to the 2004 Phase II rule. Many of these facilities have already met most of the new data collection requirements of the revised rule. Newly affected facilities have significantly fewer comprehensive requirements for data collection than was required under the Phase II rule, such as less frequent biological data collection. Further, while the overall universe of affected facilities has increased, more facilities in the affected universe already meet the requirements of the revised rule.

Dated: May 19, 2014.

Elizabeth Southerland,

Director, Office of Science and Technology.

[FR Doc. 2014–12312 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2012–0917; FRL–9911–30–OEI]

Information Collection Request Renewal; Submitted to OMB for Review and Approval; Comment Request; Safer Detergent Stewardship Initiative (SDSI) Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): ''Safer Detergent Stewardship Initiative (SDSI) Program'' (EPA ICR No. 2261.03, OMB Control No. 2070–0171). This is for the renewal of an ICR that is currently approved through May 31, 2014. EPA received no comments in response to the public review opportunity issued on October 2, 2013 (78 FR 60867). With this submission, EPA is also providing additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 27, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2012–0917, to (1) EPA online using *http://www.regulations.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Pamela Myrick, Deputy Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408–M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–554–1404; fax number: 202–564–8251; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Title: Safer Detergent Stewardship Initiative (SDSI) Program.

ICR numbers: EPA ICR No. 2261.03, OMB Control No. 2070–0171.

ICR Status: The current OMB approval for this ICR is scheduled to expire on May 31, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: SDSI is a voluntary program administered by the EPA to offer resources and recognition to businesses involved in the transition to safer surfactants. Surfactants are a major ingredient in cleaning products such as detergents, cleaners, airplane deicers and fire-fighting foams. Safer surfactants are those that break down quickly to non-polluting compounds.

Under SDSI, businesses that have fully transitioned to safer surfactants, or (for non-profits, academic institutions, etc.) can document outstanding efforts to encourage the use of safer surfactants, are granted Champion status. At this level, the participant is invited to the SDSI awards ceremony, listed on the EPA SDSI Web site as a champion, and may use a special logo in their literature to help explain their participation in the program. Businesses that commit to a full and timely transition to safer surfactants, or (for non-profits, academic institutions, etc.) can document outstanding efforts to encourage the use of safer surfactants, are granted Partner status. This category provides recognition of significant accomplishments towards the use of safer surfactants. Partners will be listed on the EPA SDSI Web site and may be granted recognition as a Champion in the future if appropriate. This information collection addresses reporting activities that support the administration of the SDSI program.

Responses to this collection of information are voluntary. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form Numbers: EPA Form 6300–2.

Respondents/affected entities: Entities potentially affected by this action are establishments or organizations engaged in formulating, producing, purchasing or distributing surfactants or products containing surfactants.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 14 (total).

Frequency of response: On occasion.

Total estimated burden: 140 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $8,232 per year, includes $0 annualized capital or operation and maintenance costs.

Changes in the Estimates: There is no change in the number of hours in the

total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: May 16, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12317 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9910–55–Region 1]

2014 Annual Meeting of the Ozone Transport Commission

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the 2014 Annual Meeting of the Ozone Transport Commission (OTC). This OTC meeting will explore options available for reducing ground-level ozone precursors in a multi-pollutant context. The Commission will be evaluating potential measures and considering actions in areas such as performance standards for electric generating units (EGUs) on high electric demand days, oil and gas boilers serving EGUs, small natural gas boilers, stationary generators, energy security/energy efficiency, architectural industrial and maintenance coatings, consumer products, institution commercial and industrial (ICI) boilers, vapor recovery at gas stations, large above ground storage tanks, seaports, aftermarket catalysts, lightering, and non-road idling.

DATES: The meeting will be held on June 11, 2014 starting at 9:30 a.m. and ending at 4:00 p.m.

Location: The Lord Baltimore Hotel located at 20 W. Baltimore Street, Baltimore, Maryland 21201; (410) 539–8400.

FOR FURTHER INFORMATION CONTACT:

For documents and press inquiries contact: Ozone Transport Commission, 444 North Capitol Street NW., Suite 322, Washington, DC 20001; (202) 508–3840; email: *ozone@otcair.org*; Web site: *http://www.otcair.org.*

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the Control of Interstate Ozone Air Pollution. Section 184(a) establishes an Ozone Transport Region (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia. The purpose of the OTC is to deal with ground-level ozone formation, transport, and control within the OTR.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from the OTC office (202) 508–3840; by email: *ozone@otcair.org* or via the OTC Web site at *http://www.otcair.org.*

Dated: May 22, 2014.

H. Curtis Spalding,

Regional Administrator, Region I.

[FR Doc. 2014–12337 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9911–32–OAR]

California State Nonroad Engine Pollution Control Standards; Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation; Request for Within-the-Scope and Full Authorization; Opportunity for Public Hearing and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The California Air Resources Board (CARB) has notified the Environmental Protection Agency (EPA) that it has adopted amendments to its Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards regulation (CHE amendments). By letter dated May 16, 2013, CARB asked that EPA authorize these amendments pursuant to the Clean Air Act. CARB seeks confirmation that certain of the amendments are within the scope of a prior authorization issued by EPA, and that certain of the amendments require and merit a full authorization. This notice announces that EPA has tentatively scheduled a public hearing to consider California's request for authorization of the CHE amendments, and that EPA is now accepting written comment on the request.

DATES: EPA has tentatively scheduled a public hearing concerning CARB's request on June 19, 2014, at 10 a.m. ET. EPA will hold a hearing only if any party notifies EPA by June 9, 2014 to express interest in presenting the Agency with oral testimony. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at the email address noted below. If EPA receives a request for a public hearing, that hearing will be held at 1310 L Street NW., Washington, DC 20005. If EPA does not receive a request for a public hearing, then EPA will not hold a hearing, and will instead consider CARB's request based on written submissions to the docket. Any party may submit written comments until July 21, 2014.

Any person who wishes to know whether a hearing will be held may call David Dickinson at (202) 343–9256 on or after June 13, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0060, by one of the following methods: Online at *http://www.regulations.gov:* Follow the Online Instructions for Submitting Comments.

- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* Air and Radiation Docket, Docket ID No. EPA–HQ–OAR–2014–0060, U.S. Environmental Protection Agency, Mail code: 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Online Instructions for Submitting Comments: Direct your comments to Docket ID No. EPA–HQ–OAR–2014–0060. EPA's policy is that all comments we receive will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://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 *http://www.regulations.gov,* your email address will automatically be 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

EPA will make available for public inspection materials submitted by CARB, written comments received from any interested parties, and any testimony given at the public hearing. Materials relevant to this proceeding are contained in the Air and Radiation Docket and Information Center, maintained in Docket ID No. EPA–HQ–OAR–2014–0060. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government work days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566–1744. The Air and Radiation Docket and Information Center's Web site is *http://www.epa.gov/oar/docket.html.* The electronic mail (email) address for the Air and Radiation Docket is: *a-and-r-Docket@epa.gov*, the telephone number is (202) 566–1742, and the fax number is (202) 566–9744. An electronic version of the public docket is available through the federal government's electronic public docket and comment system. You may access EPA dockets at *http://www.regulations.gov.* After opening the *http://www.regulations.gov* Web site, enter, in the ''Enter Keyword or ID'' fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (''CBI'') or other information whose disclosure is restricted by statute.

EPA's Office of Transportation and Air Quality also maintains a Web page that contains general information on its review of California waiver and authorization requests. Included on that page are links to prior waiver and authorization **Federal Register** notices. The page can be accessed at *http://www.epa.gov/otaq/cafr.htm.*

FOR FURTHER INFORMATION CONTACT: David Dickinson, Attorney-Advisor, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue (6405J) NW., Washington, DC 20460. Telephone: (202) 343–9256. Fax: (202) 343–2804. Email: *Dickinson.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. California's CHE Regulation, Prior Authorization, Within-the-Scope Request, and New Request

CARB formally approved its original CHE regulation on December 31, 2006. The regulation applied to newly purchased, leased, or rented on- and off-road motor vehicles and equipment, as well as to in-use on- and off-road motor vehicles and equipment with compression-ignition engines that operate at ports and intermodal rail yards.[1] On February 21, 2012, EPA granted California a waiver for those parts of the CHE regulation establishing emission standards for new on-road motor vehicles and authorization for standards and other requirements related to the control of emissions affecting new and in-use nonroad engines.[2] CARB formally adopted the CHE amendments on October 14, 2012,[3] and they became operative under California law on that date. The CHE amendments are codified at title 13, California Code of Regulations, section 2479.[4]

By letter dated May 16, 2013, CARB submitted a request to EPA pursuant to section 209(e) of the Clean Air Act (CAA or the Act), regarding authorization of its CHE amendments.[5] The CHE amendments modify certain retrofit, operational, and compliance requirements; strengthen certain emission standards; and address definitions, and other clarifying language. CARB seeks EPA's confirmation that certain CHE amendments fall within the scope of EPA's February 2012 authorization, pursuant to section 209(e) of the Clean Air Act, and a full authorization for other CHE amendments. Those CHE amendments for which CARB seeks within-the-scope confirmation are related to compliance flexibility and reduced compliance costs and include: Modification to retrofit requirements and operational practices; demonstration of emissions equivalency for alternative technology; and modification of certain compliance requirements. CARB seeks a full authorization for the CHE amendments related to new, more stringent requirements and include: A new opacity based monitoring program for in-use nonroad vehicles and equipment; and, a new retrofit requirement for engines meeting the Tier 4 Family Emissions Limit standards.

II. Clean Air Act Nonroad Engine and Vehicle Authorizations

Section 209(e)(1) of the CAA prohibits states and local governments from adopting or attempting to enforce any standard or requirement relating to the control of emissions from new nonroad vehicles or engines. The Act also preempts states from adopting and enforcing standards and other requirements related to the control of emissions from non-new nonroad engines or vehicles. Section 209(e)(2), however, requires the Administrator, after notice and opportunity for public hearing, to authorize California to enforce such standards and other requirements, unless EPA makes one of three findings. In addition, other states with air quality attainment plans may adopt and enforce such regulations if the standards, and implementation and enforcement procedures, are identical to California's standards. On July 20, 1994, EPA promulgated a rule that sets forth, among other things, regulations providing the criteria, as found in section 209(e)(2), that EPA must consider before granting any California authorization request for new nonroad engine or vehicle emission standards.[6] EPA revised these regulations in 1997.[7] The authorization criteria are (1) whether California's protectiveness determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable federal standards is arbitrary and capricious; (2) California does not need such standards to meet compelling and extraordinary conditions; or (3) The California standards and accompanying enforcement procedures are not consistent with section 209 of the Act. As stated in the preamble to the 1994 rule, EPA has historically interpreted the section 209(e)(2)(iii) ''consistency'' inquiry to require, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section

[1] The federal term ''nonroad'' and the California term ''off-road'' are used interchangeably.

[2] 77 FR 9916 (February 21, 2012).

[3] CARB, ''Resolution 11–30,'' September 22, 2011; CARB, ''Executive Order R–12–009,'' August 2, 2012.

[4] CARB, ''Final Regulation Order for title 13, California Code of Regulations, section 2479.''

[5] California Air Resources Board (''CARB''), ''Request for Authorization,'' May 16, 2013.

[6] 59 FR 36969 (July 20, 1994).

[7] 62 FR 67733 (December 30, 1997). The applicable regulations are now in 40 CFR part 1074, subpart B, § 1074.105.

209(b)(1)(C) (as EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers).[8]

In order to be consistent with section 209(a), California's nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. To be consistent with section 209(e)(1), California's nonroad standards and enforcement procedures must not attempt to regulate engine categories that are permanently preempted from state regulation. To determine consistency with section 209(b)(1)(C), EPA typically reviews nonroad authorization requests under the same ''consistency'' criteria that are applied to motor vehicle waiver requests. Pursuant to section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if she finds that California ''standards and accompanying enforcement procedures are not consistent with section 202(a)'' of the Act. Previous decisions granting waivers and authorizations have noted that state standards and enforcement procedures are inconsistent with section 202(a) if: (1) There is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time, or (2) the federal and state testing procedures impose inconsistent certification requirements.

If California amends regulations that EPA has already authorized, California can seek EPA confirmation that the amendments are within the scope of the previous authorization. A within-the-scope confirmation, without a full authorization review, is permissible if three conditions are met. First, the amended regulations must not undermine California's determination that its standards, in the aggregate, are as protective of public health and welfare as applicable federal standards. Second, the amended regulations must not affect consistency with section 202(a) of the Act. Third, the amended regulations must not raise any ''new issues'' affecting EPA's prior authorizations.

III. EPA's Request for Comments

As stated above, EPA is offering the opportunity for a public hearing, and is requesting written comment on issues relevant to a within-the-scope analysis pertaining to CARB's amendments affecting compliance flexibility and reduced compliance costs. Specifically, we request comment on whether California's CHE amendments: (1) Undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable federal standards; (2) affect the consistency of California's requirements with section 209 of the Act; or (3) raise any other new issues affecting EPA's previous waiver or authorization determinations.

Should any party believe that the amendments noted above are not within the scope of the previous authorization, EPA also requests comment on whether the CARB CHE amendments meet the criteria for a full authorization. Specifically, we request comment on: (a) Whether CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) whether California needs such standards to meet compelling and extraordinary conditions, and (c) whether California's standards and accompanying enforcement procedures are consistent with section 209 of the Act.

EPA also requests comment on whether the CHE amendments, for which CARB seeks a full authorization, meet the criteria of section 209(e) for a full authorization.

IV. Procedures for Public Participation

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until July 21, 2014. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record from the public hearing (if a hearing is conducted), all relevant written submissions, and other information that she deems pertinent. All information will be available for inspection at the EPA Air Docket No. EPA–HQ–OAR–2014–0060.

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent possible and label it as ''Confidential Business Information'' (''CBI''). If a person making comments wants EPA to base its decision on a submission labeled as CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted to the public docket. To ensure that proprietary information is not inadvertently placed in the public docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed, and according to the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: May 15, 2014.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2014–12009 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

[8] 59 FR 36969 (July 20, 1994).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9911–34–OAR]

California State Nonroad Engine Pollution Control Standards; Small Off-Road Engines Regulation; Request for Within-the-Scope and Full Authorization; Opportunity for Public Hearing and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The California Air Resources Board (CARB) has notified the Environmental Protection Agency (EPA) that it has adopted amendments to its spark-ignited (SI) Small Off-Road Engines (SORE) regulation (2008 SORE amendments). By letter dated December 2, 2013, ARB asked that EPA authorize these amendments pursuant to section the Clean Air Act. CARB seeks confirmation that the amendments are within the scope of a prior authorization issued by EPA, or, in the alternative, that the amendments merit full authorization. This notice announces that EPA has tentatively scheduled a public hearing to consider California's authorization request for the 2008 SORE amendments, and that EPA is now accepting written comment on the request.

DATES: EPA has tentatively scheduled a public hearing concerning CARB's request on June 19, 2014, at 10 a.m. ET. EPA will hold a hearing only if any party notifies EPA by June 9, 2014 to express interest in presenting the agency with oral testimony. Parties wishing to present oral testimony at the public hearing should provide written notice to David Dickinson at the email address noted below. If EPA receives a request for a public hearing, that hearing will be held at 1310 L Street NW., Washington, DC 20005. If EPA does not receive a

request for a public hearing, then EPA will not hold a hearing, and instead will consider CARB's request based on written submissions to the docket. Any party may submit written comments until July 21, 2014.

Any person who wishes to know whether a hearing will be held may call David Dickinson at (202) 343–9256 on or after June 13, 2014. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0036, by one of the following methods:

- Online at *http://www.regulations.gov:* Follow the Online Instructions for Submitting Comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* Air and Radiation Docket, Docket ID No. EPA–HQ–OAR–2014–0036, U.S. Environmental Protection Agency, Mail code: 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Online Instructions for Submitting Comments: Direct your comments to Docket ID No. EPA–HQ–OAR–2014–0036. EPA's policy is that all comments we receive will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://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 *http://www.regulations.gov,* your email address will automatically be 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

EPA will make available for public inspection materials submitted by CARB, written comments received from any interested parties, and any testimony given at the public hearing. Materials relevant to this proceeding are contained in the Air and Radiation Docket and Information Center, maintained in Docket ID No. EPA–HQ–OAR–2014–0036. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Headquarters Library, EPA West Building, Room 3334, located at 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open to the public on all federal government work days from 8:30 a.m. to 4:30 p.m.; generally, it is open Monday through Friday, excluding holidays. The telephone number for the Reading Room is (202) 566–1744. The Air and Radiation Docket and Information Center's Web site is *http://www.epa.gov/oar/docket.html.* The electronic mail (email) address for the Air and Radiation Docket is: *a-and-r-Docket@epa.gov*, the telephone number is (202) 566–1742, and the fax number is (202) 566–9744. An electronic version of the public docket is available through the federal government's electronic public docket and comment system. You may access EPA dockets at *http://www.regulations.gov.* After opening the *http://www.regulations.gov* Web site, enter, in the ''Enter Keyword or ID'' fill-in box to view documents in the record. Although a part of the official docket, the public docket does not include Confidential Business Information (''CBI'') or other information whose disclosure is restricted by statute.

EPA's Office of Transportation and Air Quality also maintains a Web page that contains general information on its review of California waiver and authorization requests. Included on that page are links to prior waiver and authorization **Federal Register** notices. The page can be accessed at *http://www.epa.gov/otaq/cafr.htm.*

FOR FURTHER INFORMATION CONTACT: David Dickinson, Attorney-Advisor, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue (6405J) NW., Washington, DC 20460. Telephone: (202) 343–9256. Fax: (202)343–2804. Email: *Dickinson.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. California's SORE Regulation

Small off-road engines and equipment [1] are rated at or below 19 kilowatts (kW) (25 horsepower (hp)). The vast majority of engines covered by the SORE regulations are SI engines that are used to power a broad range of equipment, including lawn mowers, leaf blowers, generators, and small industrial equipment. Exhaust and evaporative emissions from these engines are a significant source of hydrocarbons and oxides of nitrogen, pollutants that contribute to smog problems in California.

CARB promulgated its first SORE regulations in 1992 and amended them in 1993. EPA authorized the regulations, as amended, on July 5, 1995.[2] CARB further amended these regulations in 1994, 1995, and 1996, and EPA confirmed all the amendments to be within the scope of the prior approval on November 9, 2000.[3] CARB again amended the SORE regulations in 1998, this time requesting within-the-scope determination for all but one of the amendments, for which full authorization was requested. EPA issued its within-the-scope determination on November 9, 2000, for these former amendments, and a full authorization on November 10, 2003, for the latter amendment.[4] In 2000 and again in 2004, CARB amended the SORE regulations to more closely align with the federal SORE program. EPA confirmed that the 2000 amendments were within the scope of the previously granted SORE authorization in February, 2010, and also granted a full authorization for the 2004 amendments to standards and test procedures for certain nonroad compression ignition engines.[5] EPA issued a full authorization for CARB's 2004 amendments to the SI SORE regulations on December 11, 2006.[6]

CARB adopted the 2008 SORE amendments on November 21, 2008.[7]

[1] The federal term ''nonroad'' and the California term ''off-road'' are used interchangeably.

[2] 60 FR 37440 (July 20, 1995).

[3] 65 FR. 69763 (November 20, 2000).

[4] 65 FR 69767 (November 20, 2000); 68 FR 65702 (November 21, 2003).

[5] 75 FR 8056 (February 23, 2010).

[6] 71 FR 75536 (December 15, 2006).

[7] The specific regulatory text for the 2008 amendments is codified at title 13, California Code of Regulations (CCR), sections 2401, 2403, 2404,

Continued

The 2008 SORE amendments made three further changes to California's SORE regulations. First, California modified certification emissions credits to expire five years after creation, and permitted the generation of certification emissions credits through the production of professional grade zero-emissions equipment. Second, the amendments eliminated production emissions credits, and provided manufacturers with the option to convert production emissions credits into certification emissions credits until 2010. Third, manufacturers were permitted to use a certification fuel with up to ten volume percent ethanol content, provided that the same fuel is used for certification with the EPA.

By letter dated December 2, 2013, CARB submitted a request to EPA pursuant to section 209(e) of the Clean Air Act (CAA or the Act) for authorization of its 2008 SORE amendments. CARB seeks EPA's confirmation that the 2008 SORE amendments fall within the scope of EPA's previous authorizations,[8] or, in the alternate, a full authorization for those amendments.

II. Clean Air Act Nonroad Engine and Vehicle Authorizations

Section 209(e)(1) of the CAA prohibits states and local governments from adopting or attempting to enforce any standard or requirement relating to the control of emissions from new nonroad vehicles or engines. The Act also preempts states from adopting and enforcing standards and other requirements related to the control of emissions from non-new nonroad engines or vehicles. Section 209(e)(2), however, requires the Administrator, after notice and opportunity for public hearing, to authorize California to enforce such standards and other requirements, unless EPA makes one of three findings. In addition, other states with air quality attainment plans may adopt and enforce such regulations if the standards, and implementation and enforcement procedures, are identical to California's standards. On July 20, 1994, EPA promulgated a rule that sets forth, among other things, regulations providing the criteria, as found in section 209(e)(2), which EPA must consider before granting any California authorization request for new nonroad engine or vehicle emission standards.[9] EPA revised these regulations in 1997.[10] The authorization criteria are (1) whether California's protectiveness determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable federal standards is arbitrary and capricious; (2) California does not need such standards to meet compelling and extraordinary conditions; or (3) The California standards and accompanying enforcement procedures are not consistent with section 209 of the Act. As stated in the preamble to the 1994 rule, EPA has historically interpreted the section 209(e)(2)(iii) ''consistency'' inquiry to require, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C) (as EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers).[11]

In order to be consistent with section 209(a), California's nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. To be consistent with section 209(e)(1), California's nonroad standards and enforcement procedures must not attempt to regulate engine categories that are permanently preempted from state regulation. To determine consistency with section 209(b)(1)(C), EPA typically reviews nonroad authorization requests under the same ''consistency'' criteria that are applied to motor vehicle waiver requests. Pursuant to section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if she finds that California ''standards and accompanying enforcement procedures are not consistent with section 202(a)'' of the Act. Previous decisions granting waivers and authorizations have noted that state standards and enforcement procedures are inconsistent with section 202(a) if: (1) There is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time, or (2) the federal and state testing procedures impose inconsistent certification requirements.

If California amends regulations that EPA has already authorized, California can seek EPA confirmation that the amendments are within the scope of the previous authorization. A within-the-scope confirmation, without a full authorization review, is permissible if three conditions are met. First, the amended regulations must not undermine California's determination that its standards, in the aggregate, are as protective of public health and welfare as applicable federal standards. Second, the amended regulations must not affect consistency with section 202(a) of the Act. Third, the amended regulations must not raise any ''new issues'' affecting EPA's prior authorizations.

III. EPA's Request for Comments

As stated above, EPA is offering the opportunity for a public hearing, and is requesting written comment on issues relevant to a within-the-scope analysis. Specifically, we request comment on whether California's 2008 SORE amendments: (1) Undermine California's previous determination that its standards, in the aggregate, are at least as protective of public health and welfare as comparable federal standards; (2) affect the consistency of California's requirements with section 209 of the Act; or (3) raise any other new issues affecting EPA's previous waiver or authorization determinations.

Should any party believe that the amendments are not within the scope of the previous authorization, EPA also requests comment on whether the 2008 SORE amendments meet the criteria for a full authorization. Specifically, we request comment on: (a) Whether CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious; (b) whether California needs such standards to meet compelling and extraordinary conditions; and (c) whether California's standards and accompanying enforcement procedures are consistent with section 209 of the Act.

IV. Procedures for Public Participation

If a hearing is held, the Agency will make a verbatim record of the proceedings. Interested parties may arrange with the reporter at the hearing to obtain a copy of the transcript at their own expense. Regardless of whether a public hearing is held, EPA will keep the record open until July 21, 2014. Upon expiration of the comment period, the Administrator will render a decision on CARB's request based on the record from the public hearing, if any, all relevant written submissions, and other information that she deems pertinent. All information will be available for inspection at the EPA Air Docket No. EPA–HQ–OAR–2014–0036.

2405, 2406, 2408, 2408.1 and 2409 (see enclosure 6 to CARB's December 2, 2013 request). California's Office of Administrative Law formally approved the rulemaking on April 5, 2010 and the regulations became effective on May 5, 2010.

[8] EPA's most recent authorizations for CARB's SORE regulations can be found at 71 FR 75536 (December 15, 2006) and 75 FR 8056 (February 23, 2010).

[9] 59 FR 36969 (July 20, 1994).

[10] 62 FR 67733 (December 30, 1997). The applicable regulations are now in 40 CFR part 1074, subpart B, § 1074.105.

[11] 59 FR 36969 (July 20, 1994).

Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent possible and label it as ''Confidential Business Information'' (''CBI''). If a person making comments wants EPA to base its decision on a submission labeled as CBI, then a non-confidential version of the document that summarizes the key data or information should be submitted to the public docket. To ensure that proprietary information is not inadvertently placed in the public docket, submissions containing such information should be sent directly to the contact person listed above and not to the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed, and according to the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the submission when EPA receives it, EPA will make it available to the public without further notice to the person making comments.

Dated: May 15, 2014.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2014–12017 Filed 5–27–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Notice of the Revised Priority List of Hazardous Substances That Will Be Candidates for Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires that ATSDR and the Environmental Protection Agency (EPA) prepare a Priority List of Hazardous Substances commonly found at facilities on the CERCLA National Priorities List (NPL). The Priority List of Hazardous Substances includes substances that have been determined to be of greatest public health concern to persons at or near NPL sites. CERCLA, as amended, also requires that the Priority List of Hazardous Substances be revised periodically.

This announcement provides notice that a revised Priority List of 275 Hazardous Substances has been developed and is now available. CERCLA, as amended, also requires ATSDR to prepare and to periodically revise toxicological profiles on hazardous substances included in the priority list. Thus, each priority list substance is a potential toxicological profile subject, as well as a candidate for identification of priority data needs.

In addition to the Priority List of Hazardous Substances, ATSDR has developed a Completed Exposure Pathway Site Count Report. This report lists the number of sites or events at which ATSDR is involved and wherein a substance has been found in a completed exposure pathway (CEP).

Address for Printed Copy: Requests for a printed copy of the 2013 Priority List of Hazardous Substances and Support Document, including the CEP report, should be submitted to Ms. Nickolette Roney, Division of Toxicology and Human Health Sciences, ATSDR, Mail Stop F–57, 1600 Clifton Road, NE., Atlanta, GA 30333.

Electronic Availability: The 2013 Priority List of Hazardous Substances and Support Document are posted on ATSDR's Web site located at *www.atsdr.cdc.gov/SPL.* The CEP Report is posted at *www.atsdr.cdc.gov/CEP.*

FOR FURTHER INFORMATION CONTACT: Ms. Nickolette Roney, Division of Toxicology and Human Health Sciences, ATSDR, 1600 Clifton Road NE., Mail Stop F–57, Atlanta, GA 30333, telephone 800–232–4636.

This is an informational notice only; comments are not being solicited at this time.

SUPPLEMENTARY INFORMATION: CERCLA establishes certain requirements for ATSDR and EPA with regard to hazardous substances most commonly found at facilities on the CERCLA NPL. Section 104(i)(2)(A) of CERCLA, as amended,[1] requires that ATSDR and EPA prepare a list, in order of priority, of at least 100 hazardous substances most commonly found at facilities on the NPL and which, in the agencies' sole discretion, pose the most significant potential threats to human health (see also 52 FR 12866, April 17, 1987). CERCLA section 104(i)(2)(B)[2] also requires the agencies to revise the priority list to include 100 or more additional hazardous substances (see also 53 FR 41280, October 20, 1988), and to include at least 25 additional hazardous substances in each of the three successive years following the 1988 revision (see 54 FR 43615, October 26, 1989; 55 FR 42067, October 17, 1990; and 56 FR 52166, October 17, 1991). CERCLA section 104(i)(2)(B) further requires ATSDR and EPA at least annually to revise the list to include any additional hazardous substances that have been determined to pose the most significant potential threat to human health.

In 1995, the agencies, recognizing the stability of this listing activity, altered the priority list publication schedule (60 FR 16478, March 30, 1995). As a result, the substance priority list is now on a 2-year publication schedule, with annual informal review and revision. Each substance on the Priority List of Hazardous Substances is a potential subject of a toxicological profile prepared by ATSDR and, subsequently, a candidate for the identification of priority data needs.

The ranking of substances on the priority list is based on an algorithm that consists of three criteria, weighted equally and combined to result in the total score. The three criteria are: (1) Frequency of occurrence at NPL sites; (2) toxicity; and (3) potential for human exposure. The site-specific information used to develop the priority list has been collected from ATSDR public health assessments and from site-file data packages used to develop the public health assessments. Since the development of the 2011 substance priority list, additional site specific information has been collected. The new information may include more recent NPL frequency-of-occurrence data, additional environmental media concentration data, and more information on exposure to substances at NPL sites. Using these additional data, one substance has been replaced on the list of 275 substances since the 2011 publication. Changes in the order of substances appearing on the Priority List of Hazardous Substances will be reflected in program activities that rely on the list for guiding future activities. Using the current algorithm, a total of 848 candidate substances have been analyzed and ranked. Of these candidates, the 275 substances on the priority list may in the future become the subject of toxicological profiles.

Additional information on the existing methodology used in the development of the Priority List of Hazardous Substances can be found in the Support Document and in the above-referenced **Federal Register** notices.

In addition to the revised priority list, ATSDR is also releasing a revised

[1] 42 U.S.C. 9604(i)(2)(A).

[2] 42 U.S.C. 9604(i)(2)(B).

Completed Exposure Pathway Site Count Report. A completed exposure pathway (CEP) links a contaminant source to a receptor population. The CEP ranking is similar to a subcomponent of the substance priority list algorithm's potential-for-human-exposure component. The CEP ranking is based on a site frequency count and thus lists the number of sites at which a substance has been found in a CEP. This information is derived from ATSDR public health assessments and from ATSDR health consultations. The CEP report therefore focuses on documented exposure, and lists hazardous substances according to exposure frequency.

The substances in the CEP report are similar to those in the Priority List of Hazardous Substances. However, some substances in the CEP report have a very low toxicity and as a result are not included in the substance priority list. Since the substance priority list uses toxicity, frequency of occurrence, and potential for human exposure to determine its priority substances, other low-toxicity substances will not appear on the list and, consequently, will not become subjects of toxicological profiles. In addition, because CERCLA mandates the preparation of the Priority List of Hazardous Substances, that list only incorporates data from CERCLA NPL sites. The CEP report, on the other hand, uses data from all ATSDR-activity sites at which a CEP has been detected.

Dated: May 21, 2014.

Sascha Chaney,

Acting Director, Office of Policy Planning and Evaluation, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

[FR Doc. 2014–12262 Filed 5–27–14; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1422]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Eye Tracking Study of Direct-to-Consumer Prescription Drug Advertisement Viewing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 27, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910—New and title, ''Eye Tracking Study of Direct-to-Consumer Prescription Drug Advertisement Viewing.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Eye Tracking Study of Direct-to-Consumer Prescription Drug Advertisement Viewing—(OMB Control Number 0910–NEW)

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(c) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(b)(2)(c)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

Current regulations require that a product's major risks be included in at least the audio of direct-to-consumer (DTC) prescription drug television ads; this disclosure of major risks is sometimes referred to as the major statement. FDA has proposed including such risk information in superimposed text as well as in the audio (75 FR 15376, ''Direct-to-Consumer Prescription Drug Advertisements; Presentation of the Major Statement in Television and Radio Advertisements in a Clear, Conspicuous, and Neutral Manner''). In addition, Title IX of the Food and Drug Administration Amendments Act (Pub. L. 110–85) required a study to determine if the statement ''You are encouraged to report negative side effects of prescription drugs to FDA. Visit *www.fda.gov/medwatch,* or call 1–800–FDA–1088'' (the MedWatch statement) is appropriate for inclusion in DTC television ads. These communications have been tested separately by FDA. The first study found that participants were better able to recall the drug risks when they were presented in superimposed text as well as in audio (OMB Control Number 0910–0634; ''Experimental Evaluation of the Impact of Distraction''). The second study found that the inclusion of the MedWatch statement does not interfere with participants' understanding of the risk information (OMB Control Number 0910–0652; ''Experimental Study: Toll-Free Number for Consumer Reporting of Drug Product Side Effects in Direct-to-Consumer Television Advertisements for Prescription Drugs''). However, these two new communications have not been examined together.

In addition, questions continue to arise about the use of potentially distracting images and sounds during the major statement of risks in DTC television ads. The first study referenced previously found no differences among ads that differed in the affective tone of static, non-moving visuals presented during the major statement of risks. Previous research has shown that factors such as multiple scene changes and music in advertising can be distracting. The effects of distraction during the major statement of risks on consumers' perceptions and risk recall has not been tested in the presence of risk-reinforcing superimposed text.

This project is designed to use eye tracking technology to determine how superimposed risk information and the MedWatch statement are perceived in DTC ads and also the impact of distraction. Eye tracking technology is an effective method to determine the extent to which consumers attend to risk information presented in DTC television ads. This technology allows researchers to unobtrusively detect and measure where a participant looks while viewing a television ad and for how long, and the pattern of their eye movements may indicate attention to and processing of information in the ad.

We plan to collect descriptive eye tracking data on participants' attention to (1) the superimposed text during the major statement of risk information and (2) the MedWatch statement. Further, we plan to examine experimentally the effect of distraction. We hypothesize that distracting audio and visuals during the major statement will decrease risk recall, risk perceptions, and attention to

superimposed text risk information. To test these hypotheses, we will conduct inferential statistical tests such as analysis of variance. With the sample size described further in this notice, we will have sufficient power to detect small-to-medium sized effects in the main study.

We plan to conduct one 60-minute pilot study with 30 participants and then one 30-minute main study with 300 participants. All participants will be 18 years of age or older who self-identify as needing to lose more than 30 pounds. We will exclude individuals who work in healthcare or marketing or who wear bifocals or hard contact lenses to watch television. The studies will be conducted in person in at least five different cities across the United States.

The pilot study and main study will have the same design and will follow the same procedure. Participants will be randomly assigned to one of two test conditions (low and high distraction in a DTC television ad). The ad will be for a fictitious weight loss prescription drug. The ads have been created and pretested to ensure that consumers perceive different levels of distraction across the ads (OMB Control Number 0910–0695; ''Stimuli Development and Pretests for an Attentional Effects Study''). For instance, as the distraction level increases, the number of scene changes and on-screen activity during the major statement increases. Pretesting led us to using two rather than three ads, as we proposed in the 60-day **Federal Register** notice.

When participants start the study, we will explain the study procedure and calibrate the eye tracking device. To collect eye tracking data, we will use an unobtrusive computer-interfaced eye tracker with a minimum speed of 60 Hertz. The test images will be shown on a computer monitor with a minimum size of 23 inches and a minimum display resolution of 1,920 x 1,080. To simulate normal television ad viewing, participants will watch an approximately 5 minute video clip followed by a series of three ads. One of the ads will be the study ad. The video clip and non-study ads will be unrelated to health. The order of the non-study ads will be counterbalanced, and only eye tracking data from the study ad will be analyzed. Next, participants will complete a questionnaire that assesses risk perceptions, risk recall, recall of the MedWatch statement, and covariates such as demographics and health literacy. In the pilot study, participants will also answer questions as part of a debriefing interview to assess the study design and questionnaire. The questionnaire is available upon request.

In the **Federal Register** of November 29, 2013 (78 FR 71621), FDA published a 60-day notice requesting public comment on the proposed collection of information. Two comments were received.

(Comment 1)

The first suggestion in this comment was to avoid biasing participants by ensuring that at the beginning of the study participants are not aware that (1) the study is being conducted by or for FDA and (2) the advertisements are the subject of interest in the study. We are aware of these issues and have designed the wording of the study materials accordingly.

The second suggestion was to increase the minimum display resolution from 1,280 x 1,024 to 1,920 x 1,080 and the minimum computer monitor size from 20 inches to 24 inches. We agree that a bigger screen is better and have changed the minimum conditions to the following specifications: A display resolution of 1,920 x 1,080 pixels on a monitor of at least 23 inches measured diagonally.

The third suggestion was to exclude individuals who wear progressive or other multifocal lenses and individuals with any form of strabismus or nystagmus from participating in the study. We will exclude individuals who wear bifocals or hard contact lenses while watching television. In response to the next comment, we explain why these individuals need to be excluded. We do not believe we need to exclude participants who wear progressive or other multifocal lenses to collect usable data with the eye trackers in this study. Because we will use binocular tracking (where we track both eyes) we do not need to exclude individuals with strabismus or nystagmus; if we encounter these conditions in one eye, we will track the other eye. In addition, we cannot test for or diagnose these conditions and individuals may not know they have these conditions, making excluding these individuals difficult.

(Comment 2)

The first request in this comment was to specify the study timeline, comment on whether the results of this study will be incorporated into the draft guidance, ''Presenting Risk Information in Prescription Drug and Medical Device Promotion,'' and state whether the draft guidance will be re-issued for public comment. Regarding the study timeline, data collection on the study cannot begin until OMB approval is received. We estimate that data collection will be completed within a year after OMB approval. If the results of the study suggest that changes are needed to the draft guidance we will consider that at the time. The draft guidance will be reissued for public comment if changes are necessary as a result of the study.

The second request in this comment was to explain why individuals who wear bifocals or hard contact lenses would be excluded and to consider including such individuals in the study to avoid biasing the sample. First, only individuals who can only wear bifocals or hard contacts to watch television will be excluded from the study. If individuals can wear regular glasses or soft contacts during the study, they may participate. There are two reasons to exclude participants who wear only bifocals or contact lenses to watch television. The first is that the glasses themselves may have ''lines'' on them which impact the data being recorded by the eye tracker's camera. To record properly, the eye trackers must make accurate estimates of the pupil, and the ''lines'' on the glasses distort these estimates. A similar problem exists with hard contact lenses, which are smaller than soft lenses and project sharp lines around their circumference. The second reason to exclude individuals who wear bifocals to watch television is that many people who wear bifocals move their heads up and down to get their best vision of a particular target. This head bobbing also impacts eye tracking because the cameras must constantly adjust to head movement. If we do not screen for these conditions and have several individuals who cannot be tracked well, we will have to discard their data, which will impact both the study design (which is based on the assumption of having equal sample sizes across conditions) and the power of our statistical tests. In an effort to measure any sampling bias, we will move this question to the end of the pilot study screener so we can compare the demographic information of those who are excluded with those who are not.

This comment suggested that we create a more ''real world'' environment in the study by using a 30-minute video clip instead of a 2 to 5 minute video clip as proposed. We understand the concern, but there are tradeoffs inherent in any study. Although a 30-minute video clip may be a stronger proxy for ''typical'' TV viewing, it would require more resources and a greater burden on participants. We have taken steps to try to increase the ecological validity of the experiment. First, we have created ads that are very realistic. Second, we will

use a real TV show clip that is closer to 5 minutes long, which is the length of a typical news story segment. Third, we will include two additional, ''real'' advertisements, rather than just showing the experimental ad.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Eye tracking study of DTC prescription drug advertisement viewing	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pilot Study Screener	200	1	200	0.03 (2 minutes)	6
Main Study Screener	2,000	1	2,000	0.03 (2 minutes)	60
Pilot Study	30	1	30	1	30
Main Study	300	1	300	0.50 (30 minutes)	150
Total					246

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12281 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1619]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: On February 27, 2014, the Agency submitted a proposed collection of information entitled ''Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0606. The approval expires on May 31, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12293 Filed 5–27–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0017]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Voluntary National Retail Food Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 27, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0621. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Voluntary National Retail Food Regulatory Program Standards—(OMB Control Number 0910–0621)—Extension

The Voluntary National Retail Food Regulatory Program Standards (Program Standards) define nine essential elements of an effective regulatory program for retail food establishments; establish basic quality control criteria for each element; and provide a means of recognition for those State, local, territorial, tribal, and Federal regulatory programs that meet the Program Standards. The program elements addressed by the Program Standards are as follows: (1) Regulatory foundation, (2) trained regulatory staff, (3) inspection program based on Hazard Analysis and Critical Control Point (HACCP) principles, (4) uniform inspection program, (5) foodborne illness and food defense preparedness and response, (6) compliance and enforcement, (7) industry and community relations, (8) program support and resources, and (9) program assessment. Each standard includes a list of records needed to document conformance with the standard (referred to in the Program Standards document

as ''quality records'') and has one or more corresponding forms and worksheets to facilitate the collection of information needed to assess the retail food regulatory program against that standard. The respondents are State, local, territorial, tribal, and potentially other Federal regulatory agencies. Regulatory agencies may use existing, available records or may choose to develop and use alternate forms and worksheets that capture the same information.

In the course of their normal activities, State, local, territorial, tribal, and Federal regulatory agencies already collect and keep on file many of the records needed as quality records to document compliance with each of the Program Standards. Although the detail and format in which this information is collected and recorded may vary by jurisdiction, records that are kept as a usual and customary part of normal agency activities include inspection records, written quality assurance procedures, records of quality assurance checks, staff training certificates and other training records, a log or database of food-related illness or injury complaints, records of investigations resulting from such complaints, an inventory of inspection equipment, records of outside audits, and records of outreach efforts (e.g., meeting agendas and minutes, documentation of food safety education activities). No new recordkeeping burden is associated with these existing records, which are already a part of usual and customary program recordkeeping activities by State, local, territorial, tribal, and Federal regulatory agencies, and which can serve as quality records under the Program Standards.

State, local, territorial, tribal, and Federal regulatory agencies that enroll in the Program Standards and seek listing in the FDA National Registry are required to report to FDA on the completion of the following three management tasks outlined in the Program Standards: (1) Conducting a program self-assessment, (2) conducting a risk factor study of the regulated industry, and (3) obtaining an independent outside audit (verification audit). The results are reported to FDA on Form FDA 3519, ''FDA National Registry Report'' and Form FDA 3520, ''Release Record and Agreement—Permission to Publish in National Registry (Permission to Publish in National Registry).'' These forms are provided in the Program Standards document, and are also provided on FDA's Web site at: *http://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/ProgramStandards/default.htm*. If a regulatory agency follows all the recordkeeping recommendations in the individual standards and their sample worksheets, it will have all the information needed to complete the forms.

In April 2012, the Conference for Food Protection (CFP) recommended that FDA make two changes to the Program Standards. The changes have been incorporated into the 2013 version, the draft of which will be available on FDA's Web site. The first change was the addition of a new criterion in Standard 9. In order to show conformance with Standard 9, jurisdictions must implement an intervention strategy to address risk factors identified in the risk factor study, and then assess the effectiveness of the intervention strategy through subsequent risk factor studies or other similar tools. The second change was the creation of an Administrative Procedures document. The procedures for enrolling and participating in the Program Standards were previously included in Standard 9, along with other criteria specific to conducting a risk factor study. Stakeholders requested that information pertaining to enrollment and participation in the Program Standards be included in a separate, stand-alone document. Therefore, the information about the administration of the Program Standards, previously in Standard 9, is now provided in the Administrative Procedures document.

FDA analyzed whether incorporation of these two changes alters its estimate of the recordkeeping and reporting burdens. FDA concluded that there will be no change to the annual recordkeeping burden estimate. In the course of their normal activities, State, local, territorial, tribal, and Federal regulatory agencies already implement and document intervention strategies to address identified risk factors at regulated food establishments. The intention of the new criterion in Standard 9 is two-fold: (1) To ensure that development and implementation of the intervention strategy is guided by data collected through the risk factor study or other similar tools and (2) to ensure that the regulatory agency considers the effectiveness of the implemented intervention strategy in light of subsequent data. FDA notes that jurisdictions have the option to analyze their inspection data as indicated by the Standard 9 criteria, in lieu of conducting a risk factor study. This is a less resource-intensive method for tracking risk factor trends over time. However, the Agency has not changed its estimate of 333 hours for Standard 9 shown in table 2 of this document. The Agency will reevaluate its estimate based on data it receives in the future from participating jurisdictions. As stated in the preceding paragraph, the second change resulted in the relocation of existing information from Standard 9 to the Administrative Procedures document in the 2013 version of the Program Standards. Because there were no changes to content, there will be no changes to the annual recordkeeping burden. The two noted changes had no effect on the reporting burden hour estimates shown in table 2 of this document.

Recordkeeping

FDA's recordkeeping burden estimate includes time required for a State, local, territorial, tribal, or Federal agency to review the instructions in the Program Standards, compile information from existing sources, and create any records recommended in the Program Standards that are not already kept in the normal course of the agency's usual and customary activities. Sample worksheets are provided to assist in this compilation. In estimating the time needed for the program self-assessment (Program Standards 1 through 8, shown in table 1 of this document), FDA considered responses from four State and three local jurisdictions that participated in an FDA Program Standards pilot study. Table 2 of this document shows the estimated recordkeeping burden for the completion of the baseline data collection, and table 3 of this document shows the estimated recordkeeping burden for the verification audit.

TABLE 1—SELF-ASSESSMENT

Standard	Recordkeeping activity	Hours per record
No. 1: Regulatory Foundation	Self-Assessment: Completion of worksheet recording results of evaluations and comparison on worksheets [1].	16

TABLE 1—SELF-ASSESSMENT—Continued

Standard	Recordkeeping activity	Hours per record
No. 2: Trained Regulatory Staff	Self-Assessment: Completion of CFP Field Training Manual and Documentation of Successful Completion—Field Training Process; completion of summary worksheet of each employee training records [1 2].	19.3
No. 3: HACCP Principles	Self-Assessment: Completion of worksheet documentation [1]	4
No. 4: Uniform Inspection Program	Self-Assessment: Completion of worksheet documentation of jurisdiction's quality assurance procedures [1 2].	19
No. 5: Foodborne Illness Investigation	Self-Assessment: Completion of worksheet documentation [1]	5
No. 6: Compliance Enforcement	Self-Assessment: Selection and review of 20 to 70 establishment files at 25 minutes per file, estimate is based on a mean number of 45; completion of worksheet [1].	19
No. 7: Industry and Community Relations	Self-Assessment: Completion of worksheet [1]	2
No. 8: Program Support and Resources	Self-Assessment: Selection and review of establishment files [1]	8
Total		92.3

[1] Or comparable documentation.
[2] Estimates will vary depending on number of regulated food establishments and the number of inspectors employed by the jurisdiction.

TABLE 2—BASELINE DATA COLLECTION

Standard	Recordkeeping activity	Hours per record
No. 9: Program Assessment	Risk Factor Study and Intervention Strategy [1]	333

[1] Calculation based on mean sample size of 39 and average FDA inspection time for each establishment type. Estimates will vary depending on number of regulated food establishments within a jurisdiction and the number of inspectors employed by the jurisdiction.

TABLE 3—VERIFICATION AUDIT

Activity	Recordkeeping activity	Hours per record
Administrative Procedures	Verification Audit [1]	46.15

[1] We estimate that no more than 50% of time spent to complete self-assessment of all nine Standards is spent completing verification audit worksheets. Time will be considerably less if less than nine Standards require verification audits.

FDA estimates the burden of this collection of information as follows:

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping for FDA Worksheets [2]	500	1	500	94.29	47,145

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Or comparable documentation.

FDA bases its estimates of the number of recordkeepers and the hours per record on its experience with the Program Standards. As of September 30, 2013, 563 jurisdictions were enrolled in the Program Standards. However, based upon the level of ongoing support provided by FDA to enrolled jurisdictions and the number of forms submitted annually, FDA estimates that no more than 500 jurisdictions actively participate in the Program Standards during any given year. There are approximately 3,000 jurisdictions in the United States and its territories that have retail food regulatory programs. Enrollment in the Program Standards is voluntary and, therefore, FDA does not expect all jurisdictions to participate.

FDA bases its estimate of the hours per record on the recordkeeping estimates for the management tasks of self-assessment, risk factor study, and verification audit (tables 1, 2, and 3 of this document) that enrolled jurisdictions must perform a total of 471.45 hours (92.3 + 333 + 46.15 = 471.45). Enrolled jurisdictions must conduct the work described in tables 1, 2, and 3 over a 5-year period. Therefore, FDA estimates that annually 500 recordkeepers will spend 94.29 hours (471.45 ÷ 5 = 94.29) performing the required recordkeeping for a total of 47,145 hours as shown in table 4 of this document.

Reporting

FDA requires regulatory jurisdictions that participate in the Program Standards to submit two forms annually: Form FDA 3519, ''FDA National Registry Report,'' and Form FDA 3520, ''Permission to Publish in National Registry.'' Form FDA 3519 requires the name and address of the jurisdiction; completion dates for the self-assessment, risk factor study

(original and update), and verification audit; names of the person(s) who completed the self-assessment, verification audit, risk factor study (baseline report), risk factor study (update), and action plan; signature of the program manager; and date the form was completed. Form FDA 3520 requires the name and address of the jurisdiction, contact information for the enrollee's designated contact person, completion date of the self-assessment, date of the verification audit report, name of the auditor, signature of the official completing the form, and date the form was completed.

The reporting burden in table 5 of this document includes only the time necessary to fill out and send the forms, as compiling the underlying information (including self-assessment reports, baseline surveys, outside audits, and supporting documentation) is accounted for under the recordkeeping estimates in table 4 of this document.

In the **Federal Register** of February 3, 2014 (79 FR 6200), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 5—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Form FDA	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of "FDA National Registry Report".	3519	500	1	500	0.1 (6 minutes)	50
Submission of "Permission to Publish in National Registry".	3520	500	1	500	0.1 (6 minutes)	50
Request for Documentation of Successful Completion of Staff Training.	Conference for Food Protection Training Plan and Log.	500	3	1,500	0.1 (6 minutes)	150
Total						250

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA bases its estimates of the number of respondents and the hours per response on its experience with the Program Standards over the past 14 years. As explained previously in this document, FDA estimates that no more than 500 regulatory jurisdictions will participate in the Program Standards in any given year. FDA estimates a total of 12 minutes annually for each enrolled jurisdiction to complete both forms. FDA bases its estimate on the small number of data elements on the two forms and the ease of availability of the information. FDA estimates that annually 500 regulatory jurisdictions will submit one Form FDA 3519 for a total of 500 annual responses. Each submission is estimated to take 0.1 hour (6 minutes) per response for a total of 50 hours. FDA estimates that annually 500 regulatory jurisdictions will submit one Form FDA 3520 for a total of 500 annual responses. Each of these submissions is estimated to take 0.1 hour (6 minutes) per response for a total of 50 hours. FDA estimates that annually 500 regulatory jurisdictions will submit 3 requests for documentation of successful completion of staff training using the CFP Training Plan and Log for a total of 1,500 annual responses. Each submission is estimated to take 0.1 hour (6 minutes) per response for a total of 150 hours. Thus, the total reporting burden for this information collection is 250 hours.

Dated: May 22, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12289 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0639]

Agency Information Collection Activities; Proposed Collection; Comment Request; Notification of the Intent To Use an Accredited Person Under the Accredited Persons Inspection Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the eligibility criteria and the process to be followed by establishments when notifying FDA of a manufacturer's intent to have an accredited third party conduct a quality systems regulation inspection of their establishment instead of FDA, under the Accredited Persons (AP) Inspection Program.

DATES: Submit either electronic or written comments on the collection of information by July 28, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the

public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Notification of the Intent To Use an Accredited Person Under the Accredited Persons Inspection Program (Formerly Requests for Inspection Under the Inspection by Accredited Persons Program)—(OMB Control Number 0910–0569)—Extension

Section 201 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250) amended section 704 of the Federal Food, Drug, and Cosmetic Act by adding subsection (g) (21 U.S.C. 374(g)). This amendment authorized FDA to establish a voluntary third-party inspection program applicable to manufacturers of class II or class III medical devices who meet certain eligibility criteria. In 2007, the program was modified by the Food and Drug Administration Amendments Act of 2007 by revising eligibility criteria and by no longer requiring prior approval by FDA. To reflect the revisions, FDA modified the title of the collection of information and on March 2, 2009, issued a guidance entitled ''Manufacturer's Notification of the Intent to Use an Accredited Person Under the Accredited Persons Inspection Program Authorized by Section 228 of the Food and Drug Administration Amendments Act of 2007.'' This guidance supersedes the Agency's previous guidance regarding requests for third-party inspection and may be found on the Internet at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm085187.htm*. This guidance is intended to assist device establishments in determining whether they are eligible to participate in the AP Program and, if so, how to submit notification of their intent to use the program. The AP Program applies to manufacturers who currently market their medical devices in the United States and who also market or plan to market their devices in foreign countries. Such manufacturers may need current inspections of their establishments to operate in global commerce.

There are approximately 8,000 foreign and 10,000 domestic manufacturers of medical devices. Approximately 5,000 of these firms only manufacture class I devices and are, therefore, not eligible for the AP Program. In addition, 40 percent of the domestic firms do not export devices and therefore are not eligible to participate in the AP Program. Further, 10 to 15 percent of the firms are not eligible due to the results of their previous inspection. FDA estimates there are 4,000 domestic manufacturers and 4,000 foreign manufacturers that are eligible for inclusion under the AP Program. Based on communications with industry, FDA estimates that on an annual basis approximately 20 of these manufacturers may use an AP in any given year.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 U.S.C. section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Notification regarding use of an accredited person—374(g)	20	1	20	15	300

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: May 22, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12282 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0604]

Electronic Submission of Postmarketing Safety Reports Involving Vaccine Products; Notice of Pilot Project

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Center for Biologics Evaluation and Research (CBER) in the Food and Drug Administration (FDA) is announcing a pilot project to evaluate its current systems for receiving postmarketing safety reports involving vaccine products electronically for processing into the Vaccine Adverse Event Reporting System (VAERS). As part of this pilot project, CBER also plans to assess the updated International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH) E2B(R3) specification for electronic transmission of vaccine Individual Case Safety Reports (ICSRs). Participation in the pilot project is open to firms that submit postmarketing reports into VAERS. CBER plans to accept participation from up to six applicants. The pilot project is intended to provide industry and CBER regulatory review staff with an opportunity to evaluate current system capabilities for sending and receiving postmarketing safety reports for vaccine products using FDA's Electronic Submissions Gateway (ESG), including the use of the updated ICH E2B(R3) specification.

DATES: Submit an electronic request to participate in this pilot project by June 27, 2014.

ADDRESSES: If you are interested in participating in this pilot project, you should submit an electronic request to *CBER_eSubmitter_program@fda.hhs.gov*.

FOR FURTHER INFORMATION CONTACT: Lise Stevens, Food and Drug Administration, Center for Biologics Evaluation and Research, 10903 New Hampshire Ave., Bldg. 71, Rm. 7323, Silver Spring, MD 20993–0002, 240–402–8169, email: *lise.stevens@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

CBER regulates certain biological products, including vaccines, and is committed to advancing the public health through innovative activities that help ensure the safety, effectiveness, and timely delivery of these products to patients. This includes improving the processes for providing certain regulatory submissions to FDA.

CBER is announcing a pilot project to evaluate its current systems for receiving postmarketing safety reports involving vaccine products electronically for processing into VAERS. VAERS is a cooperative program for vaccine safety of the FDA and the Centers for Disease Control and Prevention. VAERS collects postmarketing surveillance information about adverse events (unlabeled, serious events) that occur after the administration of U.S. licensed vaccines. This includes the collection of ICSRs that report on adverse experiences related to an individual patient or subject.

As part of this pilot project, CBER also wishes to assess the updated ICH E2B(R3) specification for electronic transmission of vaccine ICSRs. The ICH E2B(R3) specification addresses the electronic submission of ICSRs and is intended to improve the inherent quality of the data, enabling improved handling and analysis of ICSR reports.

In the **Federal Register** of February 21, 2014 (79 FR 9908), FDA announced the availability of a guidance for industry entitled ''E2B(R3) Electronic Transmission of Individual Case Safety Reports (ICSRs): Implementation Guide—Data Elements and Message Specification'' (the E2B(R3) implementation guidance), as well as an appendix to the guidance entitled ''ICSRs Appendix to the Implementation Guide—Backwards and Forwards Compatibility.'' The E2B(R3) implementation guidance provides recommendations on the data elements, terminology, and exchange standards for the electronic submission of ICSRs. The E2B(R3) implementation guidance also provides information for the development of software tools for creating, editing, sending, and receiving electronic ICSR messages. The E2B(R3) implementation guidance is available on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*.

II. Pilot Project Participation

The pilot project to evaluate FDA's current systems for receiving postmarketing safety reports involving vaccine products electronically into VAERS, as well as to assess the updated ICH E2B(R3) specification, is to last for approximately 3 months, but it may be extended as needed. During the pilot, CBER staff will be available to answer any questions or concerns that may arise. Pilot project participants will be asked to comment on their experience in the pilot. These comments and discussions will assist CBER in its development of this electronic program.

III. Requests for Participation

Requests to participate in the pilot project should be sent electronically to *CBER_eSubmitter_program@fda.hhs.gov*. You should include the following information in your request: Contact name, contact phone number, and contact email address. Once requests for participation are received, FDA will contact interested applicants to discuss the pilot project. FDA is seeking a limited number of participants (no more than six) to participate in this pilot project. The pilot project is expect to last approximately 3 months but may be extended as needed.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12291 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2012–E–1244 and FDA–2012–E–1245]

Determination of Regulatory Review Period for Purposes of Patent Extension; MENHIBRIX

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for MENHIBRIX and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human biological product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product MENHIBRIX (Meningococcal Groups C and Y and Haemophilus b Tetanus Toxoid

Conjugate Vaccine). MENHIBRIX is a vaccine indicated for active immunization to prevent invasive disease caused by *Neisseria meningitides* serogroups C and Y and *Haemophilus influenzae* type b. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for MENHIBRIX (U.S. Patent Nos. 5,693,326 and 5,955,079) from the Henry M. Jackson Foundation for the Advancement of Military Medicine, and the Patent and Trademark Office requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated March 4, 2013, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of MENHIBRIX represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for MENHIBRIX is 2,924 days. Of this time, 1,886 days occurred during the testing phase of the regulatory review period, while 1,038 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* June 14, 2004. The applicant claims June 12, 2004, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 14, 2004, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262)*: August 12, 2009. FDA has verified the applicant's claim that the biologics license application (BLA) for MENHIBRIX (BLA 125363) was initially submitted on August 12, 2009.

3. *The date the application was approved:* June 14, 2012. FDA has verified the applicant's claim that BLA 125363 was approved on June 14, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,825 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 28, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 24, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12294 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–E–0410; FDA–2013–E–0411; FDA–2013–E–0412]

Determination of Regulatory Review Period for Purposes of Patent Extension; MYRBETRIQ

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for MYRBETRIQ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product MYRBETRIQ (mirabegron). MYRBETRIQ is indicated for the treatment of overactive bladder with symptoms of urge urinary incontinence, urgency, and urinary

frequency. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for MYRBETRIQ (U.S. Patent Nos. 6,346,532; 7,342,117; 7,750,029) from Astellas Pharma Inc., and the Patent and Trademark Office requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated July 10, 2013, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of MYRBETRIQ represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for MYRBETRIQ is 2,213 days. Of this time, 1,908 days occurred during the testing phase of the regulatory review period, while 305 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* June 9, 2006. The applicant claims May 10, 2006, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 9, 2006, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* August 29, 2011. FDA has verified the applicant's claim that the new drug application (NDA) for MYRBETRIQ (NDA 202611) was submitted on August 29, 2011.

3. *The date the application was approved:* June 28, 2012. FDA has verified the applicant's claim that NDA 202611 was approved on June 28, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 515, 938, or 1,259 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 28, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 24, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12292 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–1246]

Determination of Regulatory Review Period for Purposes of Patent Extension; RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device, RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM. RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM is indicated for improving coronary luminal diameters in patients, including those with diabetes mellitus, with symptomatic ischemic heart disease due to de novo lesions of length less than or equal to 27 millimeters (mm) in native

coronary arteries with reference vessel diameters of 2.25 mm to 4.2 mm. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM (U.S. Patent No. 7,419,696) from Medtronic, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 4, 2013, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM is 1,586 days. Of this time, 1,263 days occurred during the testing phase of the regulatory review period, while 323 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* October 17, 2007. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective on June 13, 2008. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on October 17, 2007, which represents the IDE effective date.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* April 1, 2011. FDA has verified the applicant's claim that the premarket approval application (PMA) for RESOLUTE INTEGRITY ZOTAROLIMUS–ELUTING CORONARY STENT SYSTEM (PMA P110013) was initially submitted April 1, 2011.

3. *The date the application was approved:* February 17, 2012. FDA has verified the applicant's claim that PMA P110013 was approved on February 17, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 794 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 28, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 24, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12295 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–0034]

Determination of Regulatory Review Period for Purposes of Patent Extension; ADCETRIS—Biologics License Application 125399

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ADCETRIS based on biologics license application (BLA) 125399 and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of patents which claim that human biological product, ADCETRIS.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the

patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product ADCETRIS (brentuximab vedotin). ADCETRIS as approved under BLA 125399 is indicated for treatment of patients with systemic anaplastic large cell lymphoma (sALCL) after failure of at least one prior multi-agent chemotherapy regimen. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for ADCETRIS (U.S. Patent Nos. 7,829,531 and 7,090,843) from Seattle Genetics, Inc., and the Patent and Trademark Office requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated February 4, 2013, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of ADCETRIS under BLA 125388 and BLA 125399 represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ADCETRIS is 1,851 days. Of this time, 1,678 days occurred during the testing phase of the regulatory review period, while 173 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* July 27, 2006. FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was on July 27, 2006. This is the same IND and the same date FDA determined was the beginning of the regulatory review period for ADCETRIS approved under BLA 125388. The regulatory review period for ADCETRIS approved under BLA 125388 is publishing in this issue of the **Federal Register**.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262)*: February 28, 2011. FDA has verified the applicant's claim that the BLA for ADCETRIS (BLA 125399) was initially submitted on February 28, 2011.

3. *The date the application was approved:* August 19, 2011. FDA has verified the applicant's claim that BLA 125399 was approved on August 19, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 229 days of patent term extension for U.S. Patent No. 7,829,531.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 28, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 24, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12279 Filed 5–27–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–0039]

Determination of Regulatory Review Period for Purposes of Patent Extension; ADCETRIS—Biologics License Application 125388

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ADCETRIS based on biologics license application (BLA) 125388 and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of patents which claim that human biological product, ADCETRIS.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit

the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product ADCETRIS (brentuximab vedotin). ADCETRIS as approved under BLA 125388 is indicated for treatment of patients with Hodgkin lymphoma after failure of autologous stem cell transplant (ASCT) or after failure of at least two prior multiagent chemotherapy regimens in patients who are not ASCT candidates. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for ADCETRIS (U.S. Patent Nos. 7,090,843 and 7,829,531) from Seattle Genetics, Inc., and the Patent and Trademark Office requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated February 4, 2013, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of ADCETRIS under BLA 125388 and BLA 125399 represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ADCETRIS is 1,851 days. Of this time, 1,678 days occurred during the testing phase of the regulatory review period, while 173 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* July 27, 2006. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 27, 2006. This is the same investigational new drug application (IND) and the same date FDA determined was the beginning of the regulatory review period for ADCETRIS approved under BLA 125399. The regulatory review period for ADCETRIS approved under BLA 125399 is publishing elsewhere in this issue of the **Federal Register**.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262)*: February 28, 2011. FDA has verified the applicant's claim that the BLA for ADCETRIS (BLA 125388) was initially submitted on February 28, 2011.

3. *The date the application was approved:* August 19, 2011. FDA has verified the applicant's claim that BLA 125388 was approved on August 19, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,002 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 28, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 24, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 21, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12277 Filed 5–27–14; 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 27, 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: National Health Service Corps Ambassador Portal.

OMB No. 0915–xxxx—New.

Abstract: The National Health Service Corps (NHSC), administered by the Health Resources and Services Administration, is committed to improving the health of the nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care. The NHSC programs provide scholarships and repay educational loans for primary care physicians, dentists, nurse practitioners, physician assistants, behavioral health providers, and other

primary care providers who agree to practice in areas of the country that need them most.

The NHSC invites individuals who are affiliated with academic, clinical, trade, and other public health related organizations to apply to be volunteers within the NHSC Ambassador Program. NHSC Ambassadors are dedicated volunteers who help educate and inform prospective NHSC members. Ambassadors give their time and talents to spread the word about the opportunities available through the NHSC and serve as additional local resources for current NHSC members. NHSC Ambassadors inspire and motivate students and providers to provide primary health care in communities with limited access to care.

The NHSC Ambassador Portal will serve as both the application interface for interested individuals to apply and become NHSC Ambassadors, as well the public-facing online searchable database of Ambassador contact information. Applicants will create individual Ambassador profiles that will contain information such as name, email address(es), professional/employment information (including organization name and address), (or the school which they attend), phone number(s), which discipline of students and/or professionals they interact with, and a brief reason why they would like to be an Ambassador. Completed applications will be forwarded through the portal to NHSC staff for approval. If approved, the NHSC Ambassador will have the opportunity to add a brief professional biography and social network addresses to their profile. Assistance in completing the application will be provided through prompts via the online portal and also through the NHSC Customer Care Center, if necessary.

Need and Proposed Use of the Information: The need and purpose of this information collection is to create a database where interested parties can search for NHSC Ambassadors (that meet specific search criteria) to serve as local resources on the NHSC programs. The other purpose is that NHSC can have access to volunteers who are available to spread important programmatic information on behalf of the NHSC.

Likely Respondents: Individuals who are affiliated with academic, clinical, trade, and other public health related organizations.

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 Information Collection Request 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
Ambassador Portal—New Applicants	200	1	200	.10	20
Ambassador Portal—Updates to current Ambassador profiles	500	1	500	.10	50
Total	700		700		70

Dated: May 20, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–12324 Filed 5–27–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with the responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine

the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on April 1, 2014, through April 31, 2014. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: May 21, 2014.

Mary K. Wakefield,

Administrator.

List of Petitions Filed

1. Rene Dumas, Washington, District of Columbia, Court of Federal Claims No: 14–0256V
2. Theodore and Jodi Orm on behalf of A.S.O., Grand Haven, Michigan, Court of Federal Claims No: 14–0257V
3. Lauren Natalie Lee, Littleton, Colorado, Court of Federal Claims No: 14–0258V
4. Monica R. Beason, Pittsburg, Kansas, Court of Federal Claims No: 14–0262V
5. Stacie Rublein, Farmington Hills, Michigan, Court of Federal Claims No: 14–0264V
6. Matthew J. Lenihan, Council Bluffs, Iowa, Court of Federal Claims No: 14–0265V
7. Wilbert L. Townsend, Sr., Las Vegas, Nevada, Court of Federal Claims No: 14–0266V
8. Carlos Lopez and Sylvia Medina on behalf of Cedric Carlos Lopez, Dallas, Texas, Court of Federal Claims No: 14–0270V
9. Joseph and Angela Quance on behalf of E. J. Q., Marshfield, Wisconsin, Court of Federal Claims No: 14–0271V
10. Paxton and Dee King on behalf of F. M. K., Baraboo, Wisconsin, Court of Federal Claims No: 14–0272V
11. Vijay Divakar, Chandler, Arizona, Court of Federal Claims No: 14–0273V
12. Wynette Arias, Chalmette, Louisiana, Court of Federal Claims No: 14–0274V
13. Jeff and Cynthia Davis on behalf of Paige Davis, Spring, Texas, Court of Federal Claims No: 14–0276V
14. Melanie Yalacki, Lakewood, Colorado, Court of Federal Claims No: 14–0278V
15. Susie Avchen, Boston, Massachusetts, Court of Federal Claims No: 14–0279V
16. Sarah Meyers, Lewiston, Maine, Court of Federal Claims No: 14–0281V
17. Cheri Srour, Brooklyn, New York, Court of Federal Claims No: 14–0283V
18. Ofelia Winters, Gaithersburg, Maryland, Court of Federal Claims No: 14–0285V
19. Sarah Dearing, Washington, District of Columbia, Court of Federal Claims No: 14–0289V
20. Julio Paz and Olga Paz on behalf of J. P., Deceased, Boston, Massachusetts, Court of Federal Claims No: 14–0290V
21. Amy Lea on behalf of Michael Lea, Deceased, Fayetteville, Arkansas, Court of Federal Claims No: 14–0291V
22. Emily Thompson, Germantown, Tennessee, Court of Federal Claims No: 14–0292V
23. Ruby J. Williams, Morgantown, West Virginia, Court of Federal Claims No: 14–0293V
24. Jennifer Pryde, Baltimore, Maryland, Court of Federal Claims No: 14–0298V
25. Alexander Katsaros, Naples, Florida, Court of Federal Claims No: 14–0302V
26. James Pike, Tequesta, Florida, Court of Federal Claims No: 14–0303V
27. Sheila Foster on behalf of A. F., Brandenburg, Kentucky, Court of Federal Claims No: 14–0309V
28. Linette Breland on behalf of C.B., New York, New York, Court of Federal Claims No: 14–0312V
29. Emily Culligan, Baraboo, Wisconsin, Court of Federal Claims No: 14–0318V
30. Markus Heinze and Candace Heinze on behalf of J.H., Crestview Hills, Kentucky, Court of Federal Claims No: 14–0319V
31. Ashley and Craig Rice on behalf of Rowan Rice, Charleston, South Carolina, Court of Federal Claims No: 14–0321
32. Berenice Dorris, Beverly Hills, California, Court of Federal Claims No: 14–0322V
33. Loretta Zimmerman, Fountain Valley, California, Court of Federal Claims No: 14–0323V
34. Jeanette Parrish on behalf of Armandina Parrish, Deceased, Houston, Texas, Court of Federal Claims No: 14–0324V
35. Rita Martin, Riverside, California, Court of Federal Claims No: 14–0325V
36. Elena Ford, Washington, District of Columbia, Court of Federal Claims No: 14–0327V
37. Myroslawa Yangis, Piermont, New York, Court of Federal Claims No: 14–0328V
38. Barbara Sweat on behalf of Shaniya Sweat, Tampa, Florida, Court of Federal Claims No: 14–0329V
39. Janet Moody, Dallas, Texas, Court of Federal Claims No: 14–0336V
40. Arlene deRego, Marlborough, Massachusetts, Court of Federal Claims No: 14–0337V
41. Samantha Jenney, New Bedford, Massachusetts, Court of Federal Claims No: 14–0338V
42. Susan Harrison, Boston, Massachusetts, Court of Federal Claims No: 14–0339V
43. Crystal La Veck and Mark Osterhoudt on behalf of B.O., Boston, Massachusetts, Court of Federal Claims No: 14–0340V
44. Kenneth Baron and Jayme Baron on behalf of S. B., Boston, Massachusetts, Court of Federal Claims No: 14–0341V
45. Cassie Wolf and Richard Wolf on behalf of Richard Wolf, II, Cincinnati, Ohio, Court of Federal Claims No: 14–0342V
46. Marilyn Erickson, Spring, Texas, Court of Federal Claims No: 14–0351V
47. Jonathan Mason, Mayfield, Kentucky, Court of Federal Claims No: 14–0356V
48. Candice Lewis and Kevin Neal on behalf of K. M. N., St. Louis, Missouri, Court of Federal Claims No: 14–0357V
49. Judy Becker, Endwell, New York, Court of Federal Claims No: 14–0363V
50. Yolanda Rosebraugh on behalf of Noah Rosebraugh, Santa Cruz, California, Court of Federal Claims No: 14–0364V
51. Cathy Erdmann, Baraboo, Wisconsin,

Court of Federal Claims No: 14–0365V
52. Martha Mascia-Strickler, Sarasota, Florida, Court of Federal Claims No: 14–0368
53. Stephanie Astle on behalf of M. A., Vienna, Virginia, Court of Federal Claims No: 14–0369V
54. Debra Bub, Vienna, Virginia, Court of Federal Claims No: 14–0370V

[FR Doc. 2014–12325 Filed 5–27–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Poison Control Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Non-Competitive Replacement Awards to the Nationwide Children's Hospital, Inc., and the Children's Hospital Medical Center.

SUMMARY: HRSA will transfer funds and duties from the University Hospitals of Cleveland to the Nationwide Children's Hospital, Inc., d.b.a., the Central Ohio Poison Center and the Children's Hospital Medical Center, d.b.a., the Cincinnati Drug and Poison Information Center. These transfers are necessary in order to maintain poison control services and education efforts throughout the State of Ohio.

SUPPLEMENTARY INFORMATION: Former Grantee of Record: University Hospitals of Cleveland (Grant #H4BHS15469) is the former grantee.

Original Period of Grant Support is from: September 1, 2009, to August 31, 2014.

Replacement Awardees: Nationwide Children's Hospital, Inc. (Grant #H4BHS15471) and the Children's Hospital Medical Center (Grant #H4BHS15468) are the replacement awardees.

Period of Replacement Awards: The period of support for the replacement awards is March 1, 2014, to August 31, 2014.

Amount of Replacement Awards is as follows:

- University Hospitals of Cleveland d.b.a. the Greater Cleveland Poison Control Center (H4BHS15469) will transfer $89,436 to the Nationwide Children's Hospital, Inc., d.b.a., the Central Ohio Poison Center (H4BHS15471); and
- University Hospitals of Cleveland d.b.a. the Greater Cleveland Poison Center (H4BHS15469) will transfer $89,436 to the Children's Hospital Medical Center, d.b.a., the Cincinnati Drug and Poison Information Center (H4BHS15468)

Authority: Section 1273 of the Public Health Service Act, (42 U.S.C. 300d–73), as amended by the Poison Center Support, Enhancement, and Awareness Act of 2008.

CFDA Number: 93.253.

Justification: The poison centers operated by the Nationwide Children's Hospital, Inc., and the Children's Hospital Medical Center currently provide poison center services to the citizens of Ohio, 24 hours a day, 7 days a week. These services include telephone treatment advice and consultation about toxic exposures for both the public and health care professionals and toxico and public health surveillance. Educators at the centers provide public education about poison prevention and clinical toxicology training for many different healthcare professionals. The centers also offer programs to help clinicians better manage poisoning and overdose cases that end up in a healthcare facility.

These centers have the capacity to provide poison control service to the area formerly served by the University Hospitals of Cleveland, ensuring access to critical poison emergency treatment and poison prevention information statewide, and to fulfill the expectations of the original funded application. These replacement grants will support the grantees' abilities to provide poison center services to the state's entire population with the least amount of disruption.

The State of Ohio has determined that the Nationwide Children's Hospital, Inc. and the Children's Hospital Medical Center are the best qualified grantees for this award. On February 19, 2014, the state provided HRSA with a letter designating the two centers as the official poison centers of Ohio and assigning them each 50 percent of Ohio's service areas.

FOR FURTHER INFORMATION CONTACT: Poison Control Program, Director, Elisa Gladstone, via email at *Egladstone@hrsa.gov* or via telephone at 301.594.4394.

Dated: May 21, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–12319 Filed 5–27–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995; as last amended at 79 FR 26258–26259 dated May 7, 2014).

This notice reflects organizational changes in the Health Resources and Services Administration. Specifically, this notice updates functional statements within the HIV/AIDS Bureau (RV). (1) Updates the functions in the Office of the Associate Administrator (RV); (2) updates the functions in the Division of Community HIV/AIDS Programs (RV6); (3) transfers the Organizational Development Unit function from the Office of the Associate Administrator (RV) to the Office of Operations and Management (RV2); and (4) transfers the Clinical Unit function from the Office of the Associate Administrator (RV) to the Division of Policy and Data (RVA).

Chapter RV—HIV/AIDS Bureau

Section RV–20, Functions

(1) Delete the functional statement for the Office of the Associate Administrator (RV), and replace in its entirety; (2) delete the functional statement for the Office of Operations and Management (RV2) and replace in its entirety; (3) delete the functional statement for the Division of Policy and Data (RVA) and replace in its entirety; and (4) delete the functional statement for the Division of Community HIV/AIDS Programs (RV6) and replace in its entirety.

Office of the Associate Administrator (RV)

The Office of the Associate Administrator provides leadership and direction for the HIV/AIDS programs and activities of the Bureau and oversees its relationship with other national health programs. Specifically: (1) Promotes the implementation of the National HIV/AIDS Strategy within the Agency and among Agency-funded programs; (2) coordinates the formulation of an overall strategy and policy for programs established by Title XXVI of the PHS Act as amended by the Ryan White HIV/AIDS Treatment

Extension Act of 2009, P.L. 111–87; (3) coordinates the internal functions of the Bureau and its relationships with other Agency Bureaus and Offices; (4) establishes HIV/AIDS program objectives, alternatives, and policy positions consistent with broad Administration guidelines; (5) provides leadership for and oversight of the Bureau's budgetary development and implementation processes; (6) provides clinical leadership to Ryan White-funded programs and global HIV/AIDS programs; (7) oversees the implementation of the Global HIV/AIDS Program as part of the President's Emergency Plan for AIDS Relief; (8) serves as a principal contact and advisor to the Department and other parties on matters pertaining to the planning and development of HIV/AIDS-related health delivery systems; (9) reviews HIV/AIDS related program activities to determine their consistency with established policies; (10) develops and oversees operating policies and procedures for the Bureau; (11) oversees and directs the planning, implementation, and evaluation of special studies related to HIV/AIDS and public health within the Bureau; (12) prioritizes technical assistance needs in consultation with each division/office; (13) plans, develops, implements and evaluates the Bureau's organizational and staff development, and staff training activities inclusive of guiding action steps addressing annual Employee Viewpoint Survey results; (14) plans, implements, and evaluates the Bureau's national Technical Assistance conference calls, TARGET Web site, Webex trainings and other distance learning modalities; (15) represents the Agency in HIV/AIDS related conferences, consultations, and meetings with other Operating Divisions, Office of the Assistance Secretary for Health, the Department of State, and the White House; (16) coordinates the development and distribution of all Bureau communication activities, materials and products internally and externally; (17) provides leadership for and oversees Bureau's grants processes; and (18) oversees Bureau Executive Secretariat functions and coordinates HRSA responses and comments on HIV/AIDS-related reports, position papers, guidance documents, correspondence, and related issues, including Freedom of Information Act requests.

Office of Operations and Management (RV2)

The Office of Operations and Management headed by the Director and the Bureau's Executive Officer provides administrative and fiscal guidance and support for HAB and is responsible for all budgetary, administrative, human resources, operations, facility management, contracting, training and organizational development functions. The Office also oversees and coordinates all Bureau program integrity activities.

Division of Policy and Data (RVA)

The Division of Policy and Data serves as the Bureau's principal source of program data collection and evaluation and the focal point for coordination of program performance activities, policy analysis, and development of policy guidance. The division coordinates all technical assistance activities for the bureau in collaboration with each division and conducts evaluation studies on emerging health service delivery issues and their effects upon clients, providers, grantees, and systems of care and coordinates clinical quality improvement activities.

Division of Community HIV/AIDS Programs (RV6)

The Division of Community HIV/AIDS Programs provides national leadership and manages the implementation of Parts C, D, and F under Title XXVI of the PHS Act as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009, P.L. 111–87 (the Ryan White HIV/AIDS Program) including, Planning and Capacity Development Programs (Part C), HIV Early Intervention Services Program (Part C), Grants for Coordination Services and Access to Research for Women, Infants, Children, and Youth Program (Part D), and the Dental Reimbursement and Community Based Dental Partnership Program (Part F). The division promotes the implementation of the National HIV/AIDS Strategy among Part C, D, and F/Dental programs and administers programs and activities related to: (1) Providing comprehensive health services to persons infected with HIV in medically underserved areas; (2) demonstrates strategies and innovative models for the development and provision of HIV primary care services; (3) coordinates services for women of child-bearing age with HIV/AIDS, infants, children, and youth; (4) assists dental schools and other eligible institutions with respect to oral health care to patients with HIV; and (5) in collaboration with the Division of Policy and Data, the division assesses effectiveness of technical assistance efforts/initiatives, identifies new technical assistance needs and priority areas, and participates in the bureau-wide technical assistance workgroup. The division manages the portfolio of grantees and programs who provide comprehensive HIV primary care, treatment, and HIV-related support services.

Section RV–30, Delegations of Authority

All delegations of authority and re-delegations of authority made to HRSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

This reorganization is effective upon date of signature.

Dated: May 19, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–12321 Filed 5–27–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, May 19, 2014, 1:00 p.m. to May 19, 2014, 3:00 p.m., National Cancer Institute Shady Grove, Shady Grove, 9609 Medical Center Drive, Room 6W030, Rockville, MD, 20850 which was published in the **Federal Register** on May 7, 2014, 79FR26263.

This meeting was canceled due to unforeseen circumstances. A new date will be set in the near future.

Dated: May 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12273 Filed 5–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Reversibility.
Date: July 1, 2014.
Time: 11:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.NIH.GOV*.

(Catalogue of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health, HHS).

Dated: May 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12275 Filed 5–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Financial and Health Models.
Date: June 11, 2014.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892.
Contact Person: Rebecca J. Ferrell, Ph.D., Scientific Review Officer, National Institute On Aging, Gateway Building RM. 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7703, *ferrellrj@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel; Mechanisms of Heart Ailments in Elderly.
Date: June 27, 2014.
Time: 12:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 2C212, 7201 Wisconsin Ave., Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Bita Nakhai, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov*.

Name of Committee: National Institute on Aging Special Emphasis Panel; Healthy Aging and the Life Course.
Date: June 27, 2014.
Time: 12:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alicja L. Markowska, Ph.D., DSC, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, SUITE 2C212, BETHESDA, MD 20892, 301–496–9666, *markowsa@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS).

Dated: May 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12274 Filed 5–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Subcommittee—B.
Date: June 26, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Arthur L. Zachary, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12H, Bethesda, MD 20892–4874, 301–594–2886, *zacharya@nigms.nih.gov*.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Support of Competitive Research (SCORE).
Date: June 26, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–4874, 301–402–2783, *sidorova@nigms.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS.)

Dated: May 22, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12276 Filed 5–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Skeletal Biology Structure and Regeneration Overflow.

Date: June 13, 2014.

Time: 7:00 a.m. to 7:45 a.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Daniel F McDonald, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIH BD2K Review: Education Resources (R25) and Career Development (K01).

Date: June 19–20, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th Street NW., Washington, DC 20007.

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biological Chemistry and Macromolecular Biophysics.

Date: June 24, 2014.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, Bethesda, MD 20892, 301–435–1722, *eissenstatma@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS.)

Dated: May 21, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12272 Filed 5–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2013–0043; OMB No. 1660–0002]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Disaster Assistance Registration.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0002.

Form Titles and Numbers: FEMA Form 009–0–1T (English) Tele-Registration, Disaster Assistance Registration; FEMA Form 009–0–1Int (English) Internet, Disaster Assistance Registration; FEMA Form 009–0–2Int (Spanish) Internet, Registro Para Asistencia De Desastre; FEMA Form 009–0–1 (English) Paper Application/Disaster Assistance Registration; FEMA Form 009–0–2 (Spanish), Solicitud en Papel/Registro Para Asistencia De Desastre; FEMA Form 009–0–1S (English) Smartphone, Disaster Assistance Registration; FEMA Form 009–0–2S (Spanish) Smartphone, Registro Para Asistencia De Desastre; FEMA Form 009–0–3 (English), Declaration and Release; FEMA Form 009–0–4 (Spanish), Declaración Y Autorización; FEMA Form 009–0–5 (English), Manufactured Housing Unit Revocable License and Receipt for Government Property; FEMA Form 009–0–6 (Spanish), Las Casas Manufacturadas Unidad Licencia Revocable y Recibo de la Propiedad del Gobierno.

Abstract: The various forms in this collection are used to collect pertinent information to provide financial assistance, and if necessary, direct assistance to eligible individuals and households who, as a direct result of a disaster or emergency, have uninsured or under-insured, necessary expenses and serious needs that they are unable to meet through other means.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 3,264,753.

Estimated Total Annual Burden Hours: 628,036 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $19,255,579. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $15,618,762.

Dated: May 21, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–12333 Filed 5–27–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0018; OMB No. 1660–0061]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Federal Assistance to Individuals and Households Program (IHP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 1800 South Bell Street, Arlington, VA 20598–3005, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Federal Assistance to Individuals and Households Program (IHP).

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0061.

Form Titles and Numbers: FEMA Form 010–0–11, Administrative Option Agreement for the Other Needs provision of Individuals and Households Program (IHP); FEMA Form 010–0–12, Request for Continued Assistance (Application for Continued Temporary Housing Assistance); FEMA Form 010–0–12S (Spanish) Solicitud para Continuar la Asistencia de Vivienda Temporera.

Abstract: The Federal Assistance to Individuals and Households Program (IHP) enhances applicants' ability to request approval of late applications, request continued assistance, and appeal program decisions. Similarly, it allows States to partner with FEMA for delivery of disaster assistance under the ''Other Needs'' provision of the IHP through Administrative Option Agreements and Administration Plans addressing the level of managerial and resource support necessary.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 59,073.

Estimated Total Annual Burden Hours: 65,267 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $2,043,275.28. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $213,556.60.

Dated: May 21, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–12335 Filed 5–27–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0020; OMB No. 1660–0058]

Agency Information Collection Activities: Proposed Collection; Comment Request; Fire Management Assistance Grant Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA), 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 an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Fire Management Assistance Grant Program.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *http://www.regulations.gov* under Docket ID FEMA–2014–0020. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Allen Wineland, FMAG Program Manager, Office of Response & Recovery, FEMA, (202) 646–3661 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: The information collection is required for Fire Management Assistance Grant Program (FMAGP) eligibility determinations, grants management, and compliance with other federal laws and regulations. FEMA's regulations, at 44 CFR Part 204, specify the information collections necessary to facilitate the provision of assistance under the FMAGP. FMAGP was established under Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5187, as amended by section 303 of the Disaster Mitigation Act of 2000, and authorizes the President to provide assistance to any State or local government for the mitigation, management, and control of

any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

Collection of Information

Title: Fire Management Assistance Grant Program.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0058.

FEMA Forms: FEMA Form 078–0–1, Request for Fire Management Assistance Declaration; FEMA Form 089–0–24, Request for Fire Management Sub-grant; FEMA Form 078–0–2, Principal Advisor's Report.

Abstract: The information collection is required to make grant eligibility determinations for the Fire Management Assistance Grant Program (FMAGP). These eligibility-based grants and subgrants provide assistance to any eligible State, Indian tribal government, or local government for the mitigation, management, and control of a fire on public or private forest land or grassland that is threatening such destruction as would constitute a major disaster. The data/information gathered in the forms is used to determine the severity of the threatening fire, current and forecast weather conditions, and associated factors related to the fire and its potential threat as a major disaster.

Affected Public: State, local, or Tribal Government.

Number of Respondents: 178.

Number of Responses: 553.

Estimated Total Annual Burden Hours: 811 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form number	Number of respondents	Number of responses per respondent	Total Number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
State, Local or Indian tribal government.	FEMA-State Agreement and Amendment.	25	4	100	0.4 hours (24 minutes)	40	$52.56	$2,102.40
State, Local or Indian tribal government.	State Administrative Plan for FMAG.	25	1	25	8 hours	200	52.56	10,512.00
State, Local or Indian tribal government.	Request for FMAG Declaration, FEMA Form 078–0–1.	25	4	100	1 hour	100	52.56	5,256.00
State, Local or Indian tribal government.	Request for FMAG Sub-grant, FEMA Form 089–0–24.	25	4	100	0.3 hours (18 minutes)	30	52.56	1,576.80
State, Local or Indian tribal government.	Principal Advisor's Report, FEMA Form 078–0–2.	25	4	100	3 hours	300	52.56	15,768
State, Local or Indian tribal government.	Appeal Letter	3	1	3	1 hour	3	52.56	157.68
State, Local or Indian tribal government.	Duplication of Benefits Letter.	25	4	100	1 hour	100	52.56	5,256.00
State, Local or Indian tribal government.	Training Sessions.	25	1	25	1.5 hours (90 minutes)	38	52.56	1,997.28
Total		178		553		811		42,626.16

• **Note:** The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $42,626.16. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $532,814.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: May 21, 2014.

Charlene D. Myrthil

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–12329 Filed 5–27–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–48]

30-Day Notice of Proposed Information Collection: Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports

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 27, 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 March 24, 2014.

A. Overview of Information Collection

Title of Information Collection: Application for Fee or Roster Personnel (Appraisers and Inspectors) Designation and Appraisal Reports.

OMB Approval Number: 2502–0538.

Type of Request: Extension.

Form Number: HUD 92563A, HUD 92563I, HUD 92564–CN Fannie Mae Forms: 1004, 1004c, 1025, 1073, 1075, 2055 and 1004MC.

Description of the need for the information and proposed use: Accurate and thorough appraisal reporting is critical to the accuracy of underwriting for the mortgage insurance process. The need for accuracy is increased for FHA insured mortgages since buyers tend to have more limited income and lower equity in the properties. This collection of information provides a more thorough and complete appraisal of prospective HUD-insured single-family properties ensuring that mortgages are acceptable for FHA insurance and thereby protect the interest of HUD, the taxpayers, and the FHA insurance fund. The collection allows HUD to maintain an effective appraisal program with the ability to discipline appraisers and inform potential homeowners of the benefits of purchasing an independent home inspection.

Respondents: Business.

Estimated Number of Respondents: 17,162.

Estimated Number of Responses: 467,162.

Frequency of Response: On occasion.

Average Hours per Response: .05.

Total Estimated Burdens: 24,783.

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: May 22, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–12341 Filed 5–27–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2014–N091; FXES11130300000F3–145–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: We must receive any written comments on or before June 27, 2014.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Karl Tinsley, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Karl Tinsley, (612) 713–5330.

SUPPLEMENTARY INFORMATION:

Background

We invite public comment on the following permit applications for certain activities with endangered species authorized by section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) and our regulations governing the taking of endangered species in the Code of Federal Regulations (CFR) at 50 CFR 17. Submit your written data, comments, or request for a copy of the complete application to the address shown in **ADDRESSES.**

Permit Applications

Permit Application Number: TE82665A

Applicant: Melody L. Myers-Kinzie, Indianapolis, IN.

The applicant requests a permit renewal, with amendment to add winged mapleleaf (*Quadrula fragosa*) mussels, to take (capture and release) mussel species for the purpose of enhancement of survival of the species in the wild. The proposed amendment also includes adding the State of Wisconsin to the scope of the permit.

Permit Application Number: TE38842A

Applicant: Sanders Environmental, Inc., Bellefonte, PA.

The applicant requests a permit renewal, with amendment to add personnel, to take (capture and release) Indiana bats (*Myotis sodalis*) within the States of Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin. Proposed activities are for the enhancement of survival and recovery of the species in the wild.

Permit Application Number: TE234121

Applicant: Western Ecosystems Technology, Inc., Cheyenne, WY.

The applicant requests a permit amendment to take (capture and release) Indiana bats, gray bats (*Myotis grisescens*), Ozark big-eared bats (*Corynorhinus townsendii ingens*), and Virginia big-eared bats (*Corynorhinus townsendii virginianus*) within the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. The proposed amendment is for adding personnel to the scope of the permit. Proposed activities are for the enhancement of survival of the species in the wild.

Permit Application Number: TE207526

Applicant: Columbia Environmental Research Center, U.S. Geological Survey, Columbia, MO.

The applicant requests a permit renewal to take (capture, sample, release; capture and hold) pallid sturgeon (*Scaphirhynchus albus*) within the Missouri River and Middle Mississippi River. Proposed research activities are for the conservation and recovery of the species in the wild.

Permit Application Number: TE98032A

Applicant: James E. Gardner, Jefferson City, MO.

The applicant requests a permit amendment to take (capture and release) Indiana bat, gray bat, and Ozark big-eared bat within the States of Arkansas, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Oklahoma, and Tennessee. The proposed amendment includes adding the northern long-eared bat (*Myotis septentrionalis*) and the State of Indiana to the scope of the permit. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE21829B

Applicant: Larisa J. Bishop-Boros, Rochester, NY.

The applicant requests a permit amendment to take (capture, handle, and release) Indiana bats, gray bats, Virginia big-eared bats, and Ozark big-eared bats within the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. The proposed amendment includes adding the northern long-eared bat and the activity of salvaging dead specimens. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE135297

Applicant: Saint Louis Zoo, St. Louis, MO.

The applicant requests a permit amendment to take (capture and release; capture and hold) American burying beetle (*Nicrophorus americanus*) within the States of Missouri and Arkansas, and at the Zoo facility in St. Louis, MO. The proposed amendment is for adding personnel to the scope of the permit. Proposed activities are for the propagation and enhancement of survival of the species in the wild.

Permit Application Number: TE71720A

Applicant: Forest Preserve District of Will County, Plainfield, IL.

The applicant requests a permit renewal, with amendment to include the States of Illinois, Indiana, Ohio and Wisconsin, to take (capture and release) Indiana bats and gray bats. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE212440

Applicant: John D. Chenger, Carlisle, PA.

The applicant requests a permit amendment to take (capture and release) Indiana bats and gray bats within the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Oklahoma, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35867B

Applicant: Lisa E. Powers, Urbana, IL.

The applicant requests a permit to take (capture and release) Indiana bats at Siloam Spring State Park, Clayton, Illinois. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35859B

Applicant: Charles E. Mills, Newburgh, IN.

The applicant requests a permit to take (harass) interior least tern (*Sternula antillarum anthalassos*) within the State of Indiana. Proposed activities involve protection of nests, nesting site enhancement, and studying phenology. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35857B

Applicant: Jason R. Holmes, Tumwater, WA.

The applicant requests a permit to take (capture and release) Indiana bats within the States of Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35855B

Applicant: Laura E. D'Acunto, Lafayette, IN.

The applicant requests a permit to take (capture and release) Indiana bats and northern long-eared bats within the State of Indiana. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE30970B

Applicant: Jeffery C. Miller, Kansas City, MO.

The applicant requests a permit to take (capture and release) Indiana bats, gray bats, northern long-eared bats, Ozark big-eared bats, and Rafinesque big-eared bats (*Corynorhinus rafinesquii*) within the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Ohio, and Oklahoma. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE33521B

Applicant: Western EcoSystems Technology, Inc, Cheyenne, WY.

The applicant requests a permit to take (capture and release) the following listed fish and mussel species throughout their ranges, within the States of Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin:

Mussel Species	
Appalachian elktoe	*Alasmidonta raveneliana.*
Appalachian monkeyface	*Quadrula sparsa.*
Birdwing pearlymussel	*Lemiox rimosus.*
Clubshell	*Pleurobema clava.*
Cracking pearlymussel	*Hemistena lata.*
Cumberland bean	*Villosa trabalis.*
Cumberland elktoe	*Alasmidonta atropurpurea.*
Cumberland monkeyface	*Quadrula intermedia.*
Cumberland combshell	*Epioblasma brevidens.*
Dromedary pearlymussel	*Dromus dromas.*
Fanshell	*Cyprogenia stegaria.*
Fat pocketbook	*Potamilus capax.*
Finerayed pigtoe	*Fusconaia cuneolus.*
Fluted kidneyshell	*Ptychobranchus subtentum.*
Higgins' eye pearlymussel	*Lampsilis higginsii.*
Littlewing pearlymussel	*Pegias fabula.*
Northern riffleshell	*Epioblasma torulosa rangiana.*
Orange-footed pimpleback	*Plethobasus cooperianus.*
Oyster musselshell	*Epioblasma capsaeformis.*
Pale lilliput	*Toxolasma cylindrellus.*
Pink mucket pearlymussel	*Lampsilis abrupta.*
Purple bean	*Villosa perpurpurea.*
Purple cat's paw pearlymussel	*Epioblasma obliquata obliquata.*
Rabbitsfoot	*Quadrula cylindrica cylindrica.*
Rayed bean	*Villosa fabalis.*
Rink pink	*Obovaria retusa.*
Rough pigtoe	*Pleurobema plenum.*
Rough rabbitsfoot	*Quadrula cylindrica strigillata.*
Scaleshell mussel	*Leptodea leptodon.*
Sheepnose	*Plethobasus cyphyus.*
Shiny pigtoe	*Fusconaia cor.*
Snuffbox	*Epioblasma triquetra.*
Tan riffleshell	*Epioblasma florentina walkeri.*
Tubercled blossom	*Epioblasma torulosa torulosa.*
Turgid blossom	*Epioblasma turgidula.*
White cat's paw pearlymussel	*Epioblasma obliquata perobliqua.*
White wartyback	*Plethobasus cicatricosus.*
Winged mapleleaf	*Quadrula fragosa.*
Yellow blossom	*Epioblasma florentina florentina.*
Fish Species	
Spotfin chub	*Erimonax monachus.*
Slender chub	*Erimystax cahni.*
Relict darter	*Etheostoma chienense.*
Tuxedo darter	*Etheostoma lemniscatum.*
Marbled darter	*Etheostoma marmorpinnum.*
Duskytail darter	*Etheostoma percnurum.*
Citico darter	*Etheostoma sitikuense.*
Snail darter	*Percina tanasi.*
Diamond darter	*Crystallaria cincotta.*
Cumberland darter	*Etheostoma susanae.*
Palezone shiner	*Notropis albizonatus.*
Blackside dace	*Phoxinus cumberlandensis.*

Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35517B

Applicant: Bryan D. Arnold, Jacksonville, IL.

The applicant requests a permit to take (capture and release) Indiana bats, gray bats, and northern long-eared bats within the State of Illinois. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35872B

Applicant: John F. Tetzloff, Upper Arlington, OH.

The applicant requests a permit to take (capture and release) the following mussel species within the State of Ohio:

Mussel Species	
Clubshell	*Pleurobema clava.*
Northern riffleshell	*Epioblasma rangiana.*
Fanshell	*Cyprogenia stegaria.*
Rayed bean	*Villosa fabalis.*
Pink Mucket	*Lampsilis orbiculata.*
Purple cat's paw	*Epioblasma obliquata obliquata.*
Sheepnose	*Plethobasus cyphyus.*
Snuffbox	*Epioblasma triquetra.*
White cat's paw	*Epioblasma obliquata perobliqua.*

Proposed activities include population surveys. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35518B

Applicant: Jeremy J. Sheets, Plymouth, IN.

The applicant requests a permit to take (capture and release) Indiana bats, gray bats, northern long-eared bats, and Virginia big-eared bats within the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE03494B

Applicant: GAI Consultants, Inc., Erlanger, KY.

The applicant requests a permit amendment to take (capture and release) Indiana bats, gray bats, Virginia big-eared bats, and Ozark big-eared bats throughout the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia. Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE35520B

Applicant: Leah E. Sefton, Mt. Pleasant, MI.

The applicant requests a permit to take (including tissue removal) for Pitcher's thistle (*Cirsium pitcheri*) within the State of Michigan. Proposed activities include the removal of plant material for genetic analysis, and are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE98295A

Applicant: Dallas Scott Settle, DBA Alliance Consulting, Fayetteville, WV.

The applicant requests a permit amendment to take (capture and release) Indiana bats, gray bats, and Virginia big eared bats within the States of Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Vermont, Virginia, and West Virginia. Proposed activities are for the recovery and enhancement of survival of the species in the wild.

Permit Application Number: TE02560A

Applicant: Timothy C. Carter, Muncie, IN.

The applicant requests a permit renewal, with amendment, to take (capture and release) Indiana bats, gray bats, and northern long-eared bats within the States of Georgia, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin. Proposed activities are for the enhancement of survival of the species in the wild.

Public Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive are available for public inspection, by appointment, during normal business hours at the address shown in the **ADDRESSES** section. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 20, 2014.

Lynn M. Lewis,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2014–12261 Filed 5–27–14; 8:45 a.m.]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2013–N282; FF08E00000–FXES11120800000–145]

Draft Environmental Impact Statement and Proposed Maricopa Sun Solar Complex Multi-Species Habitat Conservation Plan, Kern County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have prepared a draft environmental impact statement (EIS) under the National Environmental Policy Act of 1969, as amended (NEPA), in response to an application from Maricopa Sun, LLC (the applicant), for an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended (Act). The applicant has prepared the draft Maricopa Sun Solar Complex Habitat Conservation Plan (HCP) for review. We announce a public comment period on the permit application, including the draft EIS and the proposed HCP. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party.

DATES: To ensure consideration, please send your written comments by August 26, 2014.

ADDRESSES: Please address written comments to Mike Thomas, Chief, Conservation Planning Division, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825. Alternatively,

you may send comments by facsimile to (916) 414–6713.

FOR FURTHER INFORMATION CONTACT: Mike Thomas, Chief, Conservation Planning Division, or Eric Tattersall, Deputy Assistant Field Supervisor, at the address shown above or at (916) 414–6600 (telephone). If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice advises the public that we have prepared a draft environmental impact statement (EIS) under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.;* NEPA), in response to an application from Maricopa Sun, LLC (the applicant), for an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act). The application addresses the proposed incidental take (take) of five animal species proposed as ''covered species'' within a 5,784-acre permit area during a proposed permit term of 35 years. The applicant has prepared the draft Maricopa Sun Solar Complex Habitat Conservation Plan (HCP) to describe and implement a conservation plan that will minimize and mitigate environmental effects associated with the construction, operation, maintenance, and decommissioning of an up to 700-megawatt photovoltaic power generating facility and implementation of conservation actions associated with the Habitat Conservation Plan in Kern County, California. We also announce a 90-day public comment period on the permit application, including the draft EIS and the proposed HCP. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party.

Availability of Documents

You may obtain copies of the draft EIS and the draft HCP from the individuals in **FOR FURTHER INFORMATION CONTACT**, or from the Sacramento Fish and Wildlife Office Web site at *http://www.fws.gov/sacramento*. Copies of these documents are also available for public inspection, by appointment, during regular business hours, at the Sacramento Fish and Wildlife Office (see **ADDRESSES**).

Background Information

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. ''Take'' of federally listed fish or wildlife is defined under the Act as to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct'' (16 U.S.C. 1532(19)). The term ''harass'' is defined in the regulations as to commit ''an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering'' (50 CFR 17.3). The term ''harm'' is defined in the regulations as ''an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering'' (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed wildlife species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

(1) The taking will be incidental;

(2) The applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

(3) The applicants will develop a proposed HCP and ensure that adequate funding for the HCP will be provided;

(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) The applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

Applicant's Proposed Habitat Conservation Plan

The draft HCP addresses, and the applicant seeks incidental take authorization for, five animal species (three federally endangered and two federally nonlisted). The proposed permit would provide take authorization for all species identified in the draft HCP as covered species. Take authorized for federally listed covered species would be effective upon permit issuance. Take authorization for currently nonlisted covered species would become effective concurrent with listing, should the species be listed under the Act during the proposed 35-year permit term.

The following three federally listed endangered species are proposed to be included as covered species in the proposed HCP: Blunt-nosed leopard lizard (*Gambelia sila*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), and the San Joaquin kit fox (*Vulpes macrotis mutica*).

The following two federally nonlisted species are proposed to be included as covered species in the proposed HCP: Western Burrowing owl (*Athene cunicularia*) and the Nelson's antelope squirrel (*Ammospermophilus nelsoni*).

Activities proposed for coverage under the proposed ITP (''covered activities'') would be otherwise lawful activities that occur in compliance with the HCP, including, but not limited to, the following general categories:

(1) Construction and operation activities within solar sites;

(2) Management and maintenance activities within movement corridors;

(3) Management activities within the areas designated for conservation (conservation sites), including monitoring and reporting actions;

(4) Activities associated with implementation of the conservation program specified in the draft HCP;

(5) Decommissioning; and

(6) Implementation of the conservation program.

Construction-related activities could include grading and compaction; trenching; paving of access roads; and installation of solar arrays, meteorological stations, transmission lines, septic leech fields, fencing, and landscaping. Construction of solar facilities on all sites is anticipated to be completed over an 8- to 10-year period from the commencement of the initial development; however, it could extend to a 10- to 15 year-period. Construction of the project will occur in a series of approximately 1-megawatt blocks, generally consisting of 5 to 8.64 acres each. It is anticipated that construction of each section (640 acres) within the Maricopa Sun Solar Complex will take 12 to 18 months. Operation-related activities could include solar panel maintenance, on-site parking, operation of solar modules, inspection and repair of equipment, and operation of lighting. Typical activities associated with decommissioning of the solar energy facility include removal of all solar electric systems, buildings, cabling, and electrical components; breaking up of concrete pads and foundations; removal of access roads; additional grading; and replacement of soil disturbed from

decommissioning. Preservation/enhancement and conservation plan management activities could include vegetation control (i.e., grazing and mowing), fence installation, special status species monitoring (i.e., surveys such as trapping, use of remote cameras, and spotlighting), and habitat restoration and creation.

The proposed covered activities related to development and operations and maintenance of the solar sites would result in the permanent or temporary disturbance of up to 3,798 acres of existing land cover within the proposed 5,784-acre permit area. The proposed covered activities related to management of the conservation sites would also result in some disturbance of land cover, but overall these actions are expected to benefit the covered species. The solar site parcels encompass 3,798 acres, 91 acres of existing public easements, and the conservation sites total 1,894 acres. The covered lands are primarily comprised of currently undeveloped and vacant agricultural land, and are relatively flat. Surrounding land uses are both active and inactive agricultural land; they also include lands designated as flood hazard areas, public facilities, lands designated for the protection of important watershed recharge areas or wildlife habitat, lands having important value as a buffer between resource areas and urban areas, and lands designated for industrial uses. Covered activity impacts to existing land cover types were used as a surrogate to identify maximum potential impacts to species and the potential take of each covered species. The proposed HCP conservation strategy prescribes conditions for implementing each covered activity that avoid or minimize potential take of the covered species, and identifies mitigation for species impacts that cannot be avoided.

National Environmental Policy Act Compliance

Our proposed permit issuance decision triggers compliance with NEPA, which requires that environmental information be available to public officials and citizens before Federal decisions are made and before Federal actions are taken. We formally initiated an environmental review of the draft EIS through publication of a notice of intent (NOI) to prepare a draft EIS in the **Federal Register** on Friday, December 23, 2011 (76 FR 80385). That notice also announced a public scoping period, through February 21, 2012, during which we invited interested parties to provide written comments expressing their issues or concerns related to the proposal. A public scoping meeting was held in Bakersfield, California, on January 23, 2012. We prepared the draft EIS to inform the public of the proposed HCP; our proposed permit action; alternatives to that action; the environmental impacts of the alternatives, including the proposed action; any adverse environmental effects that cannot be avoided; and any irreversible commitments of resources; as well as to address comments received during early public scoping efforts.

Alternatives in the Draft Environmental Impact Statement

The Service is providing notice of the availability of our draft EIS, which evaluates the impacts of the Proposed Action Alternative, a No Action Alternative, and a Reduced Permit Area Alternative.

No Action Alternative: Under the No Action Alternative, we would not issue an incidental take permit to the applicant; the applicant would not implement an HCP, and would avoid the take of the proposed covered species. The No Action Alternative would not address the applicant's underlying needs, would not contribute to meeting the State of California's renewable energy goals, and would not assist with the offset of carbon emissions. The 5,784 acres identified as the permit area would likely remain agricultural, and the 1,894 acres identified as conservation sites would not be permanently conserved. As a result, there would be no conservation benefit to covered species as a result of the Proposed Action. Agricultural activities, such as disking and grazing, would likely continue, resulting in reduced habitat quality as a result of vegetation removal and soil compaction.

Proposed Action Alternative: Under the Proposed Action Alternative, we would issue an incidental take permit for the applicant's proposed HCP, which includes the covered activities and the conservation measures described above in Background Information, and described with more detail in the applicant's proposed Maricopa Sun Solar Complex Multi-Species Habitat Conservation Plan.

Reduced Permit Area Alternative: Under the Reduced Permit Area Alternative, the permit area would be reduced from 5,784 acres to 3,682 acres by removing the following sites from the project: Sites 4–S/4–M (652.5 acres), 6–S (320.9 acres), 7–S/7–M (481.2 acres) and 17–C (647.7 acres). The lands excluded from the permit area would likely remain vacant and would continue to be disked on a regular basis for weed control. If water became available, these lands could be converted to other uses. Under this alternative, there would be fewer impacts to the covered species than under the Proposed Action, because construction, operations, maintenance, and decommissioning activities would occur over a smaller area. However, commensurate with the level of impacts, it is likely less land would be permanently conserved and managed, which would likely result in fewer benefits to the covered species.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We particularly seek comments on the following:

(1) Biological information concerning the species;

(2) Relevant data concerning the species;

(3) Additional information concerning the range, distribution, population size, and population trends of the species;

(4) Current or planned activities in the subject area and their possible impacts on the species; and

(5) The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, all of which are required to be considered in project planning by the National Historic Preservation Act (16 U.S.C. 470 *et seq.*); and

(6) Identification of any other environmental issues that should be considered with regard to the proposed transmission line and permit action.

You may submit your comments and materials by one of the methods listed above in **ADDRESSES**. Comments and materials we receive, as well as supporting documentation we used in preparing the EIS, will be available for public inspection by appointment, during normal business hours, at our office (see **FOR FURTHER INFORMATION CONTACT**).

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Next Steps

We will evaluate the application, associated documents, and comments submitted to prepare a Final EIS. A permit decision will be made no sooner than 30 days after the publication of a Final EIS notice in the **Federal Register** and completion of the Record of Decision.

Authorities

We publish this notice under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.;* NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1500–1508, as well as in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531–1544 *et seq.;* Act).

Alexandra Pitts

Deputy Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2014–12252 Filed 5–27–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–11168; 2609–0003–NDY]

Privacy Act of 1974; as Amended; Notice of a New System of Records

AGENCY: National Park Service, Interior.

ACTION: Notice of creation of a new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior is issuing a public notice of its intent to create the National Park Service ''Planning, Environment and Public Comment (PEPC) System—NPS–23'' system of records. The system is an online collaborative tool designed to facilitate the project management process in conservation planning and environmental impact analysis. The system assists the National Park Service in making informed decisions with regard to a number of compliance issues throughout the planning, design, and construction process.

DATES: Comments must be received by July 7, 2014.

ADDRESSES: Any person interested in commenting on this notice may do so by: Submitting comments in writing to Felix Uribe, National Park Service Privacy Act Officer, 1201 Eye Street NW., 8th Floor, Washington, DC 20005; hand-delivering comments to Felix Uribe, National Park Service Privacy Act Officer, 1201 Eye Street NW., 8th Floor, Washington, DC 20005; or emailing comments to *NPS_Privacy@nps.gov*.

FOR FURTHER INFORMATION CONTACT: Project Manager, Office of Natural Resource Information Systems, Natural Resource Stewardship and Science, National Park Service, 1201 Oakridge Dr., Fort Collins, CO 80525; Telephone (970) 267–2132.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of the Interior (DOI), National Park Service (NPS) maintains the ''Planning, Environment and Public Comment (PEPC) System—NPS–23'' system of records. The PEPC System is an online collaborative tool designed to facilitate the project management process in conservation planning and environmental impact analysis. The system assists NPS interdisciplinary team members in making informed decisions with regard to a number of compliance issues throughout the planning, design, and construction process; improving the overall tracking and management of projects; promoting collaboration and tracking key milestones on projects; facilitating communication between project participants, both inside and outside the NPS; increasing the efficiency of the compliance process by helping NPS employees prepare environmental screening and assessment of effect forms, as well as scheduling site visits, tracking tasks, mitigations, and environmental consultations; providing a unified portal for public consultation which makes information available to the public in a single, easily-accessible location; and facilitating analysis for web submission of public comments.

The system will be effective as proposed at the end of the comment period (the comment period will end 40 days after the publication of this notice in the **Federal Register**), unless comments are received which would require a contrary determination. The DOI will publish a revised notice if changes are made based upon a review of the comments received.

II. Privacy Act

The Privacy Act of 1974, as amended (5 U.S.C. 552a), embodies fair information practice principles in a statutory framework governing the means by which Federal Agencies collect, maintain, use, and disseminate individuals' personal information. The Privacy Act applies to records about individuals that are maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines an individual as a United States citizen or lawful permanent resident. As a matter of policy, DOI extends administrative Privacy Act protections to all individuals. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOI by complying with DOI Privacy Act regulations, 43 CFR Part 2.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses of their records, and to assist individuals to more easily find such records within the agency. Below is the description of the NPS ''Planning, Environment and Public Comment (PEPC) System—NPS–23'' system of records.

In accordance with 5 U.S.C. 552a(r), DOI has provided a report of this system of records to the Office of Management and Budget and to Congress.

III. Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 20, 2014.

Felix Uribe,

Privacy Act Officer, National Park Service.

SYSTEM NAME:

Planning, Environment and Public Comment (PEPC) System—NPS–23

SYSTEM LOCATION:

This system is located at the Office of Natural Resource Information Systems, Natural Resource Stewardship and Science, National Park Service, 1201 Oakridge Dr., Fort Collins, CO 80525. Records may also be located at NPS regional and field offices responsible for projects related to conservation planning and environmental impact analysis.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include DOI employees, contractors and volunteers, other Federal, state or local government agency employees, contractors and volunteers, partners of NPS that are involved in the projects, members of the public providing and seeking comments on the projects, and other individuals involved with projects related to conservation planning and environmental impact analysis.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents necessary to track compliance, milestones, and status of projects related to conservation planning and environmental impact analysis, and may include name, home or business address, telephone number, email address, correspondent identification number, project number, and unique correspondence identification number for each correspondence record received. The correspondent's identification number is a unique number in the database that can be used to query the correspondent's information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4321, The National Environmental Policy Act of 1969, as amended; and 43 CFR Part 46, Implementation of the National Environmental Policy Act of 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purposes of the system are (1) to track progress and milestones of park projects, including the legal compliance process outlined in the National Environmental Policy Act; (2) to allow park staff to collaborate with team members on a project, post plans and related documents for public review; (3) to provide public comment opportunity; and (4) to provide the NPS with a tool for comment analysis and response, which includes demographic information to better make informed decisions and serve the public.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records or information contained in this system may be disclosed outside DOI as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) (a) To any of the following entities or individuals, when the circumstances set forth in paragraph (b) are met:

(i) The U.S. Department of Justice (DOJ);

(ii) A court or an adjudicative or other administrative body;

(iii) A party in litigation before a court or an adjudicative or other administrative body; or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When:

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;

(B) Any other Federal agency appearing before the Office of Hearings and Appeals;

(C) Any DOI employee acting in his or her official capacity;

(D) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(E) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purpose for which the records were compiled.

(2) To a congressional office in response to a written inquiry that an individual covered by the system, or the heir of such individual if the covered individual is deceased, has made to the office.

(3) To any criminal, civil, or regulatory law enforcement authority (whether Federal, state, territorial, local, tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, criminal, civil, or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

(4) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

(5) To Federal, state, territorial, local, tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

(6) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

(7) To state and local governments and tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

(8) To an expert, consultant, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system. (9) To appropriate agencies, entities, and persons when:

(a) It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; and

(b) DOI has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the DOI or another agency or entity) that rely upon the compromised information; and

(c) The disclosure is made to such agencies, entities and persons who are reasonably necessary to assist in connection with the DOI's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(10) To the Office of Management and Budget (OMB) during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A–19.

(11) To the Department of the Treasury to recover debts owed to the United States.

(12) To the news media when the disclosure is compatible with the purpose for which the records were compiled.

(13) To officials of another Federal, state, local, or tribal agency to retrieve, review or analyze public comments for projects under their authority, which were received via the PEPC System.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1996 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are contained in file folders stored within filing cabinets.

Electronic records are contained in computers, magnetic disks, computer tapes, removable drives, email and electronic databases.

RETRIEVABILITY:

Records in this system are retrieved by various fields including the name of correspondent, project number, correspondence identification number or correspondent's identification number.

SAFEGUARDS:

Access to records in the PEPC System is limited to authorized personnel whose official duties require such access. Paper records are secured in file cabinets in areas which are locked during non-duty hours. Electronic records conform to OMB and Departmental guidelines reflecting the implementation of the E-Government Act of 2002, National Institute of Standards and Technology Special Publication standards for Computer Security and the DOI regulations on safeguarding of Privacy Act information (43 CFR 2.226). A Privacy Impact Assessment was developed for the PEPC System to ensure that Privacy Act requirements and safeguards are met. Database tables are kept on separate file servers away from general file storage and other local area network usage. The data itself is stored in a password-protected, client-server database. Electronic transmissions of records are encrypted and password-protected. Security measures establish access levels for different types of users. Personnel authorized to access the system must complete all Security, Privacy, and Records management training and sign the Rules of Behavior.

RETENTION AND DISPOSAL:

Records in this system are retained in accordance with the National Park Service Records Schedule for Resource Management and Lands, which has been approved by National Archives and Records Administration (Job No. N1–79–08–1), and includes both permanent and temporary records. Records retention and disposition vary dependent on the type of record maintained within the system.

Paper records are disposed of by shredding or pulping, and records contained on electronic media are degaussed or erased in accordance with 384 Departmental Manual 1.

SYSTEM MANAGER AND ADDRESS:

Project Manager, Office of Natural Resource Information Systems, Natural Resource Stewardship and Science, National Park Service, 1201 Oakridge Dr., Fort Collins, CO 80525.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on himself or herself should send a signed, written inquiry to the System Manager identified above. The request envelope and letter should both be clearly marked ''PRIVACY ACT INQUIRY.'' A request for notification must meet the requirements of 43 CFR 2.235.

RECORDS ACCESS PROCEDURES:

An individual requesting records on himself or herself should send a signed, written inquiry to the System Manager identified above. The request should describe the records sought as specifically as possible. The request envelope and letter should both be clearly marked ''PRIVACY ACT REQUEST FOR ACCESS.'' A request for access must meet the requirements of 43 CFR 2.238.

CONTESTING RECORDS PROCEDURES:

An individual requesting corrections or the removal of material from his or her records should send a signed, written request to the System Manager identified above. A request for corrections or removal must meet the requirements of 43 CFR 2.246.

RECORD SOURCE CATEGORIES:

Records in the PEPC System are obtained from DOI employees, contractors and volunteers, other Federal, state or local government agency employees, contractors and volunteers, partners of NPS that are involved in projects, members of the public providing and seeking comments on projects, and other individuals involved with projects related to conservation planning and environmental impact analysis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014–12298 Filed 5–27–14; 8:45 am]

BILLING CODE 4310–EJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–KAHO–15695; PPPWKAHOS0, PPMPSPD1Z.S00000]

Amendment of Na Hoa Pili O Kaloko-Honokōhau National Historical Park Advisory Commission Meeting Date

AGENCY: National Park Service, Interior.

ACTION: Notice of Amendment of Meeting Date.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), notice is hereby given of the change in date for the September 5, 2014, meeting of the Na Hoa Pili O Kaloko-Honokōhau National Historical Park Advisory Commission.

DATES: The meeting date originally published on January 30, 2014, in the **Federal Register**, 79 FR 4956, has been changed. The new meeting date will be Friday, August 22, 2014, at 9:30 a.m. (Hawaii Standard Time).

ADDRESSES: The meeting will be held at the Kaloko-Honokōhau National Historical Park Halau at the southern end of the park, located north of Honokōhau Harbor with access through the Honokōhau pedestrian entrance. Parking is available at Honokōhau Harbor.

FOR FURTHER INFORMATION CONTACT: Jeff Zimpfer, Environmental Protection Specialist, Kaloko-Honokōhau National Historical Park, 73–4786 Kanalani St., #14, Kailua Kona, HI 96740, by telephone 808–329–6881 x1500, or via email *jeff_zimpfer@nps.gov.*

SUPPLEMENTARY INFORMATION: Meetings are open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meetings. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 19, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–12305 Filed 5–27–14; 8:45 am]

BILLING CODE 4312–FP–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0003; MMAA104000]

Potential Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf (OCS) Offshore New York

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

ACTION: Notice of Intent to Prepare an Environmental Assessment.

SUMMARY: This Notice of Intent to Prepare an Environmental Assessment (Notice) is being published as an initial step to involve Federal agencies, states, tribes, local governments, and the public in an early and transparent process to prepare an Environmental Assessment (EA) in accordance with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and the Council on Environmental Quality (CEQ) regulations implementing NEPA, 40 CFR parts 1500–1508. This process includes determining the scope of issues and identifying potentially significant issues related to a proposed project on the OCS offshore New York. This public and expert input will help inform BOEM decision-making with regard to issuing leases and approving site assessment activities.

In consultation with other Federal agencies and BOEM's New York Intergovernmental Renewable Energy Task Force, BOEM has identified an area for consideration for potential future wind energy leasing offshore New York (Call Area). The Call Area is identified in *Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore New York—Call for Information and Nominations* (Call), which is being published concurrently with this Notice. The leasing process provides several opportunities for public involvement before leasing can occur, including the publication of a Call and proposed sale notice. A commercial lease gives the lessee the exclusive right, subsequently, to seek BOEM approval for the development of the leasehold. The lease does not grant the lessee the right to construct any facilities; rather, the lease grants the lessee the right to use the leased area to develop its plans, which BOEM must approve before the lessee can move on to the next stage of the process. (See 30 CFR 585.600 and 585.601.)

BOEM intends to prepare an EA to consider the environmental consequences associated with issuing commercial wind leases, associated site characterization activities (i.e., biological, archeological, geological and geophysical surveys and core samples), and approving site assessment activities on those leases within the Call Area. If a lessee proposes commercial wind development activity, the specific proposal will be subject to an environmental review at that time. At a minimum, the EA will consider the alternatives of (1) no action (i.e., no issuance of a lease) and (2) the issuance of a lease, associated site characterization activities and approval of certain site assessment activities within the lease area, such as installation of a fixed meteorological tower and/or deployment of a meteorological buoy. With this notice, BOEM requests comments and input from Federal, state, and local government agencies; tribal governments; and other interested parties on environmental issues and alternatives that may be appropriate for consideration in the EA. BOEM also requests information pertaining to measures (e.g., limitations on activities based on technology, siting, or timing) that would minimize the impacts to environmental resources and socioeconomic conditions that could result from the proposed activity. Additionally, as part of its compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and its implementing regulations (36 CFR part 800), BOEM is seeking public comment and input regarding the identification of historic properties or potential effects to historic properties from leasing and site assessment activities in the proposed lease area.

Authority: This Notice is published pursuant to 43 CFR 46.305.

FOR FURTHER INFORMATION CONTACT: Michelle Morin, BOEM Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817, (703) 787–1340 or *michelle.morin@BOEM.gov.*

SUPPLEMENTARY INFORMATION:

1. The OCS Wind Energy Leasing and Development Process

There are four key phases in BOEM's wind energy authorization on the OCS: (1) Planning; (2) lease issuance; (3) approval of a site assessment plan (SAP); and (4) approval of a construction and operations plan (COP). During the planning phase, BOEM engages our inter-governmental partners and other relevant parties to delineate an area on the OCS that would be appropriate for commercial wind activities. BOEM is currently working through this stage for the area offshore New York with BOEM's New York Intergovernmental Renewable Energy Task Force. This phase typically ends with the completion of the environmental reviews necessary to support lease issuance. The second phase, issuance of a commercial wind lease, gives the lessee an exclusive right to apply for the required approval of a SAP. The third phase is the applicant's actual submission and BOEM's subsequent review and approval of a SAP. Approval of a SAP allows the lessee to construct and install equipment on the leasehold to perform site assessment functions, such as a meteorological tower or buoys. See 30 CFR 585.600–585.601; 585.605–585.618. The submission of a SAP is separate from the submission of a COP. After the lessee has collected the site characterization and assessment data necessary, the lessee may submit its COP to BOEM for subsequent review and may proceed with construction and operation of a renewable energy facility on the lease if BOEM approves the COP (see 30 CFR 585.620–585.629) and after BOEM's review of a lessee's Facility Design Report and Fabrication and Installation Report (see 30 CFR 585.700–585.702)

2. Proposed Action and Scope of Analysis

The proposed action that will be the subject of the EA is the issuance of one or more renewable energy leases within the Call Area described in this Notice and the approval of site assessment activities on those leases in support of COP information requirements. (See 30 CFR 585.610 and 585.626.) Based on the information submitted in response to this Notice and the Call, BOEM plans to identify any portions of the Call Area that should be excluded from consideration for commercial wind leasing at this time. The remaining area identified will constitute a Wind Energy Area (WEA) and will be subject to environmental analysis in consultation with appropriate Federal agencies, states, local governments, tribes and other interested parties.

Additional NEPA analyses will be required before any future decisions on construction or operation of wind energy facilities on leases that may be issued within the Call Area. If and when a lessee is ready to begin this final phase of renewable energy development, it must submit a COP to proceed. No COP has been submitted to BOEM for a project within the Call Area at this time. If a COP is submitted for a particular project on a lease, appropriate site- and project-specific NEPA analysis will be prepared.

If BOEM determines during the EA process that issuing leases, authorizing site assessment activities, or associated site characterization activities within the Call Area would constitute a major Federal action significantly affecting the human environment, BOEM will publish a Notice of Intent to prepare an Environmental Impact Statement (EIS). If BOEM determines during the EA process that issuing leases, authorizing site assessment activities, or associated site characterization activities within the Call Area would not be a major impact significantly affecting the human

environment, BOEM will issue a Finding of No Significant Impact (FONSI). After either a FONSI is issued or the EIS process is completed, BOEM may issue one or more renewable energy leases within the Call Area. In the event that a particular lease is issued, and the lessee submits a SAP, BOEM will determine whether the EA adequately considers the environmental impacts of the activities proposed in the lessee's SAP. If the analysis in the EA adequately addresses these impacts, then no further NEPA analysis will be required before the SAP is approved. If the EA requires supplementation, additional NEPA analysis would be conducted before the SAP could be approved.

3. Information That Will Be Incorporated Into the EA

On November 6, 2007, BOEM published a Notice of Availability (NOA) in the **Federal Register** (72 FR 62,672) of the Programmatic EIS for Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf, Final EIS (OCS Report MMS 2007–046). BOEM has prepared several EAs for areas in the North Atlantic and Mid-Atlantic OCS that evaluated activities similar to those to be addressed in the EA for which this Notice is being published (*http://www.boem.gov/Renewable-Energy-Program/Smart-from-the-Start/Index.aspx*). Additionally, BOEM has published a Final Programmatic EIS for proposed geological and geophysical activities in the Mid-Atlantic and South Atlantic OCS Planning Areas (OCS EIS/EA BOEM 2014–001).

BOEM will incorporate the environmental and socioeconomic analyses of site characterization and assessment activities from previous NEPA documents and other public information to help inform its analysis in the EA.

4. Description of the Call Area

A detailed description of the Call Area can be found in the Call that is being published concurrently with this Notice.

A map of the Call Area can be found at the following URL: *http://boem.gov/Renewable-Energy-Program/State-Activities/New York.aspx*.

A large-scale map of the Call Area showing its boundaries and with numbered blocks is available from BOEM at the following address: Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817, Phone: (703) 787–1320.

5. Cooperating Agencies

BOEM invites Federal, state, and local government agencies, as well as tribal governments, to consider becoming cooperating agencies in the preparation of this EA. Regulations implementing the procedural provisions of NEPA define cooperating agencies as those with ''jurisdiction by law or special expertise'' (40 CFR 1508.5). Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency and remember that an agency's role in the environmental analysis neither enlarges nor diminishes the final decisionmaking authority of any other agency involved in the NEPA process.

Upon request, BOEM will provide potential cooperating agencies with a draft memorandum of agreement that includes a schedule with critical action dates and milestones, mutual responsibilities, designated points of contact, and expectations for handling pre-decisional information. Agencies should also consider the ''Factors for Determining Cooperating Agency Status'' in Attachment 1 to CEQ's January 30, 2002, Memorandum for the Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the NEPA. A copy of this document is available at: *http://ceg.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html* and at: *http://ceg.hss.doe.gov/nepa/regs/cooperating/cooperatingagencymemofactors.html.*

BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. If an agency is not a cooperating agency, it may provide information to BOEM during the public comment period for the EA.

6. Comments

Federal, state, local government agencies; tribal governments; and other interested parties are requested to send their written comments regarding environmental issues and potential alternatives to the proposed action described in this Notice in one of the following ways:

1. Electronically: *http://www.regulations.gov.* In the entry entitled ''Enter Keyword or ID,'' enter BOEM–2014–0003, then click ''search.'' Follow the instructions to submit public comments and view supporting and related materials available for this document.

2. In written form, delivered by hand or by mail, enclosed in an envelope labeled ''Comments on New York EA'' to Program Manager, Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817. Comments should be submitted no later than July 14, 2014.

Dated: April 21, 2014.

Tommy P. Beaudreau,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–12067 Filed 5–27–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2013–0087; MMAA104000]

Commercial Leasing for Wind Power Development on the Outer Continental Shelf (OCS) Offshore New York—Call for Information and Nominations (Call)

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

ACTION: Call for Information and Nominations for Commercial Leases for Wind Power Development on the Outer Continental Shelf Offshore New York.

SUMMARY: BOEM invites submissions of nominations from parties interested in obtaining one or more commercial leases that would allow a lessee to propose the construction of a wind energy project(s) on the OCS offshore New York. Although the publication of this notice is not itself a leasing announcement, the area described herein may be subject to future leasing. Parties wishing to submit a nomination in response to this Call should submit detailed and specific information as described in the section entitled, ''Required Nomination Information.'' Parties that have previously submitted a nomination in response to the Request for Interest (RFI) (78 FR 760, published on January 4, 2013) do not need to resubmit their proposals unless they wish to modify or update them.

BOEM also requests comments from interested and affected parties regarding site conditions, resources, and multiple uses of the identified area that would be relevant to BOEM's review of the nominations and/or to any subsequent decision concerning whether to offer all or part of the area for commercial wind leasing. Information that BOEM is requesting is described in the section entitled, ''Requested Information from Interested or Affected Parties.''

This Call is published pursuant to subsection 8(p)(3) of the OCS Lands Act (43 U.S.C. 1337(p)(3)), which was added by section 388 of the Energy Policy Act of 2005 (EPAct), as well as the

implementing regulations at 30 CFR Part 585.

The Call Area described in this notice is located on the OCS off the coast of Long Island, New York, beginning approximately 11 nautical miles (nmi) south of Long Beach, New York. From its western edge, the area extends approximately 26 nmi southeast at its longest portion. The project area consists of 5 full OCS blocks and 148 sub-blocks. The entire area is approximately 127 square miles, 81,130 acres, or 32,832 hectares. Table 1 describes the OCS lease blocks and sub-blocks included within the area of interest. A detailed description of the area is presented later in this notice.

DATES: BOEM will only consider nominations describing interest in this Call Area that are postmarked by July 14, 2014. BOEM requests that comments and any other information are submitted by this date.

Submission Procedures: If you are submitting a nomination for a commercial lease in response to this Call, please submit your nomination by mail to the following address: Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817. In addition to a paper copy of the nomination, include an electronic copy of the nomination on a compact disc (CD) or flash drive. Nominations must be postmarked by July 14, 2014. BOEM will list the parties that submitted nominations and the location of the proposed lease areas (OCS blocks they nominated) on the BOEM Web site after the 45-day comment period closes.

Comments and other submissions of information may be submitted by either of the following two methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter BOEM–2013–0087, and then click ''Search.'' Follow the instructions to submit public comments and view supporting and related materials available for this notice.

2. By U.S. Postal Service or other delivery service, send your comments and information to the following address: Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817.

All responses will be reported on *http://www.regulations.gov.* If you wish to protect the confidentiality of your nomination or comment, clearly mark the relevant sections and request that BOEM treat them as confidential. Please label privileged or confidential information ''Contains Confidential Information,'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in the section of this Call entitled, ''Protection of Privileged or Confidential Information.'' Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

FOR FURTHER INFORMATION CONTACT: Dr. Andrew Krueger, Project Coordinator, BOEM, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817, (703) 787–1320, or *andrew.krueger@boem.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Call for Information and Nominations

The OCS Lands Act requires BOEM to award leases competitively, unless BOEM makes a determination that there is no competitive interest (43 U.S.C. 1337(p)(3)). The purpose of this notice is to inform the public that BOEM has determined that competitive interest exists in the area identified, solicit any additional expressions of interest in obtaining a lease in the area identified, and request information from interested and affected parties on issues relevant to BOEM's review of nominations for potential leases in the area identified.

Background

Energy Policy Act of 2005 (EPAct)

The EPAct amended the OCS Lands Act by adding subsection 8(p)(1)(c), which authorizes the Secretary of the Interior (Secretary) to grant leases, easements, or rights-of-way (ROWs) on the OCS for activities that are not otherwise authorized by law and that produce or support the production, transportation, or transmission of energy from sources other than oil or gas. Subsection 8(p) requires the Secretary to issue regulations to carry out the new energy development authority on the OCS. The Secretary delegated the authority to issue leases, easements, and ROWs, and to promulgate regulations to the Director of BOEM. On April 29, 2009, BOEM promulgated the Renewable Energy and Alternate Uses rule, 30 CFR Part 585, which can be found at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Index.aspx#Rules_Development.*

Executive Order 13547: Stewardship of the Ocean, Our Coasts, and the Great Lakes

On July 19, 2010, the President signed an Executive Order establishing a national ocean policy and the National Ocean Council (75 FR 43023). The Order establishes a comprehensive, integrated national policy for the stewardship of the ocean, our coasts and the Great Lakes. Where BOEM actions affect the ocean, the Order requires BOEM to take such action as necessary to implement this policy, to adhere to the stewardship principles and national priority objectives adopted by the Order, and follow guidance from the National Ocean Council.

BOEM appreciates the importance of coordinating its planning endeavors with other OCS users and regulators. It intends to follow principles of coastal and marine spatial planning, and coordinate with the regional planning bodies established by the National Ocean Council, to inform its leasing processes. BOEM anticipates that continued coordination with its Intergovernmental Renewable Energy Task Forces will help inform comprehensive coastal and marine spatial planning efforts.

Mid-Atlantic Regional Planning Body

The National Ocean Policy also calls for the creation of Regional Planning Bodies (RPBs) to coordinate and implement regional ocean planning with state, Federal, tribal, and Fishery Management Council representatives. The intergovernmental Mid-Atlantic RPB (MidA RPB) was formally established in April 2013 to leverage existing state and regional ocean planning efforts and to engage stakeholders and technical experts at every key step.

The MidA RPB is composed of representatives from New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. Representatives from New York are actively engaged in the regional planning body. See the MidA RPB Web site for additional information: *http://www.boem.gov/Mid-Atlantic-Regional-Planning-Body/.*

Actions Taken by the State of New York in Support of Renewable Energy Development

The State of New York has taken important steps to study offshore wind energy development as well as other forms of renewable energy production. New York State coordinates renewable energy policies to strategically harness the many resources that the State can provide to solar, wind (offshore and land-based), bioenergy, geothermal, hydrokinetic, storage, and other power supply options. New York has developed strategies that take into account the opportunities provided by the diverse renewable resources

available in different regions of the State. These strategies are documented in the 2014 Draft New York State Energy Plan, available at: *http://energyplan.ny.gov/Plans/2014.aspx.*

BOEM New York Renewable Energy Task Force

In December 2009, the Governor of New York requested that BOEM form a task force to facilitate intergovernmental communications regarding OCS renewable energy activities and development offshore New York. The BOEM New York Renewable Energy Task Force first met in November 2010 to facilitate coordination among relevant Federal agencies and affected state, local, and tribal governments throughout the leasing process. Two subsequent meetings were held in April 2012 and September 2013. Task Force meeting materials are available on the BOEM Web site at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx.*

New York Call Area

The Call Area is the same as the area described in the Request for Interest (RFI) (78 FR 760), which was published in the **Federal Register** on January 4, 2013, and is discussed in further detail in the ''Publication of RFI and Responses Received'' section below. BOEM may adjust this potential leasing area in response to comment submissions and information received from this notice and the associated Notice of Intent to Prepare an Environmental Assessment (NOI–EA), described below in the section entitled, ''Environmental Review.''

Publication of RFI and Responses Received

On September 8, 2011, BOEM received an unsolicited request from the New York Power Authority (NYPA) for a commercial wind lease on the OCS offshore New York. NYPA submitted its request on behalf of the ''Long Island-New York City Offshore Wind Collaborative,'' a public-private entity consisting of NYPA, the Long Island Power Authority, and Consolidated Edison Company of New York, Inc. The Collaborative's goal is to develop the proposed project to supply Long Island and New York City with renewable energy, consistent with New York State's and the City of New York's renewable energy initiatives. NYPA's proposed project, the ''Long Island-New York City Offshore Wind Project,'' is designed to generate at least 350 megawatts (MW) of electricity from offshore wind resources, with the ability to expand generation capacity to as much as 700 MW. The project would be located approximately 11 nmi south of Long Beach, New York, in water depths ranging from 60 to 120 feet.

In subsequent discussions, the U.S. Coast Guard (USCG) recommended a minimum one nautical mile separation distance from designated navigation lanes. NYPA incorporated this guidance in their lease request by an amendment filed on June 20, 2012, requesting additional lease area to compensate for the area lost by the increased setback distance. NYPA's unsolicited lease request and the amendment can be viewed at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx.*

In response to the unsolicited proposal, as amended, BOEM issued an RFI on January 4, 2013, to determine whether any parties in addition to NYPA are interested in developing commercial wind facilities in the same area. BOEM received two indications of interest in response to that notice, which can be viewed at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx.* Two companies (Fishermen's Energy, LLC and Energy Management, Inc.) responded to the RFI with indications that they were interested in developing the same area. BOEM reviewed the information submitted by those companies and determined that they demonstrated the technical and financial capability to hold an OCS lease for commercial wind energy development offshore New York. Therefore, BOEM has since determined that there is competitive interest in obtaining commercial wind leases in the Call Area, and is proceeding with the competitive renewable energy leasing process.

In addition to indications of interest, BOEM received 33 public comment submissions from individuals, trade associations, environmental groups, local and state governments, and federal agencies in response to the RFI. The majority of comment submissions indicated strong support for the development of an offshore wind facility for a variety of reasons. The City of New York stated support for the development of an offshore wind facility in order to diversify the electricity supply, reduce electric constraints, and help to achieve a more reliable electric system. Numerous environmental groups and their members noted their support for an offshore wind facility as a means to reduce the need for additional fossil fuel-based power plants, reduce the impacts of climate change, and improve air quality. Additionally, multiple labor and environmental groups as well as state agencies endorsed the development of an offshore wind facility near New York as a means to increase economic growth in the region through sales and wages over the course of a wind facility's construction and operation.

Some comment submissions highlighted concerns for BOEM to consider throughout the leasing process. Multiple commenters, including the National Oceanic and Atmospheric Administration (NOAA), the National Park Service (NPS), and the National Wildlife Federation, urged BOEM to investigate mitigation strategies to ensure that North Atlantic right whales are protected during the development of offshore wind resources in the area. Commenters highlighted that other endangered or threatened species may be found near the Call Area as well, including (in no particular order of conservation priority/concern): The fin whale, humpback whale, piping plover, roseate tern, Atlantic sturgeon, seabeach amaranth, loggerhead sea turtle, green sea turtle, leatherback sea turtle, and Kemp's Ridley sea turtle. Commenters noted that several species protected under the Marine Mammal Protection Act may be found in the Call Area as well.

Other commenters highlighted possible negative impacts to valuable sea scallop fishing activities in the Call Area and requested that the majority of the Call Area be excluded from further consideration. Although BOEM is retaining this fishing area in the Call Area at this time, BOEM will consider this comment and other relevant fishery information as we move forward with area identification.

Other agencies highlighted the need for ongoing consultation throughout the leasing process. For example, the NPS highlighted its concern that a commercial wind facility in the Call Area would impact Fire Island National Seashore and Gateway National Recreation Area as well as a number of National Historic Landmarks along the New Jersey coastline. The NPS has requested that it be consulted on these matters and given the opportunity to comment on future environmental documents, site assessment plans, and construction and operations plans regarding protected areas as well as viewsheds, threatened and endangered species, sediment transport, and other resources. BOEM will continue to work with NPS as we move forward.

Additionally, NOAA noted that the Call Area is designated as essential fish habitat for several federally managed

species that may be impacted by the development of an offshore wind facility. The use of the area as a fishery is supported by fishing data previously supplied to BOEM by NOAA. NOAA highlighted the need to investigate these possible impacts, including cumulative effects and whether fishing activity may continue within a developed wind facility. BOEM will consult with NOAA on these issues through statutory consultation requirements and informal collaboration.

Last, the USCG Sector New York identified a portion of the Call Area that is currently used as a weapons training area (WTA) for maintaining law enforcement proficiency. USCG requested in its comment submission that this WTA be given consideration as an existing use, as BOEM proceeds with the competitive leasing process offshore New York. It is important to note that the WTA is not an officially designated weapons training range. USCG has clarified to BOEM that if BOEM ultimately issues a wind energy lease in the Call Area, USCG has an alternate WTA within the Sector New York area that could be utilized instead.

For additional detail, all comment submissions are available at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx.*

BOEM appreciates the submission of these comments and will give proper consideration to them throughout its planning and decision-making process.

Competitive Leasing Process

The following are the next steps in the competitive leasing process after this Call:

(1) *Area Identification:* BOEM will identify areas for environmental analysis and consideration for leasing in consultation with appropriate Federal agencies, states, local governments, affected Indian Tribes, and other interested parties. BOEM will also consider comments and nominations made in response to this Call with respect to areas that should receive special consideration and analysis, including but not limited to areas with geological conditions, archeological sites, multiple uses, and other socioeconomic, biological, and environmental information. The environmental analysis and consideration will detail the potential effect of leasing on the human, marine, and coastal environments, and BOEM will develop measures to mitigate adverse impacts, including lease stipulations and conditions. BOEM will comply with the requirements of the National Environmental Policy Act (NEPA), the Coastal Zone Management Act (CZMA), and any other applicable Federal statutes for the purpose of issuing a lease in the Call Area.

(2) *Proposed Sale Notice:* After the completion of the necessary environmental reviews, BOEM will publish a Proposed Sale Notice (PSN) in the **Federal Register** and send the PSN to the Governor of any affected state, any affected tribes, and the executive of any local government that might be affected. The PSN will describe the areas that BOEM has decided to offer for leasing and the proposed terms and conditions of a lease sale, including the proposed auction format, lease form and lease provisions. Additionally, the PSN will describe the criteria and process for evaluating bids. The PSN would be issued after preparation of various analyses of proposed lease sale economic terms and conditions. The comment period following issuance of a PSN is 60 days.

(3) *Final Sale Notice:* If BOEM decides to proceed with lease issuance after considering comment submissions on the PSN, it will publish the Final Sale Notice (FSN) in the **Federal Register** at least 30 days before the date of the sale. BOEM will publish the criteria for winning bid determinations in the FSN.

(4) *Bid Submission and Evaluation:* Following publication of the FSN in the **Federal Register**, qualified bidders may submit their bids to BOEM in accordance with procedures specified in the FSN. The bids, including the bid deposits, if applicable, would be reviewed for technical and legal adequacy. BOEM will evaluate each bid to determine if the bidder has complied with all applicable regulations and the terms of the FSN. BOEM reserves the right to reject any or all bids as well as the right to withdraw an offer to lease an area from the sale.

(5) *Issuance of a Lease:* Following the selection of a winning bid or bids by BOEM, the submitter(s) is/are notified of the decision and provided a set of official lease documents for execution. The successful bidder(s) will be required to execute the lease, pay the remainder of the bonus bid, if applicable, and file the required financial assurance within 10 days of receiving the lease documents. Upon receipt of the required payments, financial assurance, and properly executed lease forms, BOEM will issue a lease to the successful bidder(s).

Pursuant to 30 CFR 585.212, BOEM may decide to end the competitive leasing process prior to the publication of a FSN if it believes that competitors have withdrawn and competitive interest no longer exists. A termination of the competitive process would require BOEM to publish an additional notice in the **Federal Register** to confirm that competitive interest no longer exists in the area. BOEM would use the information received in response to this additional notice to determine whether it would continue with the competitive lease sale process or initiate the noncompetitive lease negotiation process.

Environmental Review

BOEM is publishing concurrently with this Call a Notice of Intent to prepare an Environmental Assessment (NOI–EA) to consider the environmental impacts and socioeconomic effects of issuing one or more renewable energy leases in the Call Area. The EA will investigate reasonably foreseeable site characterization activities, such as geophysical, geotechnical, archaeological, and biological surveys. The EA will also consider the reasonably foreseeable environmental impacts and socioeconomic effects associated with the approval of site assessment activities (including the installation and operation of meteorological towers and buoys) on any lease that may be issued. The New York NOI–EA can be found at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx.*

In the event that a lease is issued, and the lessee subsequently submits a Site Assessment Plan (SAP), pursuant to 30 CFR 585.605–618, BOEM would then determine whether the EA adequately considers the environmental consequences of the activities proposed in the lessee's SAP. If BOEM determines that the analysis in the EA adequately considers these consequences, then no further NEPA analysis would be required before BOEM makes a decision on the SAP. If, on the other hand, BOEM determines that the analysis in the EA is inadequate for that purpose, BOEM would conduct additional NEPA analysis before it makes a decision on the SAP. In either event, BOEM would then make a decision to approve, approve with modifications, or disapprove the SAP.

If a lessee is prepared to propose a wind energy generation facility on its lease, it would submit a Construction and Operations Plan (COP). BOEM then would prepare a separate site- and project-specific NEPA analysis of the proposed project. This analysis would likely take the form of an Environmental Impact Statement and would provide the public and Federal officials with comprehensive information regarding the reasonably foreseeable

environmental impacts of the proposed project. At this stage, BOEM would evaluate the potential environmental and socioeconomic consequences of the proposed project. This analysis would inform BOEM's decision to approve, approve with modification, or disapprove a lessee's COP pursuant to 30 CFR 585.628. This NEPA process also would provide additional opportunities for public involvement pursuant to NEPA and the White House Council on Environmental Quality's regulations at 40 CFR Parts 1500–1508.

Description of the Call Area

The Call Area is the same as the area described in the RFI, which was published in the **Federal Register** on January 4, 2013. The Call Area offshore New York contains 5 whole OCS blocks and 148 sub-blocks. The area begins approximately 11 nmi south of Long Beach, New York. From its western edge, the area extends approximately 26 nmi southeast at its longest portion. The entire area is approximately 127 square miles, 81,130 acres, or 32,832 hectares. Table 1 below describes the OCS lease blocks and sub-blocks included within the Call Area.

TABLE 1—LIST OF OCS BLOCKS AND SUB-BLOCKS INCLUDED IN THE CALL AREA

Protraction name	Protraction No.	Block No.	Sub block
New York	NK 18–12	6655	F,G,H,K,L,P.
New York	NK 18–12	6656	I,J,K,L,M,N,O,P.
New York	NK 18–12	6657	M,N,O,P.
New York	NK 18–12	6706	B,C,D,H.
New York	NK 18–12	6707	A,B,C,D,E,F,G,H,J,K,L,P.
New York	NK 18–12	6708	Entire block.
New York	NK 18–12	6709	E,F,G,H,I,J,K,L,M,N,O,P.
New York	NK 18–12	6710	I,J,K,L,M,N,O,P.
New York	NK 18–12	6711	M,N,O,P.
New York	NK 18–12	6712	M.
New York	NK 18–12	6758	A,B,C,D,G,H.
New York	NK 18–12	6759	A,B,C,D,E,F,G,H,I,J,K,L,O,P.
New York	NK 18–12	6760	Entire block.
New York	NK 18–12	6761	Entire block.
New York	NK 18–12	6762	Entire block.
New York	NK 18–12	6763	A,C,D,E,F,G,H,I,J,K,L,M,N,O,P.
New York	NK 18–12	6764	A,E,F,G,H,I,J,K,M,N.
New York	NK 18–12	6810	A,B,C,D,G,H,L.
New York	NK 18–12	6811	A,B,C,D,E,F,G,H,I,J,K,L,O,P.
New York	NK 18–12	6812	Entire block.
New York	NK 18–12	6813	A,B,C,D,E,F,G,H,I,J,M,N.
New York	NK 18–12	6814	A.
New York	NK 18–12	6862	A,B,C,D,E,F,G,H,K.
New York	NK 18–12	6863	A.

Map of the Call Area

A map of the Call Area can be found at: *http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx.*

A large-scale map of the Call Area showing boundaries with numbered blocks is available from BOEM at the following address: Bureau of Ocean Energy Management, Office of Renewable Energy Programs, 381 Elden Street, HM 1328, Herndon, Virginia 20170–4817. Phone: (703) 787–1320, Fax: (703) 787–1708.

List of OCS Blocks and Sub-Blocks in the Call Area Potentially Subject to Limitations

The Call Area includes areas that BOEM wishes to highlight as areas of special interest or concern based on responses to the RFI. These areas are described below.

Traffic Separation Schemes

The Call Area is located between two Traffic Separation Schemes (TSS) for vessels transiting into and out of the Port of New York and New Jersey. The USCG has generally recommended that lease areas be located with a minimum setback of 1 nmi from any adjacent TSS. BOEM has adopted this recommendation and NYPA filed an amendment to their nomination adding area to compensate for the wider setback distance. The Call Area includes the additional area requested in NYPA's amendment. For purposes of this Call, BOEM will not consider leasing those sub-blocks between an adjacent TSS and the 1 nmi setback. However, BOEM is including sub-blocks that are transected by the setback line. BOEM reserves the right to prohibit the installation of any structures on the portions of those sub-blocks located within the recommended setback.

Department of Defense (DOD) Activities

The Call Area includes OCS blocks where site-specific conditions and stipulations may need to be developed and applied to any leases issued and/or plans approved to help ensure that projects are compatible with DOD activities. Such stipulations may include, but are not limited to:

1. A hold-and-save-harmless agreement where the lessee assumes all risks of damage or injury to persons or property if such injury or damage to such person or property occurs by reason of the activities of the U.S. Government;

2. A requirement that, at times requested by DOD, the lessee control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors, or subcontractors when operating in specified DOD Operating Areas (OPAREAs) or warning areas;

3. An agreement with the appropriate DOD commander when operating vessels or aircraft in a designated OPAREA or warning area requiring that these vessel and aircraft movements be coordinated with the appropriate DOD commander;

4. A requirement that at times requested by DOD, the lessee temporarily suspends operations and/or

evacuates the lease in the interest of safety and/or national security.

Port Ambrose Liquefied Natural Gas Project

Potentially interested parties should be aware that Liberty Natural Gas, LLC (Liberty) has submitted an application to the USCG and the Maritime Administration for the construction and operation of an offshore liquefied natural gas (LNG) facility, called the Port Ambrose LNG Project. The proposed facility would be located within the Call Area, (OCS blocks 6708, 6709, and 6758), roughly 19 miles off Jones Beach, New York, and approximately 31 miles from the entrance to New York Harbor. The USCG is in the process of reviewing Liberty's application and determining guidance for setbacks and other measures that will ultimately determine the footprint of the Port Ambrose LNG Project.

BOEM provided scoping comments to the USCG on July 19, 2013, in relation to the USCG's development of an Environmental Impact Statement for the proposed Port Ambrose LNG project. BOEM's primary concern was to ascertain the compatibility of a commercial wind facility with the LNG project. Although Liberty noted their belief that the LNG facility would be compatible with a large wind energy facility in their application, BOEM highlighted concerns about navigational challenges resulting from large LNG vessels operating within close proximity to offshore wind turbines. BOEM recommended that the USCG require a more thorough analysis of the proposed LNG facility's compatibility with large scale wind development as well as an investigation of strategies to minimize potential conflicts.

Additional information on the Liberty Natural Gas Deepwater Port License Application is available at: *https://federalregister.gov/a/2013-15008.*

Protected Species

As mentioned in the ''Publication of RFI and Responses Received'' section above, BOEM received multiple comment submissions in response to the RFI highlighting concerns that offshore wind development in the Call Area may affect threatened or endangered species that occur within the Call Area.

The U.S. Fish and Wildlife Service (FWS) recommends that project area data be collected to fill data gaps and provide information on protected species within the Call Area and that study plans should be coordinated with the FWS. This recommendation is consistent with the BOEM ''Guidelines for Providing Avian Survey Information for Renewable Development on the Atlantic Outer Continental Shelf,'' available at: *http://www.boem.gov/Regulatory-Development-Policy-and-Guidelines.* NOAA's National Marine Fisheries Service (NMFS) recommended that BOEM refer to maps of certain environmental and ecological parameters generated by the NMFS Northeast Fisheries Science Center, as well as data from the New York Department of State's Offshore Atlantic Ocean Study and the Mid-Atlantic Regional Council on the Ocean's data portal during the leasing area identification process to identify areas that serve critical ecosystem functions. Additional information on protected species will be gathered by BOEM during the NOI–EA comment period. Any interested parties are encouraged to provide comments in response to this notice and the associated NOI–EA.

Call for Nominations: Required Information for Responses

A nomination for a commercial wind energy lease in the area identified in this notice must include the following:

(1) The BOEM Protraction name, number, and specific whole or partial OCS blocks within the Call Area that are of interest for commercial wind leasing, including any required buffer area. This information should be submitted as a spatial file compatible with ArcGIS 10.1 in a geographic coordinate system (NAD 83) in addition to a hard copy submittal. If the proposed project area includes one or more partial blocks, please describe those partial blocks in terms of a sixteenth (i.e., sub-block) of an OCS block. BOEM will not consider any areas outside of the Call Area in this process;

(2) A description of your objectives and the facilities that you would use to achieve those objectives, including your intended project size and turbine array configuration (i.e., conceptual turbine spacing, number of turbines, turbine nameplate capacity);

(3) A preliminary schedule of proposed activities, including those leading to commercial operations;

(4) Available and pertinent data and information concerning renewable energy resources and environmental conditions in the area that you wish to lease, including energy and resource data and information used to evaluate the Call Area. Where applicable, spatial information should be submitted in a format compatible with ArcGIS 10.1 in a geographic coordinate system (NAD 83);

(5) Documentation demonstrating that you are legally qualified to hold a lease as set forth in 30 CFR 585.106 and 107. Examples of the documentation appropriate for demonstrating your legal qualifications and related guidance can be found in Chapter 2 and Appendix B of the BOEM Renewable Energy Framework Guide Book available at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Index.aspx#Notices_to_Lessees,_Operators_and_Applicants.* Legal qualification documents will be placed in an official file that may be made available for public review; and

(6) Documentation demonstrating that you are technically and financially capable of constructing, operating, maintaining and decommissioning the facilities described in (2) above. Guidance regarding the required documentation to demonstrate your technical and financial qualifications can be found at: *http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Index.aspx#Notices_to_Lessees,_Operators_and_Applicants.*

Documentation you submit to demonstrate your legal, technical, and financial qualifications must be provided to BOEM in both paper and electronic formats. BOEM considers an Adobe PDF file stored on a CD or flash drive to be an acceptable format for submitting an electronic copy.

It is critical that you submit a complete nomination so that BOEM may evaluate your submission in a timely manner. If BOEM reviews your nomination and determines that it is incomplete, BOEM will notify you of this determination in writing. The notice will describe the information that BOEM determined to be missing from your nomination, and which you must submit in order for BOEM to deem your submission complete. You will be given 15 business days from the date of the notice to submit the information that BOEM found to be missing from your original submission. If you do not meet this deadline, or if BOEM determines this second submittal is insufficient and has failed to complete your nomination, then BOEM retains the right to deem your nomination invalid. In that case, BOEM would not process your nomination.

If you have already submitted this information in response to the RFI or as part of an unsolicited application, there is no need to re-submit these materials in response to this Call. If you wish to include additional information or modify any information already submitted in response to the RFI, including the area described in your submission, you may do so in response to this Call.

Applicants who submit a nomination in response to this Call, or who already submitted a nomination in response to the RFI, are invited (but not required) to respond to this Call with a description of the compatibility of their proposed project with the proposed Port Ambrose LNG Project and with commercial fishing activity occurring, or expected to occur, within and/or near the Call Area. Please state whether you would consider such activities to be compatible with the commercial wind activities you ultimately plan to undertake on the lease. If you believe that specific project design measures would promote greater compatibility, please specify which measures (e.g., notices to mariners, spacing between individual turbines, array configurations, cable burial depths, routing measures, inspection protocols, cable configurations or consolidations).

Call for Information: Requested Information From Interested or Affected Parties

BOEM is requesting from the public and other interested or affected parties specific and detailed data, or other information regarding the following:

(1) Geological and geophysical conditions (including bottom and shallow hazards) in the area described in this notice;

(2) Known archaeological and/or cultural resource sites on the seabed in the area described in this notice;

(3) Historic properties potentially affected by the construction of meteorological towers, the installation of meteorological buoys, or commercial wind development in the area identified in this Call;

(4) Other uses of the area, including navigation (in particular, commercial and recreational vessel use), recreation, and fisheries (commercial and recreational);

(5) Other relevant socioeconomic, biological, and environmental information;

(6) Any potential conflicts or compatibilities between the proposed commercial wind activities and existing fishing practices. If you believe that specific wind project design measures would promote greater compatibility between these two uses, please specify which measures (e.g., notices to mariners, spacing between individual turbines, array configurations, cable burial depths, routing measures, inspection protocols, cable configurations or consolidations);

(7) Any potential conflicts or compatibilities between the proposed Port Ambrose LNG Project and proposed commercial wind activities. If you believe that specific wind project design measures would promote greater compatibility between these two uses, please specify which measures (e.g., notices to mariners, spacing between individual turbines, array configurations, cable burial depths, routing measures, inspection protocols, cable configurations or consolidations); and

(8) Any other relevant information BOEM should consider during its planning and decision-making process for the purpose of issuing a lease in the Call Area.

Protection of Privileged or Confidential Information

Freedom of Information Act: BOEM will protect privileged or confidential information submitted as required by the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information that you submit that is privileged or confidential. If you wish to protect the confidentiality of such information, clearly mark it and request that BOEM treat it as confidential. BOEM will not disclose such information, subject to the requirements of FOIA. Please label privileged or confidential information ''Contains Confidential Information'' and consider submitting such information as a separate attachment.

However, BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such information. Additionally, BOEM will not treat as confidential (1) the legal title of the nominating entity (for example, the name of your company), or (2) the list of whole or partial blocks that you are nominating. Finally, information that is not labeled as privileged or confidential would be regarded by BOEM as suitable for public release.

Section 304 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470w–3(a)): BOEM is required, after consultation with the Secretary of the Interior, to withhold the location, character, or ownership of historic resources if it determines that disclosure may, among other things, risk harm to the historic resources or impede the use of a traditional religious site by practitioners. Tribal entities should designate information that falls under Section 304 of NHPA as confidential.

Dated: May 19, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–12065 Filed 5–27–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0009; DS63610300 DR2PS0000.CH7000 134D0102R2]

Information Collection Request Renewal; Collection of Monies Due the Federal Government; Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1012–0008).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Office of Natural Resources Revenue (ONRR) is inviting comments on the renewal of a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. This Information Collection Request (ICR) covers the paperwork requirements in the regulations under 30 CFR part 1218.

DATES: Submit written comments on or before July 28, 2014.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods (please reference ICR 1012–0008 in your comments):

- Electronically go to *http://www.regulations.gov*. In the entry titled ''Enter Keyword or ID,'' enter ONRR–2011–0009, and then click search. Follow the instructions to submit public comments. We will post all comments.
- Mail comments to Luis Aguilar, Regulatory Specialist, Office of Natural Resources Revenue, P.O. Box 25165, MS 61013A, Denver, Colorado 80225.
- Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Ms. Lee-Ann Martin, Reporting and Solid Mineral Services, ONRR, telephone (303) 231–3313, or email at *LeeAnn.Martin@onrr.gov*. For other questions, contact Mr. Luis Aguilar, telephone (303) 231–3418, or email at *Luis.Aguilar@onrr.gov*. You may also contact Mr. Aguilar to obtain copies (free of charge) of (1) the ICR, (2) any associated forms, and (3) the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 1218, Collection of Monies Due the Federal Government.

OMB Control Number: 1012–0008.

Bureau Form Number: Form ONRR–4425.

Abstract: The Secretary of the U.S. Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary is required by various laws to manage mineral resource production from Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected in accordance with applicable laws. The Secretary also has a trust responsibility to manage Indian lands and to seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands. Public laws pertaining to mineral leases on Federal and Indian lands are posted on our Web site at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm*.

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production, and processing methods. When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information collected includes data necessary to ensure that production is accurately valued and that royalties are appropriately paid.

This ICR covers unique reporting circumstances, including (1) Cross-lease netting in calculation of late-payment interest; (2) designation of a designee; and (3) and Tribal permission for recoupment on Indian oil and gas leases.

Cross-Lease Netting in Calculation of Late-Payment Interest

Regulations at § 1218.54 require ONRR to assess interest on unpaid or underpaid amounts. ONRR distributes these interest revenues to States, Indian tribes, and the U.S. Treasury, based on financial lease distribution information. Current regulations at § 1218.42 provide that an overpayment on a lease or leases may be offset against an underpayment on a different lease or leases to determine the net payment subject to interest when certain conditions are met. This process is called cross-lease netting. Sections 6(a), (b), and (c) of the Royalty Simplification and Fairness Act (RSFA) require ONRR to pay interest on lessees' Federal oil and gas overpayments made on or after February 13, 1997 (six months after the August 13, 1996, enactment of RSFA). ONRR implemented this RSFA provision in 1997 and began calculating interest on both underpayments and overpayments for Federal oil and gas leases, making the cross-lease netting provisions at § 1218.42 no longer applicable for these leases. However, lessees must still comply with the provisions at 30 CFR 1218.42(b) and (c) for Indian Tribal leases or Federal leases other than oil and gas. They must demonstrate that cross-lease netting is correct by submitting production reports, pipeline allocation reports, or other similar documentary evidence. This information is necessary in order for ONRR to determine the correct amount of interest that the lessee owes and to ensure that we collect in full all monies owed to the Federal Government.

Designation of Designee

Requirements of RSFA established that owners of, primarily, operating rights or, secondarily, lease record title (both referred to as ''lessees'') are responsible for making royalty and related payments on Federal oil and gas leases (see 30 CFR 1218.52). It is common however, for a payor—rather than a lessee—to make these payments. When a payor makes payments on behalf of a lessee, RSFA section 6(g) requires that the lessee designate the payor as its designee and notify ONRR of this arrangement in writing. We designed Form ONRR–4425, Designation Form for Royalty Payment Responsibility, to request all the information necessary for lessees to comply with these RSFA requirements when choosing to designate an agent to pay for them. We require this information to ensure proper mineral revenue collection.

Tribal Permission for Recoupment on Indian Oil and Gas Leases

In order to report cross-lease netting on Indian oil and gas leases, lessees must also comply with regulations at 30 CFR 1218.53(b), allowing only lessees with written permission from the Tribe to recoup overpayments on one lease against a different lease for which the Tribe is the lessor. The payor must provide ONRR with a copy of the Tribe's written permission. Generally, a payor may recoup an overpayment against the current month's royalties or other revenues owed on the same Tribal lease. For any month, a payor may not recoup more than 50 percent of the royalties or other revenues owed in that month (under an individual allotted lease) or more than 100 percent of the royalties or other revenues owed in that month (under a Tribal lease). Lessees report oil and gas lease recoupments on Form ONRR–2014, Report of Sales and Royalty Remittance. The burden hours are covered under OMB Control Number 1012–0004.

OMB Approval

We are requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge the duties of the office and may also result in the loss of royalty payments. Proprietary information submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: On occasion.

Estimated Number and Description of Respondents: 1,630 Federal and Indian lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 1,255 hours.

We have not included in our estimates certain requirements performed in the normal course of business and that are considered usual and customary. The following chart shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR Part 1218	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Subpart A—General Provisions—Cross-lease netting in calculation of late-payment interest.				
1218.42 (b) and (c)	Cross-lease netting in calculation of late-payment interest. (b) Royalties attributed to production from a lease or leases which should have been attributed to production from a different lease or leases may be offset . . . if . . . the payor submits production reports, pipeline allocation reports, or other similar documentary evidence pertaining to the specific production involved which verifies the correct production information . . . . (c) If ONRR assesses late-payment interest and the payor asserts that some or all of the interest is not owed . . . the burden is on the payor to demonstrate that the exception applies. . . .	2	25	50
Subpart B—Oil and Gas, General—How does a lessee designate a Designee?				
1218.52 (a), (c), and (d).	How does a lessee designate a Designee? (a) If you are a lessee under 30 U.S.C. 1701(7), and you want to designate a person to make all or part of the payments due under a lease on your behalf . . . you must notify ONRR . . . in writing of such designation. . . . (c) If you want to terminate a designation . . . you must provide [the following] to ONRR in writing . . . . (d) ONRR may require you to provide notice when there is a change in the percentage of your record title or operating rights ownership. The ONRR currently uses Form MMS–4425, Designation Form for Royalty Payment Responsibility, to collect this information.	0.75	1,600	1,200
Subpart B—Oil and Gas, General—Recoupment of overpayments on Indian mineral leases.				
1218.53 (b)	Recoupment of overpayments on Indian mineral leases. (b) With written permission authorized by tribal statute or resolution, a payor may recoup an overpayment against royalties or other revenues owed . . . under other leases . . . . A copy of the tribe's written permission must be furnished to ONRR	1	5	5
Total Burden	.....	.....	1,630	1,255

Estimated Annual Reporting and Recordkeeping "Non-hour" Cost Burden: We have identified no "non-hour cost" burden associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor—and a person is not required to respond to—a collection of information unless it displays a currently valid OMB control number.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency to "* * * provide 60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *." Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice.

Public Comment Policy: We post all comments, including names and addresses of respondents, at *http://www.regulations.gov.* Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public view your personal identifying information, we cannot guarantee that we will be able to do so.

Information Collection Clearance Officer: David Alspach (202) 219–8526

Dated: May 16, 2014.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2014–12185 Filed 5–27–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1206 (Final)]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan; Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Rhonda K. Schmidtlein not participating.

materially injured by reason of imports from Japan of diffusion-annealed, nickel-plated flat-rolled steel products, provided for primarily in subheadings 7210.90.60 and 7212.50.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective March 27, 2013, following receipt of a petition filed with the Commission and Commerce by Thomas Steel Strip Corporation, Warren, Ohio. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of diffusion-annealed, nickel-plated flat-rolled steel products from Japan were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 11, 2013 (78 FR 75371). The hearing was held in Washington, DC, on April 1, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determination in this investigation on May 21, 2014. The views of the Commission are contained in USITC Publication 4466 (May 2014), entitled *Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Investigation No. 731–TA–1206 (Final).*

By order of the Commission.

Issued: May 21, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–12219 Filed 5–27–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Recordkeeping and Reporting Occupational Injuries and Illnesses

ACTION: Notice.

SUMMARY: On May 30, 2014, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Recordkeeping and Reporting Occupational Injuries and Illnesses,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before June 30, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201405-1218-003* (this link will only become active on May 31, 2014) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Recordkeeping and Reporting Occupational Injuries and Illnesses information collection. The Occupational Safety and Health Act (OSHAct) and regulations 29 CFR part 1904 prescribe that certain employers maintain records of job related injuries and illnesses. The OSHA uses the information to carry out enforcement and intervention activities to secure for workers a safe and healthful work environment. The data also provide the Bureau of Labor Statistics information to report on the number and rate of occupational injuries and illnesses in the country. In addition, the data inform employers and workers on the kinds of injuries and illnesses occurring in the workplace and their related hazards. Increased employer awareness should result in the identification and voluntary correction of hazardous workplace conditions. Likewise, workers who receive information on injuries and illnesses will be more likely to follow safe work practices and report workplace hazards. This would generally raise the overall level of safety and health in the workplace. The OSHAct authorizes this information collection. *See* 29 U.S.C. 657, 673.

The OSHA is currently engaged in two rulemakings that would modify 29 CFR part 1904 requirements: (1) Improve Tracking of Workplace Injuries and Illnesses (78 FR 67254) and (2) NAICS Update and reporting Revisions (76 FR 36414). A Notice of Proposed Rulemaking has been published for each, and the public comment period for each rulemaking has ended. The OSHA is currently developing a final rule for each project. As previously noted, this ICR is a request to extend PRA authorization for the injury and illness recordkeeping requirements currently in effect. This ICR does not incorporate any changes from the proposed rules. Any further changes resulting from rulemaking would be approved under the PRA by a different ICR submitted to the OMB under procedures applicable to an ICR associated with ongoing rulemaking activity. *See* 5 CFR 1320.11 and 1320.12

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0176.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for

this collection is scheduled to expire on May 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 20, 2014 (79 FR 9768).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section by June 30, 2014. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0176. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Recordkeeping and Reporting Occupational Injuries and Illnesses.

OMB Control Number: 1218–0176.

Affected Public: State, Local, and Tribal Governments and Private Sector—businesses or other for-profits, farms, and not-for-profit institutions.

Total Estimated Number of Respondents: 1,533,830.

Total Estimated Number of Responses: 5,961,893.

Total Estimated Annual Time Burden: 2,714,085 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 21, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–12299 Filed 5–27–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Gear Certification Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Gear Certification Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 27, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201402-1218-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Gear Certification Standard information collection. Applicants use Form OSHA–70 in order to seek OSHA accreditation to be able to test or examine certain equipment and material handling devices, as required under the OSHA maritime regulations, 29 CFR part 1917 (Marine Terminals) and 29 CFR part 1918 (Longshoring). The OSHA uses this information to accredit companies to inspect and provide certification for cranes, derricks, and accessory gear used in the longshoring, marine terminal, and shipyard industries. Certain types of vessel cargo gear and shore-based material handling devices used in maritime operations are required to have accredited companies conduct examinations. The accredited company either issues a certificate to the owner that the piece of equipment has passed the examination or issues a certificate to the owner of any deficiency found during the examination. The owner is responsible for maintaining a copy of the certification record. The Occupational Safety and Health Act and Longshore and Harbor Workers Compensation Act authorize this information collection. See 29 U.S.C. 651, 653, 655, 657; 33 U.S.C. 18.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0003.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 24, 2014 (79 FR 4182).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0003. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Gear Certification Standard.

OMB Control Number: 1218–0003.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 1,111.

Total Estimated Number of Responses: 6,357.

Total Estimated Annual Time Burden: 184 hours.

Total Estimated Annual Other Costs Burden: $2,878,090.

Dated: May 20, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–12192 Filed 5–27–14; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2013–0256]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 5, 2013.

1. *Type of submission, new, revision, or extension:* New.

2. *The title of the information collection:* NRC Nuclear Education Grantee Survey.

3. *Current OMB approval number:* 3150–XXXX.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required:* Once every 5 years.

6. *Who will be required or asked to report:* NRC Grantees.

7. *An estimate of the number of annual responses:* 60.

8. *The estimated number of annual respondents:* 60.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 45 hours.

10. *Abstract:* The NRC seeks to conduct a survey of grantees funded between 2007 and 2011, under NRC's Nuclear Education Grants. The survey will allow the NRC to collect information that is not otherwise available from all grantees to assess the impact of these funds on grantee programs, their faculty, and their students.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 27, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–XXXX), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 20th day of May, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–12344 Filed 5–27–14; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31054; 812–14280]

Beverly Hills Bancorp Inc.; Notice of Application

May 21, 2014.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an order under sections 6(c) and 6(e) of the Investment Company Act of 1940 (''Act'') for an exemption from all provisions of the Act, except sections 9, 17(a), 17(d), 17(e), 17(f), 36 through 45, and 47 through 51 of the Act and the rules thereunder, modified as discussed in the application.

Summary of Application: The requested order would exempt the applicant, Beverly Hills Bancorp Inc. (''BHBC''), from certain provisions of the Act until the earlier of one year from the date of the requested order or such time as BHBC would no longer be required to register as an investment company under the Act. The requested exemption would extend an exemption granted until May 24, 2014.[1]

Filing Dates: The application was filed on February 18, 2014 and amended on April 29, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request

[1] Beverly Hills Bancorp Inc., Investment Company Act Release Nos. 30497 (April 30, 2013) (notice) and 30541 (May 24, 2013) (order) (''Prior Order'').

a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 13, 2014 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicant, Post Office Box 8280, Calabasas, CA 91372.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Senior Counsel, at (202) 551–6876, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Exemptive Applications Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. BHBC is a bank holding company that conducted its banking and lending operations through its wholly-owned subsidiary First Bank of Beverly Hills, a California banking corporation (the ''Bank''). From its incorporation in 1996 until April 24, 2009, the Bank was the source of substantially all of BHBC's revenues and income. The Bank sustained substantial losses in its real estate loan and mortgage-backed securities portfolios, and as of December 31, 2008, it no longer met applicable regulatory capital requirements. As a result, on February 13, 2009, the Federal Deposit Insurance Corporation (''FDIC'') and the California Department of Financial Institutions (the ''CDFI'') issued an order requiring the Bank to increase its regulatory capital within 60 days. Because the Bank was unable to increase its regulatory capital within the specified time period, on April 24, 2009, the CDFI closed the Bank and the FDIC was appointed as the Bank's receiver.

2. BHBC has one class of common stock outstanding, which it voluntarily delisted from the NASDAQ Global Select Market on February 12, 2009. On February 19, 2009, BHBC deregistered its common stock under Section 12(g) of the Securities Exchange Act of 1934, as amended (the ''Exchange Act''), and on March 13, 2009, its reporting obligations under Section 15(d) of the Exchange Act were suspended. As such, BHBC is no longer subject to the reporting requirements of the Exchange Act and its common stock is solely traded on the over the counter markets under the ''Other OTC'' category. As of January 27, 2014, BHBC had 78 holders of record.

3. As of December 31, 2013, on a consolidated basis, for financial reporting purposes BHBC has assets of $8.5 million, liabilities of $40.9 million, and a stockholders' equity of negative $32.4 million. On a non-consolidated basis, BHBC's assets total approximately $7.1 million. BHBC currently has invested the assets in Permitted Securities (as defined below) since the Prior Order.

4. BHBC has several direct or indirect wholly owned subsidiaries, none of which has any ongoing business or operations. As of January 27, 2014, the following assets were held by BHBC subsidiaries: (i) Wilshire Acquisitions Corporation (''Wilshire Asquisitions'') has assets with a book value of $174,052 consisting of accrued interest and prepaid expenses related to a subsidiary trust; (ii) WFC Inc. has assets with a book value of $220,487 consisting of approximately 13 small consumer and residential mortgage loans, cash, and prepaid expenses; and (iii) BH Commercial Capital I, Inc. has assets with a book value of $1,084,799 consisting of two secured commercial real estate loans (collectively, the ''Subsidiary Assets''). In addition, BHBC also either directly or indirectly owns the common securities of three subsidiary trusts that were formed in connection with offerings of trust preferred securities in which the trust subsidiaries issued their common securities to BHBC or Wilshire Acquisitions and their preferred securities to third party investors. The subsidiary trusts then loaned all the proceeds of the sale of trust preferred securities to BHBC or Wilshire Acquisitions in exchange for junior subordinated debentures (the ''Subordinated Debentures''). The subsidiary trusts have no assets other than the Subordinated Debentures.

5. BHBC's liabilities consist principally of $25.8 million of the Subordinated Debentures issued to its two direct trust subsidiaries and $10.3 million of Subordinated Debentures issued to its indirect trust subsidiary, plus accrued interest of approximately $4.9 million and accrued expenses of $1.0 million. In the aggregate, interest in an approximate amount of $900,000 accrues on a yearly basis pursuant to these three series of Subordinated Debentures. BHBC states that there is no public market for the Subordinated Debentures or the trust preferred securities. Under the terms of the Subordinated Debentures, BHBC may defer interest payments for up to 20 consecutive quarters.[2] On January 29, 2009, BHBC elected to exercise this right and had been able to defer payments on the debentures unitl March 6, 2014. BHBC was not in default under the Subordinated Debentures through the deferral periods, however, BHBC is now in default under the debentures.

6. In March 2014, BHBC was contacted by the holders of some of the debentures, and entered into negotiations with those holders regarding payment of the debentures. On April 10, 2014, a former director of BHBC filed an action against BHBC seeking a temporary restraining order preventing BHBC from making payments on the debentures in light of BHBC's indemnification obligations to its directors. The temporary restraining order was granted. Subsequently, on April 15, 2014, BHBC filed a voluntary petition for relief under chapter 11 of the United States Bankruptcy Code. BHBC continues to operate its business as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

7. BHBC may be subject to contingent liabilities of uncertain amounts related to claims associated with its former operations, as well as regulatory and stockholder claims in connection with the failure of the Bank. In addition, current and former directors and officers of the Bank are subject to two pending actions (the ''Actions'') in connection with the failure of the Bank. These are: (a) An administrative action brought by the FDIC in 2011 against two former officers (one of whom has settled) seeking certain administrative sanctions and penalties; and (b) a lawsuit brought by the FDIC in April, 2012 against the Bank's former directors (including all four current members of the board of directors of BHBC) and several former officers of the Bank for negligence, gross negligence, and breach of fiduciary duty in connection with their activities with the Bank. The latter action seeks $100.6 million in damages related to losses allegedly incurred by the Bank on certain loans.

[2] During the period when interest payments are being deferred, interest continues to accrue, compounding quarterly, at an annual rate equal to the interest in effect for such period and must be paid at the end of the deferral period.

8. BHBC states that it is subject to indemnification and expense obligations in connection with various actions brought against its current and former directors, officers, employees or agents. As a result, BHBC is indemnifying these directors and officers in connection with the Actions. The potential amount of the indemnification claim is unknown.

9. Since the Bank was placed into receivership, BHBC has had no active business or operations. Within several months of the receivership, BHBC terminated all employees, and since that time has paid two consultants on an hourly basis primarily for administrative and accounting services. BHBC does not maintain an office and is managed by its four member board of directors, which has considered various alternatives, including liquidation and acquisition of an operating business, while preserving its assets. BHBC states that because of its financial condition and contingent liabilities, pursuing these courses of action has not been feasible.

Applicant's Legal Analysis

1. Section 3(a)(1)(A) of the Act defines an investment company as any issuer who ''is or holds itself out as being engaged primarily . . . in the business of investing, reinvesting or trading in securities.'' Section 3(a)(1)(C) of the Act further defines an investment company as an issuer who is engaged in the business of investing in securities that have a value in excess of 40% of the issuer's total assets (excluding government securities and cash).

2. Section 6(c) of the Act provides that the Commission may exempt any person from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 6(e) provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the Commission, shall apply to the company and other persons dealing with the company, as if such company were a registered investment company.

3. BHBC acknowledges that it may be deemed to fall within one of the Act's definitions of an investment company. Accordingly, BHBC requests an order of the Commission pursuant to sections 6(c) and 6(e) of the Act exempting it from all provisions of the Act, subject to certain exceptions described below. BHBC requests an exemption until the earlier of one year from the date of the requested order or such time as it would no longer be required to register as an investment company under the Act. During the term of the proposed exemption, BHBC states that it will comply with sections 9, 17(a), 17(d), 17(e), 17(f), 36 through 45, and 47 through 51 of the Act and the rules thereunder, subject to certain modifications described in the application.

4. BHBC requests exemptive relief to the extent necessary to permit it to hold certain types of instruments that may be considered ''securities'', as defined in section 2(a)(36) under the Act, such as short-term U.S. government securities, certificates of deposit and deposit accounts with banks that are insured by the FDIC, shares of registered money market funds, and any instruments that are eligible for investment by money market funds consistent with rule 2a–7 under the Act (collectively, ''Permitted Securities'') without being required to register as an investment company under the Act. BHBC requests this relief in order to permit it to preserve the value of its assets for the benefit of its security holders, and submits that this relief is necessary and appropriate for the public interest.

5. In determining whether to grant relief for a company in an extended transition period, the following factors are considered: (a) Whether the failure of the company to become primarily engaged in a non-investment business or excepted business or to liquidate within one year was due to factors beyond its control; (b) whether the company's officers and employees during that period tried, in good faith, to effect the company's investment of its assets in a non-investment business or excepted business or to cause the liquidation of the company; and (c) whether the company invested in securities solely to preserve the value of its assets. BHBC believes that it meets these criteria.

6. BHBC believes its failure to become primarily engaged in a non-investment business or to liquidate within a year following the receivership of the Bank is due to factors beyond its control. The board of directors of BHBC has regularly considered the feasibility of liquidating or engaging in an operating non-investment business and concluded that it is currently not feasible to commence or acquire a non-investment business or liquidate as a result of BHBC's negative net worth and the uncertainties associated with actual and potential litigation and regulatory claims. BHBC states that the contingent liabilities make it impossible to liquidate BHBC and distribute its assets to creditors and make it imprudent to utilize any substantial part of its assets in an operating business. BHBC states that these circumstances are unlikely to change over the requested one-year period in light of the nature of the actual and contingent liabilities. BHBC states that it has invested its liquid assets solely to preserve the value of its assets and has invested solely in Permitted Securities since the Prior Order. BHBC does not believe its current ownership of certain loans acquired prior to its receivership is inconsistent with its purpose of preserving the value of its assets for the benefit of its security holders. BHBC thus believes that the public interest will be best served by permitting it to continue to invest in Permitted Securities while its liabilities are resolved.

Applicant's Conditions

Applicant agrees that the requested order will be subject to the following conditions:

1. BHBC will not purchase or otherwise acquire any securities other than Permitted Securities, except that BHBC may acquire equity securities of an issuer that is not an ''investment company'' as defined in section 3(a) of the Act or is relying on an exclusion from the definition of ''investment company'' under section 3(c) of the Act other than section 3(c)(1) or 3(c)(7), in connection with the acquisition of an operating business as evidenced by a resolution approved by BHBC's board of directors. BHBC may continue to hold the Subsidiary Assets.

2. BHBC will not hold itself out as being engaged in the business of investing, reinvesting, owning, holding, or trading in securities.

3. BHBC will not make any primary or secondary public offerings of its securities, and it will notify its stockholders that an exemptive order has been granted pursuant to sections 6(c) and 6(e) of the Act and that BHBC and other persons, in their transactions and relations with BHBC, are subject to sections 9, 17(a), 17(d), 17(e), 17(f), 36 through 45, and 47 through 51 of the Act, and the rules thereunder, as if BHBC were a registered investment company, except as permitted by the order requested hereby.

4. Notwithstanding sections 17(a) and 17(d) of the Act, an affiliated person (as defined in section 2(a)(3) of the Act) of BHBC may engage in a transaction that otherwise would be prohibited by these sections with BHBC:

(a) If such proposed transaction is first approved by a bankruptcy court on the basis that (i) the terms thereof, including the consideration to be paid or received, are reasonable and fair to BHBC, and (ii)

the participation of BHBC in the proposed transaction will not be on a basis less advantageous to BHBC than that of other participants; and

(b) in connection with each such transaction, BHBC shall inform the bankruptcy court of: (i) The identity of all of its affiliated persons who are parties to, or have a direct or indirect financial interest in, the transaction; (ii) the nature of the affiliation; and (iii) the financial interests of such persons in the transaction.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12231 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31062; 812–14276]

Morgan Stanley Smith Barney LLC and Morgan Stanley Global Investment Solutions; Notice of Application

May 21, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under (a) section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 2(a)(35), 14(a), 19(b), 22(d) and 26(a)(2)(C) of the Act and rules 19b–1 and rule 22c–1 thereunder and (b) sections 11(a) and 11(c) of the Act for approval of certain exchange and rollover privileges.

Applicants: Morgan Stanley Smith Barney LLC (''MSSB'') and Morgan Stanley Global Investment Solutions (''MSGIS'').[1]

Summary of Application: Applicants request an order to permit certain unit investment trusts to: (a) Impose sales charges on a deferred basis and waive the deferred sales charge in certain cases; (b) offer unitholders certain exchange and rollover options; (c) publicly offer units without requiring the Depositor to take for its own account $100,000 worth of units; and (d) distribute capital gains resulting from the sale of portfolio securities within a reasonable time after receipt.

Filing Dates: The application was filed on February 11, 2014 and amended on May 5, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 16, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, 2000 Westchester Avenue, Purchase, NY 10577.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 551–6817, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. MSGIS is a unit investment trust (''UIT'') that will be registered under the Act. Any future Trust will be a registered UIT. MSSB, a Delaware limited liability company, is registered under the Securities Exchange Act of 1934 as a broker-dealer and is the Depositor of MSGIS. Each Series will be created by a trust indenture between the Depositor and a banking institution or trust company as trustee (''Trustee'').

2. The Depositor acquires a portfolio of securities, which it deposits with the Trustee in exchange for units of fractional undivided interest in the Series' portfolio (''Units''). The Units are offered to the public through the Depositor and dealers at a price which, during the initial offering period, is based upon the aggregate market value of the underlying securities, or, the aggregate offering side evaluation of the underlying securities if the underlying securities are not listed on a securities exchange, plus a front-end sales charge, a deferred sales charge or both. The maximum sales charge may be reduced in compliance with rule 22d–1 under the Act in certain circumstances, which are disclosed in the Series' prospectus.

3. The Depositor may, but is not legally obligated to, maintain a secondary market for Units of an outstanding Series. Other broker-dealers may or may not maintain a secondary market for Units of a Series. If a secondary market is maintained, investors will be able to purchase Units on the secondary market at the current public offering price plus a front-end sales charge. If such a market is not maintained at any time for any Series, holders of the Units (''Unitholders'') of that Series may redeem their Units through the Trustee.

A. Deferred Sales Charge and Waiver of Deferred Sales Charge under Certain Circumstances

1. Applicants request an order to the extent necessary to permit one or more Series to impose a sales charge on a deferred basis (''DSC''). For each Series, the Depositor would set a maximum sales charge per Unit, a portion of which may be collected ''up front'' (i.e., at the time an investor purchases the Units). The DSC would be collected subsequently in installments (''Installment Payments'') as described in the application. The Depositor would not add any amount for interest or any similar or related charge to adjust for such deferral.

2. When a Unitholder redeems or sells Units, the Depositor intends to deduct any unpaid DSC from the redemption or sale proceeds. When calculating the amount due, the Depositor will assume that Units on which the DSC has been paid in full are redeemed or sold first. With respect to Units on which the DSC has not been paid in full, the Depositor will assume that the Units held for the longest time are redeemed or sold first. Applicants represent that the DSC collected at the time of redemption or sale, together with the Installment Payments and any amount collected up front, will not exceed the maximum sales charge per Unit. Under certain circumstances, the Depositor may waive the collection of any unpaid DSC in connection with redemptions or sales of Units. These circumstances will be disclosed in the prospectus for the relevant Series and implemented in accordance with rule 22d–1 under the Act.

[1] Applicants also request relief for future unit investment trusts (collectively, with MSGIS, the ''Trusts'') and series of the Trusts (''Series'') that are sponsored by MSSB or any entity controlling, controlled by or under common control with MSSB (together with MSSB, the ''Depositors''). Any future Trust or Series that relies on the requested order will comply with the terms and conditions of the application. All existing entities that currently intend to rely on the requested order are named as applicants.

3. Each Series offering Units subject to a DSC will state the maximum charge per Unit in its prospectus. In addition, the prospectus for such Series will include the table required by Form N–1A (modified as appropriate to reflect the difference between UITs and open-end management investment companies) and a schedule setting forth the number and date of each Installment Payment, along with the duration of the collection period. The prospectus also will disclose that portfolio securities may be sold to pay the DSC if distribution income is insufficient and that securities will be sold pro rata, if practicable, otherwise a specific security will be designated for sale.

B. Exchange Option and Rollover Option

1. Applicants request an order to the extent necessary to permit Unitholders of a Series to exchange their Units for Units of another Series (''Exchange Option'') and Unitholders of a Series that is terminating to exchange their Units for Units of a new Series of the same type (''Rollover Option''). The Exchange Option and Rollover Option would apply to all exchanges of Units sold with a front-end sales charge, a DSC or both.

2. A Unitholder who purchases Units under the Exchange Option or Rollover Option would pay a lower sales charge than that which would be paid for the Units by a new investor. The reduced sales charge will be reasonably related to the expenses incurred in connection with the administration of the DSC program, which may include an amount that will fairly and adequately compensate the Depositor and participating underwriters and brokers for their services in providing the DSC program.

Applicants' Legal Analysis

A. DSC and Waiver of DSC

1. Section 4(2) of the Act defines a ''unit investment trust'' as an investment company that issues only redeemable securities. Section 2(a)(32) of the Act defines a ''redeemable security'' as a security that, upon its presentation to the issuer, entitles the holder to receive approximately his or her proportionate share of the issuer's current net assets or the cash equivalent of those assets. Rule 22c–1 under the Act requires that the price of a redeemable security issued by a registered investment company for purposes of sale, redemption or repurchase be based on the security's current net asset value (''NAV''). Because the collection of any unpaid DSC may cause a redeeming Unitholder to receive an amount less than the NAV of the redeemed Units, applicants request relief from section 2(a)(32) and rule 22c–1.

2. Section 22(d) of the Act and rule 22d–1 under the Act require a registered investment company and its principal underwriter and dealers to sell securities only at the current public offering price described in the investment company's prospectus, with the exception of sales of redeemable securities at prices that reflect scheduled variations in the sales load. Section 2(a)(35) of the Act defines the term ''sales load'' as the difference between the sales price and the portion of the proceeds invested by the depositor or trustee. Applicants request relief from section 2(a)(35) and section 22(d) to permit waivers, deferrals or other scheduled variations of the sales load.

3. Under section 6(c) of the Act, the Commission may exempt classes of transactions, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that their proposal meets the standards of section 6(c). Applicants state that the provisions of section 22(d) are intended to prevent (a) riskless trading in investment company securities due to backward pricing, (b) disruption of orderly distribution by dealers selling shares at a discount, and (c) discrimination among investors resulting from different prices charged to different investors. Applicants assert that the proposed DSC program will present none of these abuses. Applicants further state that all scheduled variations in the sales load will be disclosed in the prospectus of each Series and applied uniformly to all investors, and that applicants will comply with all the conditions set forth in rule 22d–1.

4. Section 26(a)(2)(C) of the Act, in relevant part, prohibits a trustee or custodian of a UIT from collecting from the trust as an expense any payment to the trust's depositor or principal underwriter. Because the Trustee's payment of the DSC to the Depositor may be deemed to be an expense under section 26(a)(2)(C), applicants request relief under section 6(c) from section 26(a)(2)(C) to the extent necessary to permit the Trustee to collect Installment Payments and disburse them to the Depositor. Applicants submit that the relief is appropriate because the DSC is more properly characterized as a sales load.

B. Exchange Option and Rollover Option

1. Sections 11(a) and 11(c) of the Act prohibit any offer of exchange by a UIT for the securities of another investment company unless the terms of the offer have been approved in advance by the Commission. Applicants request an order under sections 11(a) and 11(c) for Commission approval of the Exchange Option and the Rollover Option.

C. Net Worth Requirement

1. Section 14(a) of the Act requires that a registered investment company have $100,000 of net worth prior to making a public offering. Applicants state that each Series will comply with this requirement because the Depositor will deposit more than $100,000 of securities. Applicants assert, however, that the Commission has interpreted section 14(a) as requiring that the initial capital investment in an investment company be made without any intention to dispose of the investment. Applicants state that, under this interpretation, a Series would not satisfy section 14(a) because of the Depositor's intention to sell all the Units of the Series.

2. Rule 14a–3 under the Act exempts UITs from section 14(a) if certain conditions are met, one of which is that the UIT invest only in ''eligible trust securities,'' as defined in the rule. Applicants state that they may not rely on rule 14a–3 because certain Series (collectively, ''Equity Series'') will invest all or a portion of their assets in equity securities or shares of registered investment companies which do not satisfy the definition of eligible trust securities.

3. Applicants request an exemption under section 6(c) of the Act to the extent necessary to exempt the Equity Series from the net worth requirement in section 14(a). Applicants state that the Series and the Depositor will comply in all respects with the requirements of rule 14a–3, except that the Equity Series will not restrict their portfolio investments to ''eligible trust securities.''

D. Capital Gains Distribution

1. Section 19(b) of the Act and rule 19b–1 under the Act provide that, except under limited circumstances, no registered investment company may distribute long-term gains more than once every twelve months. Rule 19b–1(c), under certain circumstances, exempts a UIT investing in eligible trust securities (as defined in rule 14a–3) from the requirements of rule 19b–1. Because the Equity Series do not limit their investments to eligible trust

securities, however, the Equity Series will not qualify for the exemption in paragraph (c) of rule 19b–1. Applicants therefore request an exemption under section 6(c) from section 19(b) and rule 19b–1 to the extent necessary to permit capital gains earned in connection with the sale of portfolio securities to be distributed to Unitholders along with the Equity Series' regular distributions. In all other respects, applicants will comply with section 19(b) and rule 19b–1.

2. Applicants state that their proposal meets the standards of section 6(c). Applicants assert that any sale of portfolio securities would be triggered by the need to meet Trust expenses, Installment Payments, or by redemption requests, events over which the Depositor and the Equity Series do not have control. Applicants further state that, because principal distributions must be clearly indicated in accompanying reports to Unitholders as a return of principal and will be relatively small in comparison to normal dividend distributions, there is little danger of confusion from failure to differentiate among distributions.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

A. DSC Relief and Exchange and Rollover Options

1. Whenever the Exchange Option or Rollover Option is to be terminated or its terms are to be amended materially, any holder of a security subject to that privilege will be given prominent notice of the impending termination or amendment at least 60 days prior to the date of termination or the effective date of the amendment, provided that: (a) No such notice need be given if the only material effect of an amendment is to reduce or eliminate the sales charge payable at the time of an exchange, to add one or more new Series eligible for the Exchange Option or the Rollover Option, or to delete a Series which has terminated; and (b) no notice need be given if, under extraordinary circumstances, either (i) there is a suspension of the redemption of Units of the Series under section 22(e) of the Act and the rules and regulations promulgated thereunder, or (ii) a Series temporarily delays or ceases the sale of its Units because it is unable to invest amounts effectively in accordance with applicable investment objectives, policies and restrictions.

2. An investor who purchases Units under the Exchange Option or Rollover Option will pay a lower sales charge than that which would be paid for the Units by a new investor.

3. The prospectus of each Series offering exchanges or rollovers and any sales literature or advertising that mentions the existence of the Exchange Option or Rollover Option will disclose that the Exchange Option and the Rollover Option are subject to modification, termination or suspension without notice, except in certain limited cases.

4. Any DSC imposed on a Series' Units will comply with the requirements of subparagraphs (1), (2) and (3) of rule 6c–10(a) under the Act.

5. Each Series offering Units subject to a DSC will include in its prospectus the disclosure required by Form N–1A relating to deferred sales charges (modified as appropriate to reflect the differences between UITs and open-end management investment companies) and a schedule setting forth the number and date of each Installment Payment.

B. Net Worth Requirement

Applicants will comply in all respects with the requirements of rule 14a–3 under the Act, except that the Equity Series will not restrict their portfolio investments to ''eligible trust securities.''

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12246 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–51; File No. S7–06–14]

Privacy Act of 1974: Systems of Records.

AGENCY: Securities and Exchange Commission.

ACTION: Notice to establish a new system of records and to revise two existing systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission (''Commission'' or ''SEC'') proposes to establish a new system of records, ''General Information Technology Records (SEC–67).'' Additionally, two existing systems of records are being revised: ''Office of the Chief Accountant Working File (SEC–28)'' last published in the **Federal Register** Volume 62, Number 176 on September 11, 1997; and ''Office of Inspector General Investigative Files (SEC–43)'', last published in the **Federal Register** Volume 71, Number 105 on Thursday, June 1, 2006.

DATES: The proposed systems will become effective July 7, 2014 unless further notice is given. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To be assured of consideration, comments should be received on or before June 27, 2014.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–06–14 on the subject line.

Paper Comments

Send paper comments in triplicate to Kevin M. O'Neill, Deputy Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. All submissions should refer to File Number S7–06–14. This file number should be included on the subject line if email is used. To help process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Todd Scharf, Acting Chief Privacy Officer, Office of Information Technology, 202–551–8800.

SUPPLEMENTARY INFORMATION: The Commission proposes to establish a new system of records, ''General Information Technology Records (SEC–67),'' and to revise two existing systems of records, ''Office of the Chief Accountant Working Files (SEC–28),'' and ''Office of Inspector General Investigative Files (SEC–43).'' The General Information Technology Records (SEC–67) system of records maintains records on all persons who are authorized to access SEC

information or information systems. The purpose of SEC–67 is to provide authentication and authorization to such individuals, to maintain logs, audit trails, and similar data regarding the use of SEC information or information systems, and to enable the Commission to detect, report, and take appropriate action against improper or unauthorized access to such information and systems.

The Office of the Chief Accountant Working Files (SEC–28) contain records related to Accountants; persons associated with accountants and accounting firms; persons associated with SEC registrants, including individuals that submit requests for consultation with the Office of the Chief Accountant and individuals involved with or subjects of SEC investigations; and SEC personnel assigned to work on relevant matters. The Office of the Chief Accountant uses the records in formulating and applying accounting or auditing policies for documents to be filed with the Commission; in determining appropriate recommendations to the Commission relating to the disqualification of accountants to appear and practice before the Commission; to respond to inquiries concerning accounting and auditing matters; and to assist in investigations of possible violations of the federal securities laws. Substantive changes to SEC–28 have been made to the following sections: (1) Categories of Individuals, to clarify specific individuals covered in the records; (2) Categories of Records, modifying to include specific data elements collected on individuals, to include name, mailing address, telephone number and email address; (3) Purpose, stating the purposes of the system; (4) Routine Uses, expanding to include seven new routine uses located at numbers 1, 12, 18–22; and (5) Exemption Claimed for the System, updating to include notice that certain records from this system of records are exempt from the certain provisions of the Privacy Act. This exemption was originally adopted in 40 FR 44068 (September 24, 1975).

The Office of Inspector General Investigative Files (SEC–43) records are compiled by the Office of the Inspector General with respect to individuals, including subjects, complainants, and witnesses, involved in investigations or inquiries relating to SEC programs and operations. The Office of Inspector General uses the records to effectively and efficiently conduct investigations relating to the programs and operations of the SEC, as authorized by the Inspector General Act of 1978, as amended. Substantive changes to SEC–43 have been made to the following sections: (1) System Location, modifying to reflect the addition of an off-site location for closed investigatory files; (2) Categories of Individuals, clarifying the types of files contained in the system; (3) Categories of Records, providing additional details about the management system and adding additional types of individually identifiable documents; (4) Purpose, clarifying the purpose; and (5) Routine Uses, deleting routine uses previously numbered 5, 13 and 14, revising routine use previously numbered 17, and expanding to include seven new routine uses located at numbers 1, 6, 7, 8, 10, 12, and 13.

The Commission has submitted a report of the new system of records and the amended existing systems of records to the appropriate Congressional Committees and to the Director of the Office of Management and Budget (''OMB'') as required by 5 U.S.C. 552a(r) (Privacy Act of 1974) and guidelines issued by OMB on December 12, 2000 (65 FR 77677).

Accordingly, the Commission is proposing to establish one new system of records and revise two existing systems of records to read as follows:

SEC–28

SYSTEM NAME:

Office of the Chief Accountant Working Files.

SYSTEM LOCATION:

Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Accountants and persons associated with accountants and accounting firms and persons associated with SEC registrants, including individuals that submit requests for consultation with the Office of the Chief Accountant and individuals involved with or subjects of SEC investigations; and SEC personnel assigned to work on relevant matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain names, mailing addresses, telephone numbers, email addresses, and/or information pertaining to accounting and auditing practices, problems, issues, and opinions and information concerning the activities of individuals in connection with Commission enforcement actions or in proceedings pursuant to the Commission's rules of practice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 77a et seq., 78a et seq., 7201 et seq., and 17 CFR 200.22.

PURPOSE(S):

1. To assist the Office of the Chief Accountant in performing the functions assigned to it by the Commission including the formulation and application of accounting or auditing policies in the case of documents required to be filed with the Commission and the determination of appropriate recommendations to the Commission relating to the disqualification of accountants to appear and practice before the Commission.

2. To respond to inquiries from Members of Congress, the press, and the public concerning accounting and auditing matters.

3. To assist investigations of possible violations of the Federal securities laws.

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, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

2. To other federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the federal banking authorities, including, but not limited to, the Board of Governors of the

Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.

4. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the federal securities laws.

5. In any proceeding where the federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

6. In connection with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).

7. To a bar association, state accountancy board, or other federal, state, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

8. To a federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

9. To a federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100–900 or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100–1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the federal securities laws or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.

12. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

14. In reports published by the Commission pursuant to authority granted in the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a).

15. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

16. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 to 200.735–18, and who assists in the investigation by the Commission of possible violations of the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the federal securities laws.

17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

18. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.

19. To prepare and publish information relating to violations of the federal securities laws as provided in 15 U.S.C. 78c(a)(47), as amended.

20. To respond to subpoenas in any litigation or other proceeding.

21. To a trustee in bankruptcy.

22. To members of Congress, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases, magnetic disc, tape and/or digital media. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

RETRIEVABILITY:

Paper records are searchable by name, subject, firm, date, and/or internal file number. Electronic records are searchable through routine word searches to include searches by name, subject, firm and/or keyword.

SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured environment. Security

protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RETENTION AND DISPOSAL:

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with records schedules of the United States Securities and Exchange Commission and as approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Accountant, Office of the Chief Accountant, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–5100.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–5100.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

The information contained in the system is derived from official SEC records, letters and inquiries from the public, SEC staff memoranda, which may include information derived from investigations, litigation, and other submissions, and professional auditing and accounting literature and information received from individuals including where practicable those to whom the records relate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Under 5 U.S.C. 552a(k)(2), this system of records is exempted from the following provisions of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) and 17 CFR 200.303, 200.304, and 200.306, insofar as it contains investigatory materials compiled for law enforcement purposes. This exemption is contained in 17 CFR 200.312(a)(3).

SEC–43

SYSTEM NAME:

Office of Inspector General Investigative Files.

SYSTEM LOCATION:

Office of the Inspector General, Securities and Exchange Commission (SEC), 100 F Street NE., Washington, DC 20549. Closed investigatory files may be stored at a federal records center in accordance with the SEC's records retention schedule.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains records on individuals, including subjects, complainants, and witnesses, in connection with the Office of Inspector General's investigations or inquiries relating to programs and operations of the SEC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include: a case management system that contains a unique control number, descriptive information, and supporting documents for each investigation or preliminary inquiry; incoming complaints and complaint logs; preliminary inquiry files and indexes; correspondence relating to investigations; internal staff memoranda concerning investigations; copies of all subpoenas issued during investigations; subpoena logs; affidavits, declarations and statements from witnesses; transcripts of interviews conducted or testimony taken in the investigation and accompanying exhibits; documents and records obtained during investigations; working papers of the staff and other documents and records relating to the investigation; investigative plans, operation plans, status reports, reports of investigation, and closing memoranda; information and documents relating to grand jury proceedings; arrest and search warrant affidavits; information and documents relating to criminal, civil, and administrative actions; information and documents received from other law enforcement entities; personnel information for witnesses and subjects; and investigative peer review files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, Pub. L. 95–452, 5 U.S.C. App.

PURPOSE(S):

The purpose of this system of records is to enable the Office of Inspector General to effectively and efficiently conduct investigations relating to the programs and operations of the SEC, as authorized by the Inspector General Act of 1978, as amended.

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, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

2. Where there is an indication of a violation or a potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, foreign, state, or local, or to a securities self-regulatory organization, charged with enforcing or implementing the statute, or rule, regulation or order.

3. To Federal, foreign, state, or local authorities in order to obtain information or records relevant to an Office of Inspector General investigation or inquiry.

4. To non-governmental parties where those parties may have information the Office of Inspector General seeks to

obtain in connection with an investigation or inquiry.

5. To respond to subpoenas in any litigation or other proceeding.

6. In connection with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).

7. To a bar association, state accountancy board, or other federal, state, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

8. To a federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

9. To a federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

11. To inform complainants, victims, and witnesses of the results of an investigation or inquiry.

12. To any persons during the course of any inquiry, audit, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

14. To qualified individuals or organizations in connection with the performance of a peer review or other study of the Office of Inspector General's audit or investigative functions.

15. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

16. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

18. To the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE in 5 CFR 2638, subpart F.

19. To the Department of Justice and/or the Office of General Counsel of the SEC when the defendant in litigation is: (a) Any component of the SEC or any employee of the SEC or any employee of the SEC in his or her official capacity; (b) the United States where the SEC determines that the claim, if successful, is likely to directly affect the operations of the SEC; or (c) any SEC employee in his or her individual capacity where the Department of Justice and/or the Office of General Counsel of the SEC agree to represent such employee.

20. To the news media and the public when there exists a legitimate public interest (*e.g.,* to provide information on events in the criminal process, such as an indictment).

21. To the Council of the Inspectors General on Integrity and Efficiency, another Federal Office of Inspector General, or other Federal law enforcement office in connection with an allegation of wrongdoing by the Inspector General or staff members of the Office of Inspector General.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases, magnetic disc, tape and/or digital media. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

RETRIEVABILITY:

The records may be retrieved by the name of the complainant, subject, witness, or victim; the investigative staff name for the investigation or inquiry; or other indexed information.

SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RETENTION AND DISPOSAL:

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Office of Inspector General, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission,

100 F Street NE., Washington, DC 20549–2736.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See record access procedures above.

RECORD SOURCE CATEGORIES:

Information in these records is supplied by: Individuals including, where practicable, those to whom the information relates; witnesses, corporations and other entities; records of individuals and of the SEC; records of other entities; Federal, foreign, state or local bodies and law enforcement agencies; documents and correspondence relating to litigation; transcripts of testimony; and miscellaneous other sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(j)(2) and 17 CFR 200.313(a), this system of records, is exempt from the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and 17 CFR 200.303, 200.403, 200.306, 200.307, 200.308, 200.309, and 200.310, insofar as the system contains information pertaining to criminal law enforcement investigations.

Pursuant to 5 U.S.C. 552a(k)(2) and 17 CFR 200.313(b), this system of records is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), and 17 CFR 200.303, 200.304, and 200.306, insofar as the system contains investigatory materials compiled for law enforcement purposes.

SEC–67

SYSTEM NAME:

General Information Technology Records

SYSTEM LOCATION:

Securities and Exchange Commission, Headquarters, 100 F Street NE., Washington, DC 20549 and the SEC's Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on all individuals who are authorized to access SEC information or information systems; including: employees, contractors, students, interns, volunteers, affiliates, others working on behalf of the SEC, and individuals formerly in any of these positions. Records may also include individuals who voluntarily join an SEC-owned and operated web portal for collaboration purposes; individuals who request access but are denied, and/or who have had access revoked.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records may include: users' names; social security numbers; business telephone numbers; cellular phone numbers; pager numbers; levels of access; physical and email addresses; titles; departments; division; contractor/employee status; computer logon addresses; password hashes; user identification codes; dates and times of access; IP addresses; logs of internet activity; types of access/permissions required; failed access data; archived transaction data; historical data; and justifications for access to SEC computers, networks, or systems. For individuals who telecommute from home or a telework center, the records may contain the Internet Protocol (IP) address and telephone number at that location. For contractors, the system may contain the company name, contract number, and contract expiration date. The system may also contain details regarding: programs; databases; functions; and sites accessed and/or used, dates and times of use, information products created, received, or altered during use, and access or functionality problems reported for technical support and resolution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. § 302, Delegation of Authority; 44 U.S.C. § 3534; Federal Information Security Act (Pub. L. 104–106, section 5113); Electronic Government Act (Pub. L. 104–347, section 203); and E.O. 9397 (SSN), as amended by E.O. 13487.

PURPOSE(S):

The purpose of this system is to (1) provide authentication and authorization to individuals with access to SEC-controlled information and information system networks; (2) collect, review, and maintain any logs, audit trails, or other such security data regarding the use of SEC information or information systems; and (3) to enable the Commission to detect, report, and take appropriate action against improper or unauthorized access to SEC-controlled information and information systems networks. The records will also enable the SEC to provide individuals access to certain programs and meeting attendance and, where appropriate, allow for sharing of information between individuals in the same operational program to facilitate collaboration. SEC management personnel may use statistical data, with all personal identifiers removed or masked, for system efficiency, workload calculation, or reporting purposes.

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, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

2. To other federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. In any proceeding where the federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

4. To a federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit

5. To a federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a

license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act

7. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

8. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. § 552a.

9. To respond to subpoenas in any litigation or other proceeding.

10. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

11. To members of Congress, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

12. To a commercial contractor in connection with benefit programs administered by the contractor on the Commission's behalf, including, but not limited to, supplemental health, dental, disability, life and other benefit programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases, magnetic disc, tape and/or digital media. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

RETRIEVABILITY:

Information may be retrieved, sorted, and/or searched by an identification number assigned by the computer, the last 2 digits of a social security number, email address, or by the name of the individual, or other employee data fields previously identified in this SORN.

SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RETENTION AND DISPOSAL:

These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Information Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

Information is supplied by the record subject, their supervisors, and the personnel security staff. Logs and details about access times and functions used are provided by the system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

By the Commission.

Dated: May 21, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12234 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72203; File No. SR–NYSE–2014–12]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend Rule 98 To Adopt a Principles-Based Approach To Prohibit the Misuse of Material Nonpublic Information and Make Conforming Changes to Other Exchange Rules

May 21, 2014.

On March 18, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend Rule 98 to adopt a principles-based approach to prohibit the misuse of material non-public information. The proposed rule change was published for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

public comment in the **Federal Register** on April 7, 2014.[3] The Commission received one comment on the proposal.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether these proposed rule changes should be disapproved. The 45th day for this filing is May 22, 2014.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act[6] and for the reasons stated above, the Commission designates July 3, 2014, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSE–2014–12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12221 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[3] Securities Exchange Act Release No. 71837 (April 1, 2014), 75 FR 19146.

[4] *See* email from Dr. Leee Jackson, Esq., April 15, 2014 (''Jackson Comment'').

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72205; File Nos. SR–NYSE–2013–72; SR–NYSEMKT–2013–91]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE MKT LLC; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Disapprove Proposed Rule Changes To Establish an Institutional Liquidity Program on a One-Year Pilot Basis

May 21, 2014.

On November 7, 2013, New York Stock Exchange LLC (''NYSE'') and NYSE MKT LLC (''NYSE MKT'') (together, the ''Exchanges'') each filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish an Institutional Liquidity Program (''ILP'' or ''Program'') on a one-year pilot basis. The proposed rule changes were published for comment in the **Federal Register** on November 27, 2013.[3]

The Commission received three comments on the NYSE Proposal.[4] On January 9, 2014, the Commission designated a longer period for Commission action on the proposed rule changes, until February 25, 2014.[5] The Exchanges submitted a consolidated response letter on January 14, 2014.[6] On February 25, 2014, the Commission instituted proceedings to determine whether to disapprove the Proposals.[7]

Section 19(b)(2) of the Act[8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule changes not later than 180 days after the date of publication of notice of their filing. The Commission, however, may extend the period for issuing an order approving or disapproving the proposed rule changes by up to 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. In this case, the proposed rule changes were published for notice and comment in the **Federal Register** on November 27, 2013; May 26, 2014, is 180 days from that date, and July 25, 2014, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule changes so that it has sufficient time to consider the Program and the issues that commenters have raised concerning the Program. Specifically, as the Commission observed in the Order Instituting Proceedings, the Proposals raise several notable issues, including whether the Program would create undue complexity or segment order flow in a manner that might inhibit price discovery and order interaction. The Commission's resolution of these issues could have an impact on overall market structure. As a result, the Commission continues to evaluate whether the Proposals are consistent with the requirements of the Act.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates July 25, 2014, as the date by which the Commission shall either approve or disapprove the proposed rule changes (File Nos. SR–NYSE–2013–72 and SR–NYSEMKT–2013–91).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12223 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 70909 (November 21, 2013), 78 FR 71002 (SR–NYSE–2013–72) (''NYSE Proposal''); and 70910 (November 21, 2013), 78 FR 70992 (SR–NYSEMKT–2013–91) (''NYSE MKT Proposal'') (collectively, the ''Proposals'').

[4] *See* Letters to the Commission from James Allen, Head, and Rhodri Pierce, Director, Capital Markets Policy, CFA Institute (Dec. 18, 2013) (''CFA Letter''); Clive Williams, Vice President and Global Head of Trading, Andrew M. Brooks, Vice President and Head of U.S. Equity Trading, and Christopher P. Hayes, Vice President and Legal Counsel, T. Rowe Price Associates, Inc. (Dec. 18, 2013) (''T. Rowe Price Letter''); and Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (Dec. 20, 2013) (''SIFMA Letter''). The Commission notes that these comment letters address the NYSE Proposal only. However, since the Proposals are nearly identical, the Commission will consider the letters to address the NYSE MKT Proposal as well.

[5] *See* Securities Exchange Act Release No. 71267, 79 FR 2738 (January 15, 2014).

[6] *See* Letter to the Commission from Janet McGinnis, EVP & Corporate Secretary, NYSE Euronext (Jan. 14, 2014) (''Response Letter'').

[7] *See* Securities Exchange Act Release No. 71609, 79 FR 11849 (March 3, 2014) (''Order Instituting Proceedings'').

[8] 15 U.S.C. 78s(b)(2).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72213; File No. SR–MIAX–2014–19]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC To List and Trade on the Exchange Options on Shares of the iShares MSCI Mexico Index Fund

May 21, 2014.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on May 13, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade on the Exchange options on shares of the iShares MSCI Mexico Index Fund.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list for trading on the Exchange, options on the shares of the iShares MSCI Mexico Index Fund (the ''Fund'') (''EWW''). MIAX Rule 402 establishes the Exchange's initial listing standards for equity options (the ''Listing Standards''). This proposed rule change is based on similar filings submitted by NYSE Amex (''Amex''), Chicago Board Options Exchange (''CBOE''), and International Securities Exchange (''ISE'').[3] The Listing Standards permit the Exchange to list options on the shares of open-end investment companies, such as the Fund, without having to file for approval with the Commission.[4] The Exchange submits that the shares of the Fund substantially meet all of the initial listing requirements. In particular, all of the requirements set forth in Rule 402(i) are met except for the requirement concerning the existence of a comprehensive surveillance sharing agreement (''CSSA''). However, the Exchange submits that sufficient mechanisms exist in order to provide adequate surveillance and regulatory information with respect to the portfolio securities of the Fund.

The Fund is registered pursuant to the Investment Company Act of 1940 as a management investment company designed to hold a portfolio of securities which track the MSCI Mexico Index (''Index'').[5] The Index consists of stocks traded primarily on the Bolsa Mexicana de Valores (the ''Bolsa''). The Fund employs a ''representative sampling'' methodology to track the Index by investing in a representative sample of Index securities having a similar investment profile as the Index.[6] BlackRock Fund Advisors (''BFA'' or the ''Adviser'') expects the Fund to closely track the Index so that, over time, a tracking error of 5%, or less, is exhibited. Securities selected by the Fund have aggregate investment characteristics (based on market capitalization and industry weightings), fundamental characteristics (such as return variability, earnings valuation and yield) and liquidity measures similar to those of the Index. The Fund will not concentrate its investments (*i.e.,* hold 25% or more of its total assets in the stocks of a particular industry or group of industries), except, to the extent practicable, to reflect the concentration in the Index. The Fund will invest at least eighty percent (80%) of its assets in the securities comprising the Index and/or related American Depositary Receipts (''ADRs''). In addition, at least ninety percent (90%) of the Fund's assets will be invested in the securities comprising the Index or other related Mexican securities or ADRs. The Fund may also invest its other assets in futures contracts, options on futures contracts, listed options, over-the-counter (''OTC'') options, and swaps related to the Index, as well as cash and cash equivalents. The Exchange believes that these requirements and policies prevent the Fund from being excessively weighted in any single security or small group of securities and significantly reduce concerns that trading in the Fund could become a surrogate for trading in unregistered securities.

Shares of the Fund (''Fund Shares'') are issued and redeemed, on a continuous basis, at net asset value (''NAV'') in aggregation size of 100,000 shares, or multiples thereof (a ''Creation Unit''). Following issuance, Fund Shares are traded on an exchange like other equity securities.

The Fund Shares trade in the secondary markets in amounts less than a Creation Unit and the price per Fund Share may differ from its NAV which is calculated once daily as of the regularly scheduled close of business of NYSE Arca.[7]

State Street Bank and Trust Company, the administrator, custodian, and transfer agent for the Fund, calculates the Fund's NAV. Detailed information on the Fund can be found at *www.ishares.com.*

The Exchange has reviewed the Fund and determined that the Fund Shares satisfy the initial listing standards, except for the requirement set forth in MIAX Rule 402(i)(5)(ii)(A) which requires the Fund to meet the following condition:

- any non-U.S. component securities of an index or portfolio of securities on which the Exchange-Traded Fund Shares are based that are not subject to comprehensive surveillance agreements do not in the aggregate represent more than 50% of the weight of the index or portfolio.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 56778 (November 9, 2007), 72 FR 65113 (November 19, 2007) (SR–Amex–2007–100); 57013 (December 20, 2007), 72 FR 73923 (December 28, 2007) (SR–CBOE–2007–140); 57014 (December 20, 2007), 72 FR 73934 (December 28, 2007) (SR–ISE–2007–111).

[4] MIAX Rule 402(i) provides the Listing Standards for shares or other securities (''Exchange-Traded Fund Shares'') that are traded on a national securities exchange and are defined as an ''NMS stock'' under Rule 600 of Regulation NMS.

[5] Morgan Stanley Capital International Inc. (''MSCI'') created and maintains the Index.

[6] As of February 28, 2014, the Fund was comprised of 51 securities. America Movil SA de CV-Series L had the greatest individual weight at 16.69%. The aggregate percentage weighting of the top 5 and 10 securities in the Fund were 43.68% and 62.82%, respectively.

[7] The regularly scheduled close of trading on NYSE Arca is normally 4:00 p.m. Eastern Time (''ET'') and 4:15 p.m. for ETFs.

The Exchange currently does not have in place a surveillance agreement with Bolsa.

The Exchange submits that the Commission, in the past, has been willing to allow a national securities exchange to rely on a memorandum of understanding entered into between regulators in the event that the exchanges themselves cannot enter into a CSSA. Other options exchanges have previously attempted to enter into a CSSA with Bolsa.[8] The CBOE previously attempted to enter into a CSSA with Bolsa at or about the time when the CBOE sought approval to list for trading options on the CBOE Mexico 30 Index in 1995, which was comprised of stocks trading on Bolsa.[9] Since Bolsa was unable to provide a surveillance agreement, the Commission allowed the CBOE to rely on the memorandum of understanding executed by the Commission and the CNBV,[10] dated as of October 18, 1990 (''MOU'').[11] The Commission noted that in cases where it would be impossible to secure a CSSA, the Commission relied in the past on surveillance sharing agreements between the relevant regulators.[12] The Commission further noted that, pursuant to the terms of the MOU, it was the Commission's understanding that both the Commission and the CNBV could acquire information from, and provide information to, the other similar to that which would be required in a CSSA between exchanges and, therefore, should the CBOE need information on Mexican trading in the component securities of the CBOE Mexico 30 Index, the Commission could request such information from the CNBV under the MOU.[13]

The practice of relying on surveillance agreements or MOUs between regulators when a foreign exchange was unable, or unwilling, to provide an information sharing agreement was affirmed by the Commission in the Commission's New Product Release (''New Product Release'').[14] The Commission noted in the New Product Release that if securing a CSSA is not possible, an exchange should contact the Commission prior to listing a new derivative securities product. The Commission also noted that the Commission may determine instead that it is appropriate to rely on a memorandum of understanding between the Commission and the foreign regulator.

The Exchange has recently contacted Bolsa with a request to enter into a CSSA. Until the Exchange is able to secure a CSSA with Bolsa, the Exchange requests that the Commission allow the listing and trading of options on the Fund without a CSSA, upon reliance of the MOU entered into between the Commission and the CNBV. The Exchange believes this request is reasonable and notes that the Commission has provided similar relief in the past. For example, the Commission approved, on a pilot basis, proposals of competing exchanges to list and trade options on the iShares MSCI Emerging Markets Fund.[15]

The Commission's approval of this request to list and trade options on the Fund would otherwise render the Fund compliant with all of the applicable Listing Standards.

The Exchange shall continue to use its best efforts to obtain a CSSA with Bolsa, which shall reflect the following: (1) Express language addressing market trading activity, clearing activity, and customer identity; (2) the Bolsa's reasonable ability to obtain access to and produce requested information; and (3) based on the CSSA and other information provided by the Bolsa, the absence of existing rules, law or practices that would impede the Exchange from obtaining foreign information relating to market activity, clearing activity, or customer identity, or in the event such rules, laws, or practices exist, they would not materially impede the production of customer or other information.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)[16] of the Act in general, and furthers the objectives of Section 6(b)(5)[17] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the Exchange believes listing and trading of options on the iShares MSCI Mexico Index Fund will benefit investors by providing them with valuable risk management tools.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes this proposed rule change will benefit investors by providing additional methods to trade options on the iShares MSCI Mexico Index Fund, and by providing them with valuable risk management tools. Specifically, the Exchange believes that market participants on MIAX would benefit from the introduction and availability of options on the iShares MSCI Mexico Index Fund in a manner that is similar to other exchanges and will provide investors with yet another venue on which to trade these products. The Exchange notes that the rule change is being proposed as a competitive response to other competing options exchanges[18] and believes this proposed rule change is necessary to permit fair competition among the options exchanges. For all the reasons stated above, 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, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[8] *See e.g.,* Securities Exchange Act Release Nos. 34500 (August 8, 1994) 59 FR 41534 (August 12, 1994) (SR–Amex–94–20); 56778 (November 9, 2007), 72 FR 65113 (November 19, 2007) (SR–Amex–2007–100).

[9] *See* Securities Exchange Act Release No. 36415 (October 25, 1995), 60 FR 55620 (November 1, 1995) (SR–CBOE–95–45).

[10] The National Commission for Banking and Securities, or ''CNBV,'' is Mexico's regulatory body for financial markets and banking.

[11] *See* Securities Exchange Act Release No. 36415 (October 25, 1995), 60 FR 55620 at fn. 23 (November 1, 1995) (SR–CBOE–95–45).

[12] *Id.*

[13] *Id.*

[14] *See* Securities Exchange Act Release No. 40761 (December 8, 1998), 63 FR 70952, 70959 at fn. 101 (December 22, 1998).

[15] *See* Securities Exchange Act Release Nos. 53824 (May 17, 2006), 71 FR 30003 (May 24, 2006) (SR–Amex–2006–43); 54081 (June 30, 2006), 71 FR 38911 (July 10, 2006) (SR–Amex–2006–60); 54553 (September 29, 2006), 71 FR 59561 (October 10, 2006) (SR–Amex–2006–91); 55040 (January 3, 2007), 72 FR 1348 (January 11, 2007) (SR–Amex–2007–01); and 55955 (June 25, 2007), 72 FR 36079 (July 2, 2007) (SR–Amex–2007–57); 56324 (August 27, 2007), 72 FR 50426 (August 31, 2007) (SR–ISE–2007–72).

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Securities Exchange Act Release Nos. 56778 (November 9, 2007), 72 FR 65113 (November 19, 2007) (SR–AMEX–2007–100); 57013 (December 20, 2007), 72 FR 73923 (December 28, 2007) (SR–CBOE–2007–140); 57014 (December 20, 2007), 72 FR 73934 (December 28, 2007) (SR–ISE–2007–111).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

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. The Commission notes that options on the iShares MSCI Mexico Index Fund currently trade on other exchanges. The Commission designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2014–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–MIAX–2014–19.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–19 and should be submitted on or before June 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12227 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[21] 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).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72202; File No. SR–NYSEMKT–2014–22]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend Rule 98 To Adopt a Principles-based Approach To Prohibit the Misuse of Material Nonpublic Information and Make Conforming Changes to Other Exchange Rules

May 21, 2014.

On March 18, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend Rule 98 to adopt a principles-based approach to prohibit the misuse of material non-public information. The proposed rule change was published for public comment in the **Federal Register** on April 7, 2014.[3] The Commission received no comments on the proposal.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether these proposed rule changes should be disapproved. The 45th day for this filing is May 22, 2014.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act [5] and for the reasons stated above, the Commission designates July 3, 2014, as the date by which the Commission should either approve or disapprove, or institute

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 71838 (April 1, 2014), 75 FR 19131.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEMKT–2014–12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12220 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72214; File No. SR–NYSEArca–2014–30]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Relating to Listing and Trading Shares of Hull Tactical US ETF Under NYSE Arca Equities Rule 8.600

May 21, 2014.

On March 24, 2014, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of Hull Tactical US ETF (''Fund'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on April 11, 2014.[3] The Commission has received no comments on this proposal.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is May 26, 2014. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change, which would allow the listing of a new exchange-traded product.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates July 10, 2014 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2014–30).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12228 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71894 (April 7, 2014), 79 FR 20273.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72204; File No. SR–ISE–2014–12]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 1614

May 21, 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 May 8, 2014, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Exchange has filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE Rule 1614 (Imposition of Fines for Minor Rule Violations) to incorporate violations of ISE Rules 803 (Obligations of Market Makers) and 804 (Market Maker Quotations) into the Minor Rule Violation Plan (''MRVP'') and to delete obsolete rule text. The text of the proposed rule change is available on the Exchange's Web site *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend ISE Rule 1614 to: (1) Separate violations of the quotation spread parameters from one violation into two: One for pre-opening quotation spread parameters and one for post-opening quotation parameters, as set forth in ISE Rule 803 (Obligations of Market Makers); (2) incorporate violations for failing to meet the Exchange's continuous quoting obligations, as set forth in ISE Rule 804 (Market Maker Quotations); and (3) to delete obsolete rule text.

The Exchange believes most of these violations are inadvertent and technical in nature. Processing these routine violations under the MRVP would decrease the administrative burden of regulatory and enforcement staff, as well as, that of the Business Conduct Committee. In addition, staff would be able to more expeditiously process routine violations under the MRVP.

Quote Spread Obligations (Rule 803). The MRVP currently combines pre-opening and post-opening quote spreads into one MRVP violation and defines an instance as one quote violation. Under the current plan, if a member has over forty (40) instances of quote spread violations, the matter must be handled outside of the MRVP and a formal action must be brought. Given these limitations, the Exchange has never been able to use the MRVP for quote spread violations since Members average millions of quotes per day. Therefore, the Exchange is now proposing to split the quote spread

violations into two categories. One category would apply to pre-opening quote spread violations, and one category would apply to post-opening quote spread violations. Additionally, we are proposing to change the application of the MRVP from applying to each ''instance'' of a quote spread violation to each ''offense.'' For purposes of the MRVP, an ''offense'' will apply to any given month within a 24-month rolling period.

Given the proposal to split the quote spread violations into two categories, e.g., pre-opening quote spreads and post-opening quote spreads, the Exchange is proposing to move violations of Rule 805(b)(1)(i), which addresses order spreads, from Rule 1614(d)(5) to both 1614(d)(6)(a) and 1614(d)(6)(b). This proposed change ensures that violations of both quote spreads and order spreads that occur either pre-open or post-open will be aggregated for the purposes of determining the number violations under the MRVP.

Continuous Quote Obligations (Rule 804). The Exchange is proposing to add violations of the continuous quotation rule to the MRVP. These are routine types of violations and the added flexibility of including these matters in the MRVP will help streamline our surveillance and enforcement program.

For violations of Rule 1614(d)(6)(a) and (b) and proposed 1614(d)(11) the Exchange is proposing to consider violations that occur in any given month within a 24-month rolling period as an ''offense.'' The Exchange is also proposing to change the applicability of the MRVP for violations of Rule 1614(d)(6)(a) and (b) from violations occurring within one calendar year to violations that occur within a rolling twenty-four month period. Since the Exchange is proposing to aggregate the violations that occur within a month and sanction the violations as a single offense, the Exchange believes it is appropriate to consider offenses that have occurred within the past twenty-four month rolling period, as opposed to a calendar year, to determine the amount to fine a firm and when to proceed with formal disciplinary action.

The Exchange is proposing that the first offense would result in a letter of caution, the second offense would result in a $1,000 fine, the third offense would result in a $2,500 fine, the fourth offense would result in a $5,000 fine and a fifth offense would result in formal disciplinary action. With respect to violations of Rule 1614(d)(6)(a) and (b), the Exchange is proposing to change the fine amounts to those discussed above from a letter of caution for the first 1 to 10 violations, $200 fine for 11 to 20 violations, $400 fine for 21 to 30 violations, $800 fine for 31 to 40 violations and formal disciplinary actions for more than 40 violations. The Exchange believes it is appropriate to charge a higher fine amount because the Exchange is aggregating violations that occur in a month and sanction the violations as a single offense. Given that the Exchange believes that the proposed fine amounts are appropriate for violations of quote spread parameters (proposed Rule 1614(d)(6)(a) and (b)), the Exchange also believes that these same fine amounts should apply to violations of the continuous quote spread parameters (proposed Rule 1614(d)(11)).

As with other violations covered under the Exchange's Minor Rule Violation Plan, any egregious activity may be referred to the Exchange's Business Conduct Committee.

Additionally, the Exchange is proposing to delete the reference to Rule 717(a) and (f) in Rule 1614(d)(5) as those sections were rescinded and to delete the sentence stating that each paragraph of Rule 717 subject to this Rule shall be treated separately for purposes of determining the number of cumulative violations because this Rule now only applies to sections (d) and (e) of Rule 717. Violations of Sections (d) and (e) of Rule 717 will be aggregated for the purposes of determining the number of violations under the MRVP because both sections of the rule address order exposure requirements. The Exchange is also proposing to rescind (d)(4) (Conduct and Decorum Policies) of Rule 1614 as it is inapplicable to ISE's market structure as ISE is an electronic exchange and this provision seems to relate to conduct and decorum on floor-based exchanges.

By promptly imposing a meaningful financial penalty for such violations, the MRVP focuses on correcting conduct before it gives rise to more serious enforcement action. The MRVP provides a reasonable means of addressing rule violations that do not necessarily rise to the level of requiring formal disciplinary proceedings, while also providing a greater flexibility in handling certain violations. Adopting a provision that would allow the Exchange to sanction violators under the MRVP by no means minimizes the importance of compliance with these rules. The Exchange believes that the violation of any of its rules is a serious matter. The addition of a sanction under the MRVP simply serves to add an additional method for disciplining violators of the additional rules. The Exchange will continue to conduct surveillance with due diligence and make its determination, on a case by case basis, whether a violation of these additional rules should be subject to formal disciplinary proceedings.

2. Statutory Basis

The Exchange believes that 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) of the Act [6] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, allowing the Exchange to have consistency between its Minor Rule Violation Plan and the Minor Rule Violation Plan of other SROs. Many other options exchanges administer violations for their quotation spread rules and continuous quoting rules under their MRVP.[7] The Exchange believes that the proposed such change furthers the objectives of Section 6(b)(1) [8] of the Act to enforce compliance by its Members of the Exchange's Rules, Section 6(b)(6) [9] of the Act to appropriately discipline Members for violations of Exchange Rules, and Section 6(b)(7) [10] of the Act to provide a fair procedure of disciplining Members as the proposal will strengthen its ability to carry out its oversight responsibilities as a self-regulatory organization and reinforce its surveillance and enforcement functions. Processing these routine violations under the MRVP would decrease the administrative burden of regulatory and enforcement staff, as well as, that of the Business Conduct Committee. In addition, staff would be able to more expeditiously process routine violations under the MRVP.

B. Self-Regulatory Organization's Statement on Burden on Competition

Since this rule change is merely allowing the Exchange to process certain rule violations through its MRVP that other exchanges already process

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *See* Chicago Board Options Exchange Rule 17.50, C2 Rule 17.50, NYSE Arca Rule 10.12, BATS Exchange Rule 8.15, Nasdaq Options Market rule, Chapter 10, Section 7, Boston Options Exchange Rule 12140 and Miami International Securities Exchange Rule 1014.

[8] 15 U.S.C. 78f(b)(1).

[9] 15 U.S.C. 78f(b)(6).

[10] 15 U.S.C. 78f(b)(7).

through their MRVP, this filing does not implicate the burden analysis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not 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) [11] of the Act and Rule 19b–4(f)(6) [12] thereunder. The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change.

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–ISE–2014–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to the Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2014–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2014–12 and should be submitted on or before June 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12222 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72206; File No. SR–OCC–2014–07]

Self-Regulatory Organizations; the Options Clearing Corporation; Order Approving Proposed Rule Change To Eliminate Preferred Stock and Corporate Bonds as Acceptable Forms of Margin Assets

May 21, 2014.

I. Introduction

On March 28, 2014, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2014–07 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on April 15, 2014.[3] The Commission received no comment letters. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

A. Elimination of Preferred Stock & Corporate Bonds as Acceptable Margin Assets

Pursuant to the proposed rule change, as approved, OCC is amending Rule 604(b)(4)[4] to eliminate preferred stock and corporate bonds as acceptable forms of margin assets.

OCC has accepted preferred stock and corporate bonds as margin since 1988.[5] However, in more recent times, preferred stock and corporate bonds (on a combined basis) consistently have accounted for less than one percent of the margin assets on deposit at OCC. No corporate bonds have been deposited since March 2012.

OCC presently uses a manual process to review the valuation methodology for preferred stocks and corporate bonds.[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 71910 (April 9, 2014), 79 FR 21319 (April 15, 2014).

[4] OCC Rule 604 sets forth the forms of assets eligible to be deposited as margin and conditions that must be satisfied in order for margin credit to be given to such deposits. Eligible forms of margin assets presently are: cash, government securities, GSE debt securities, money market fund shares, letters of credit, common stock (including fund shares and index linked securities), corporate bonds, and preferred stock.

[5] *See* Securities Exchange Act Release No. 29576 (August 16, 1991), 56 FR 41873 (August 23, 1991), (SR–OCC–88–03).

[6] Such review process occurs monthly and contemplates: (1) adequacy of haircuts, (2) volume, and (3) price transparency.

While OCC believes this review process is adequate, it has concluded that the manual process is less robust than the daily automated Monte Carlo simulation-based methodology applied to deposits of common stocks.[7] OCC states that it has researched the work necessary to integrate preferred stock and corporate bonds into STANS and otherwise automate monitoring and controls as they relate to risk managing these asset types. However, given the de minimis use of these securities as margin collateral, OCC determined that it would be inefficient and ineffective from a cost perspective to expend the significant time, resources and expenses needed to complete the required systems development to automate monitoring and assessment processes for these asset types. Therefore, OCC will discontinue accepting preferred stock and corporate bonds as forms of margin assets and remove provisions from the Rule 604(b)(4) pertaining to the deposit of these asset types.

B. Additional Changes

OCC is making additional amendments to Rule 604(b)(4) to eliminate certain provisions that will no longer be applicable upon the elimination of preferred stock as an acceptable form of margin asset.[8] OCC is making conforming changes to remove provisions of Rule 604(b)(4) that: (i) Limit the amount of margin credit of any single issue to 10% of the market value of margin deposited by a clearing member because additional charges for concentrated positions are determined under STANS pursuant to Rule 601, and (ii) limit margin credit given to deposits to 70% of daily closing bid prices because haircuts applied to common stock deposits are determined under STANS pursuant to Rule 601.[9] OCC is also adding a provision explicitly stating that common stock margin deposits are valued in accordance with Rule 601.

OCC is also making additional amendments to Rule 604(b)(4) to eliminate a provision that automatically renders a common stock as ineligible for deposit if it is subject to special margin requirements under the rules of the listing market. OCC believes that it is not an efficient use of resources to monitor listing markets to determine if a common stock becomes subject to special margin rules. OCC also believes it is currently able to effectively risk manage common stocks that may become subject to special margin rules through existing STANS functionality.

III. Discussion

Section 19(b)(2)(C) of the Act [10] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act [11] requires that the rules of a clearing agency that is registered with the Commission be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [12] because eliminating preferred stock and corporate bonds as acceptable margin assets should facilitate the prompt and accurate clearance and settlement of securities transactions by ensuring that the process for valuating all margin assets will be automated using STANS, which should provide for a more expeditious and accurate valuation process than a manual haircut-based approach. Furthermore, eliminating preferred stock and corporate bonds as acceptable margin assets should further facilitate the prompt and accurate clearance and settlement of securities transactions because completely automating the margin valuation process should also give OCC the ability to make a more accurate determination of the sufficiency of all margin assets on deposit at any given point in time.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[13] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (File No. SR–OCC–2014–07) be and hereby is *approved.*[15]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12224 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[7] OCC uses STANS to value and risk-manage common stocks deposited as margin collateral. STANS calculates haircuts that are regularly tested, taking into account stressed market conditions.

[8] Amended Rule 604(b)(4) will still set forth common stocks as a form of assets eligible for deposit as margin.

[9] OCC has integrated common stocks into the process by which OCC calculates margin requirements using STANS. *See* Securities Exchange Act Release No. 58158 (July 15, 2008), 73 FR 42646 (July 22, 2008), (SR–OCC–2007–20).

[10] 15 U.S.C. 78s(b)(2)(C).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] *Id.*

[13] 15 U.S.C. 78q-1.

[14] 15 U.S.C. 78s(b)(2).

[15] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72208; File No. SR–FINRA–2014–023]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt FINRA Rule 2121 (Fair Prices and Commissions), Supplementary Material .01 (Mark-Up Policy) and Supplementary Material .02 (Additional Mark-Up Policy For Transactions in Debt Securities, Except Municipal Securities) in the Consolidated FINRA Rulebook

May 21, 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 May 9, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to adopt current NASD Rule 2440 and Interpretive Material (''IM'') 2440–1 and IM–2440–2 as FINRA Rule 2121 (Fair Prices and Commissions), Supplementary Material .01 (Mark-Up Policy) and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

Supplementary Material .02 (Additional Mark-Up Policy For Transactions in Debt Securities, Except Municipal Securities) without any substantive changes. FINRA also proposes to update references and cross-references within Supplementary Material .01 and .02, and in other FINRA rules accordingly.[4]

Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Text of Proposed New FINRA Rules (Marked to Show Changes From NASD Rule 2440, IM–2440–1 and IM–2440–2; NASD Rule 2440, IM–2440–1 and IM–2440–2 to be Deleted in Their Entirety)

* * * * *

2000. Duties and Conflicts

* * * * *

2100. Transactions With Customers

* * * * *

2120. Commissions, Mark Ups and Charges

[2440.] *2121.* Fair Prices and Commissions

No Change.

Supplementary Material:

[IM–2440–1.] *.01* Mark-Up Policy

The question of fair mark-ups or spreads is one which has been raised from the earliest days of the *National* Association *of Securities Dealers (''Association'').* No definitive answer can be given and no interpretation can be all-inclusive for the obvious reason that what might be considered fair in one transaction could be unfair in another transaction because of different circumstances. In 1943, the Association's Board adopted what has become known as the ''5% Policy'' to be applied to transactions executed for customers. It was based upon studies demonstrating that the large majority of customer transactions were effected at a mark-up of 5% or less. The Policy has been reviewed by the Board of Governors on numerous occasions and each time the Board has reaffirmed the philosophy expressed in 1943. Pursuant thereto, and in accordance with Article VII, Section 1(a)(ii) of the By-Laws, the Board [has] adopted the following interpretation [under Rule 2440.]

It shall be deemed a violation of Rule [2110] *2010* and Rule [2440] *2121* for a member to enter into any transaction with a customer in any security at any price not reasonably related to the current market price of the security or to charge a commission which is not reasonable.

(a) through (d) No Change.

* * * * *

[IM–2440–2.] *.02* Additional Mark-Up Policy For Transactions in Debt Securities, Except Municipal Securities [1]

(a) Scope

[(1) IM–2440–1] *Supplementary Material .01 to Rule 2121* applies to debt securities transactions, and this [IM–2440–2] *Supplementary Material .02* supplements the guidance provided in [IM–2440–1] *Supplementary Material .01.*

(b) Prevailing Market Price

(1) A dealer that is acting in a principal capacity in a transaction with a customer and is charging a mark-up or mark-down must mark-up or mark-down the transaction from the prevailing market price. Presumptively for purposes of this [IM–2440–2] *Supplementary Material .02,* the prevailing market price for a debt security is established by referring to the dealer's contemporaneous cost as incurred, or contemporaneous proceeds as obtained, consistent with [NASD] *FINRA* pricing rules. (See, e.g., Rule [2320] *5310.*)

(2) through (6) No Change.

(7) Finally, if information concerning the prevailing market price of the subject security cannot be obtained by applying any of the above factors, [NASD] *FINRA* or its members may consider as a factor in assessing the prevailing market price of a debt security the prices or yields derived from economic models (e.g., discounted cash flow models) that take into account measures such as credit quality, interest rates, industry sector, time to maturity, call provisions and any other embedded options, coupon rate, and face value; and consider all applicable pricing terms and conventions (e.g., coupon frequency and accrual methods). Such models currently may be in use by bond dealers or may be specifically developed by regulators for surveillance purposes.

(8) No Change.

(9) ''Customer,'' for purposes of Rule [2440] *2121,* [IM–2440–1] *Supplementary Material .01 to Rule 2121* and this [IM–2440–2] *Supplementary Material .02,* shall not include a qualified institutional buyer (''QIB'') as defined in Rule 144A under the Securities Act of 1933 that is purchasing or selling a non-investment grade debt security when the dealer has determined, after considering the factors set forth in [IM–2310–3] *Rule 2111(b),* that the QIB has the capacity to evaluate independently the investment risk and in fact is exercising independent judgment in deciding to enter into the transaction. For purposes of Rule [2440] *2121,* [IM–2440–1] *Supplementary Material .01 to Rule 2121* and this [IM–2440–2] *Supplementary Material .02,* ''non-investment grade debt security'' means a debt security that: (i) If rated by only one nationally recognized statistical rating organization (''NRSRO''), is rated lower than one of the four highest generic rating categories; (ii) if rated by more than one NRSRO, is rated lower than one of the four highest generic rating categories by any of the NRSROs; or (iii) if unrated, either was analyzed as a non-investment grade debt security by the dealer and the dealer retains credit evaluation documentation and demonstrates to [NASD] *FINRA* (using credit evaluation or other demonstrable criteria) that the credit quality of the security is, in fact, equivalent to a non-investment grade debt security, or was initially offered and sold and continues to be offered and sold pursuant to an exemption from registration under the Securities Act of 1933.

(c) ''Similar'' Securities

(1) No Change.

(2) The degree to which a security is ''similar,'' as that term is used in this [IM–2440–2] *Supplementary Material .02,* to the subject security may be determined by factors that include but are not limited to the following:

(A) through (D) No Change.

(3) No Change.

[1] No Change.

* * * * *

3000. Supervision and Responsibilities Relating to Associated Persons

3100. Supervisory Responsibilities

* * * * *

3170. Tape Recording of Registered Persons by Certain Firms

(a) Definitions

(1) through (2) No Change.

(3) For purposes of this Rule, the term ''disciplinary history'' means a finding of a violation by a registered person in the past five years by the SEC, a self-regulatory organization, or a foreign financial regulatory authority of one or more of the following provisions (or comparable foreign provision) or rules or regulations thereunder: Violations of the types enumerated in Exchange Act Section 15(b)(4)(E); Exchange Act Section 15(c); Securities Act Section 17(a); SEA Rules 10b–5 and 15g–1 through 15g–9; NASD Rule 2110 (Standards of Commercial Honor and Principles of Trade) or FINRA Rule 2010 (Standards of Commercial Honor and Principles of Trade) (only if the finding of a violation of NASD Rule 2110 or FINRA Rule 2010 is for unauthorized trading, churning, conversion, material misrepresentations or omissions to a customer, frontrunning, trading ahead of research reports or excessive markups), FINRA Rule 5280 (Trading Ahead of Research Reports), NASD Rule 2120 (Use of Manipulative, Deceptive or Other Fraudulent Devices) or FINRA Rule 2020 (Use of Manipulative, Deceptive or Other Fraudulent Devices), NASD Rule 2310 (Recommendations to Customers (Suitability)) or FINRA Rule 2111 (Suitability), NASD Rule 2330 (Customers' Securities or Funds) or FINRA Rule 2150 (Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts), NASD Rule 2440 *or FINRA Rule 2121* (Fair Prices and Commissions), NASD Rule 3010 (Supervision) or FINRA Rule 3110 (Supervision) (failure to supervise only for both NASD Rule 3010 and FINRA Rule 3110), NASD Rule 3310 (Publication of Transactions and Quotations) or FINRA Rule 5210 (Publication of Transactions and Quotations), and NASD Rule 3330 (Payment Designed to Influence Market Prices, Other

[4] The text of FINRA Rule 3170, which contains a cross-reference to NASD Rule 2440 that will be updated as part of this proposal, was approved by the SEC on December 23, 2013. (*See* Securities Exchange Act Release No. 71179 (December 23, 2013); 78 FR 79542 (December 30, 2013) (Order Approving SR–FINRA–2013–025)). The effective date for this rule is December 1, 2014.

than Paid Advertising) or FINRA Rule 5230 (Payments Involving Publications that Influence the Market Price of a Security); and MSRB Rules G–19, G–30, and G–37(b) & (c).

(4) through (5) No Change.

(b) through (d) No Change.

* * * * *

5000. Securities Offering and Trading Standards and Practices

* * * * *

5300. Handling of Customer Orders

5310. Best Execution and Interpositioning

(a) through (d) No Change.

(e) The obligations described in paragraphs (a) through (d) above exist not only where the member acts as agent for the account of its customer but also where transactions are executed as principal. Such obligations are distinct from the reasonableness of commission rates, markups or markdowns, which are governed by [NASD Rule 2440 and IM–2440] *Rule 2121 and its Supplementary Material.*

Supplementary Material

.01 through .09 No Change.

* * * * *

6000. Quotation and Transaction Reporting Facilities

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6600. OTC Reporting Facility

* * * * *

6630. Applicability of FINRA Rules to Securities Previously Designated as PORTAL Securities

(a) The following are specifically applicable to transactions and business activities relating to securities that, prior to October 26, 2009, had been designated by The Nasdaq Stock Market LLC for inclusion in the PORTAL Market (''PORTAL securities''):

(1) [NASD Rule 2440, and] FINRA Rules 0130, 0140, 2010, 2020, 2111, *2121,* 2232, 2251, 2261, 2262, 2269, 5310, 8210;

(2) No Change.

(3) FINRA Rules 5210, 5220, *Supplementary Material to Rule 2121,* and NASD IM–2420–1[, IM–2440–1, and IM–2440–2].

(b) through (d) No Change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As part of the process of developing a new consolidated rulebook (''Consolidated FINRA Rulebook''),[5] FINRA is proposing to transfer NASD Rule 2440 (Fair Prices and Commissions) into the Consolidated FINRA Rulebook as FINRA Rule 2121. NASD Rule 2440 provides that for securities transactions in both listed and unlisted securities a member that buys for his own account from his customer, or sells for his own account to his customer, shall buy or sell at a price that is fair taking into consideration all relevant circumstances, including market conditions with respect to such security at the time of the transaction, the expense involved, and the fact that it is entitled to a profit.[6] Further, if the member acts as agent for its customer in any such transaction, that member shall not charge its customer more than a fair commission or service charge, taking into consideration all relevant circumstances, including market conditions with respect to such security at the time of the transaction, the expense of executing the order, and the value of any service he may have rendered by reason of his experience in and knowledge of such security and the market therefor.[7] FINRA proposes to transfer this rule into the Consolidated FINRA Rulebook without any substantive changes.[8]

With NASD Rule 2440, FINRA also is proposing to transfer IM–2440–1 (Mark-Up Policy) and IM–2440–2 (Additional Mark-Up Policy For Transactions in Debt Securities, Except Municipal Securities) as Supplementary Material .01 and .02, respectively. IM–2440–1 provides additional guidance as to what may constitute a fair price or spread; IM–2440–2 provides additional guidance for mark-ups related to transactions in debt securities, except municipal securities. As with NASD Rule 2440, FINRA proposes to transfer these Interpretive Materials without any substantive changes.[9]

FINRA also is proposing to update references and cross-references within Supplementary Material .01. Specifically, FINRA is clarifying that the reference to ''Association'' in this Supplementary Material is to the National Association of Securities Dealers. FINRA is updating the reference in this Supplementary Material to NASD Rule 2110, which is now FINRA Rule 2010. FINRA is also updating Supplementary Material .02 to change references to NASD to FINRA, to update the reference to NASD Rule 2320 to FINRA Rule 5310, and to update the reference to NASD IM–2310–3 to FINRA Rule 2111(b).

FINRA also proposes to update other FINRA rules as necessary to reflect the transfer of NASD Rule 2440 and its Interpretive Material to FINRA Rule 2121 and its Supplementary Material.

FINRA has filed the proposed rule change for immediate effectiveness.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that this proposed rule change, which does not substantively change the rule, is consistent with the Act because it is being undertaken pursuant to the rulebook consolidation process, which is designed to provide additional clarity and regulatory efficiency to FINRA members by consolidating the applicable NASD, Incorporated NYSE, and FINRA rules into one rule set.

[5] The current FINRA rulebook consists of: (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE (''Incorporated NYSE Rules'') (together, the NASD Rules and Incorporated NYSE Rules are referred to as the ''Transitional Rulebook''). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''). The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, *see Information Notice,* March 12, 2008 (Rulebook Consolidation Process).

[6] NASD Rule 2440.

[7] NASD Rule 2440.

[8] FINRA previously has solicited comment on a proposal to move NASD Rule 2440 to the FINRA rules with substantive changes. *See* Regulatory Notice 11–08 (February 2011); *see also* Regulatory Notice 13–07 (January 2013). Given that these proposals raised complex issues and FINRA would like to proceed with the rulebook consolidation process expeditiously, FINRA is proposing in this rule change to move Rule 2440 and its Interpretive Materials to the FINRA rules without substantive changes, and will defer proposing any substantive changes to the rule to a future rule proposal.

[9] In addition to transferring IM–2440–1 to Supplementary Material .01, FINRA is changing the introductory language in IM–2440–1, which describes the adoption of the interpretation set forth in that provision, to reflect the historical nature of that adoption.

[10] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, this proposal will not substantively change either the text or the application of the rule and its supporting material.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received with respect to this proposal to transfer NASD Rule 2440 and its supporting Interpretive Material into the Consolidated FINRA Rulebook without any substantive changes.[11]

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[12] and Rule 19b–4(f)(6) thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2014–023 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2014–023. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2014–023 and should be submitted on or before June 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

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[11] *But see* note 8 *supra.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), FINRA provided the Commission with written notice of its intention to file the proposed rule change at least five business days prior to filing the proposal with the Commission or such shorter period as designated by the Commission.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72215; File No. SR–NSX–2014–13]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Exchange Rule 11.1 to Shorten the Operating Hours for the Post-Regular Trading Hours Trading Session

May 21, 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 May 16, 2014, National Stock Exchange, Inc. (''NSX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing an amendment to Rule 11.1 (Hours of Trading) to shorten the length of the Exchange's post-Regular Trading Hours Trading session from 8:00 p.m. to 5:00 p.m. Eastern Time[3] on days that the Exchange is open for business. The text of the proposed rule change is also available on the Exchange's Web site at *www.nsx.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 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 aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] All time references in this filing are to Eastern Time unless otherwise noted.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend paragraph (a) of Rule 11.1 to shorten the length of time during which the Exchange's post-Regular Trading Hours [4] trading session operates from 8:00 p.m. to 5:00 p.m. The Exchange submits that shortening the post-Regular Trading Hours trading session will allow the Exchange to utilize its staff and resources in a more efficient manner while continuing to provide Exchange Equity Trading Permit (''ETP'') Holders [5] and their customers with a post-Regular Trading Hours session for one hour after the close of the Regular Trading Session.

The Exchange believes that reducing the operating time of the after-hours trading session to 5:00 p.m. is justified in view of the trading volume in the one hour immediately after the close of Regular Trading Hours as compared with the trading volume through the end of the after-hours trading session at 8:00 p.m. For calendar year 2013, NSX executed a total of 10,445,976 shares between 4:00 p.m. and 5:00 p.m., resulting in an average daily volume of 41,452 shares. By comparison, during the same period, between the hours of 5:00 p.m. and 8:00 p.m., NSX executed a total of 1,562,650 shares, or an average daily volume of 6,200 shares. These volume levels support the Exchange's conclusion that most ETP Holder trading activity in the post-Regular Trading Hours trading session occurs in the first hour, by 5:00 p.m. and that the volume level in the following three hours of the post-Regular Trading Hours trading session does not sufficiently balance against the resources and personnel that the Exchange dedicates to support the operation of the after-hours trading session beyond 5:00 p.m.

The Exchange notes that other national securities exchanges offer a longer trading session after the close of Regular Trading Hours and ETP Holders can choose to direct their orders to those exchanges if they wish to participate in an after-hours trading session extending beyond 5:00 p.m.[6] Thus, the Exchange believes that its proposal will adequately address the needs of ETP Holders by providing for a one-hour post-Regular Trading Hours trading session, which trade data show is the period in which most of the trading activity is occurring, and will allow the Exchange to conserve resources and staff time that would otherwise be dedicated to supporting the after-hours trading session for a four hour period on every trading day. The Exchange believes that, given these considerations, the proposal to shorten the time period during which the post-Regular Trading Hours trading session operates is reasonable and appropriate.

2. Statutory Basis

The Exchange submits that the proposed amendment to Rule 11.1(a) furthers the purposes of Section 6(b) of the Act and, in particular, Section 6(b)(5) thereunder in that it is intended to promote just and equitable principles of trade and, in general, protect investors and the public interest; furthermore, the proposed amendment is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, the Exchange's proposal to amend Rule 11.1(a) to shorten the length of its post-Regular Trading Hours trading session from 8:00 p.m. to 5:00 p.m. on every day on which the Exchange is open for business will allow the Exchange to focus its staff and resources on the Exchange's core business, which is providing an efficient and cost-effective marketplace for trading in equity securities during Regular Trading Hours, while maintaining a facility for ETP Holders to execute trades after 4:00 p.m. Reducing the time during which the post-Regular Trading Hours trading session operates will allow the Exchange to maximize efficiencies and eliminate costs that are attendant to the longer after-hours session, but do not yield a sufficient economic return. The Exchange submits that the proposed amendment is therefore consistent with Section 6(b)(5) of the Act in that, by seeking to operate in a more efficient manner that focuses on trading during Regular Trading Hours, it will operate to promote just and equitable principles of trade and in general protect investors and the public interest.

The Exchange further submits that the proposed rule amendment will not permit unfair discrimination between customers, issuers, brokers, or dealers because the proposed change will affect all ETP Holders and market participants in the same way and to the same extent, and is therefore consistent with Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate for the furtherance of the Act. By shortening the time period during which its post-Regular Trading Hours trading session operates, the Exchange is reducing the number of equity securities exchanges offering a late trading session extending from after the close of Regular Trading Hours until 8:00 p.m. However, the Exchange does not believe that this will inappropriately burden competition in that, as proposed, it will continue to offer a post-Regular Trading Hours trading session until 5:00 p.m. and other exchanges offer an after-hours session extending until 8:00 p.m. The Exchange therefore believes that the availability of an after-hours trading facility at other exchanges will provide ETP Holders with venues to which they can direct their post-Regular Trading Hours activity after the Exchange's proposed 5:00 p.m. end time and the reduction in the time frame during which the Exchange's after-hours facility operates will not impair competition.

Additionally, the Exchange believes that, by reducing the operating time of its post-4:00 p.m. trading session and focusing its staff and resources on the Exchange's operations during core trading hours and a shortened after-hours trading session, it will achieve efficiencies that will operate to enhance its competitive position and therefore its proposal imposes no inappropriate or unnecessary burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from ETP Holders or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the

[4] Exchange Rule 1.5R.(1) defines ''Regular Trading Hours'' as the time between 9:30 a.m. and 4:00 p.m. Eastern Time.

[5] Exchange Rule 1.5E.(1) defines an ''ETP'' as an Equity Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's trading facilities. An ETP may be issued to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.

[6] *See, e.g.,* NYSE Arca Equities, Inc. Rule 7.34(a)(3), which provides for a ''Late Trading Session'' from 1:15 p.m. Pacific Time (4:15 p.m. Eastern Time) to 5:00 p.m. Pacific Time (8:00 p.m. Eastern Time); EDGA Exchange, Inc. Rule 1.5(c), which provides for a Post-Closing Session between 4:00 p.m. and 8 p.m.

protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6)(iii) thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[9] However, pursuant to Rule 19b–4(f)(6)(iii),[10] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Exchange to immediately implement the proposed change to the post-Regular Trading Hours trading session, which will better align the expenses of operating the post-Regular Trading Hours trading session with the volume and revenue associated with that trading session. According to the Exchange, the proposal will streamline the operation of the Exchange and allow for more effective utilization of Exchange resources. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSX–2014–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NSX–2014–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–NSX–2014–13, and should be submitted on or before June 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12229 Filed 5–27–14; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and 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. The Exchange has satisfied this pre-filing requirement.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72216; File No. SR–NYSEArca–2013–122]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change, as Modified by Amendment No. 2 Thereto, Relating to the Use of Derivative Instruments by PIMCO Total Return Exchange Traded Fund

May 21, 2014.

On November 6, 2013, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to the use of derivative instruments by the PIMCO Total Return Exchange Traded Fund (''Fund''). The proposed rule change was published for comment in the **Federal Register** on November 26, 2013.[3] On January 9, 2014, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On February 24, 2014, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] On April 15, 2014, the Exchange submitted Amendment Nos. 1 and 2 to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70905 (Nov. 20, 2013), 78 FR 70610 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 71271, 79 FR 2736 (Jan. 15, 2014). The Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission designated February 24, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] *See* Securities Exchange Act Release No. 71606, 79 FR 11486 (Feb. 28, 2014).

the proposed rule change.[7] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act[8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on November 26, 2013. May 25, 2014 is 180 days from that date, and July 24, 2014 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. The proposed rule change would, among other things, permit the continued listing and trading of shares of the Fund that seeks to invest in certain derivative instruments, including forwards, exchange-traded and over-the-counter options contracts, exchange-traded futures contracts, options on futures contracts, and swap agreements.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates July 24, 2014 as the date by which the Commission should either approve or disapprove the proposed rule change (File Number SR–NYSEArca–2013–122), as modified by Amendment No. 2 thereto.

[7] The Exchange submitted and subsequently withdrew Amendment No. 1 to the proposed rule change. In Amendment No. 2, the Exchange provided additional details describing how the contents of the portfolio composition of the Fund would be disclosed on a daily basis. Specifically, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio.

[8] 15 U.S.C. 78s(b)(2).

[9] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12230 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72207; File No. SR–CBOE–2014–045]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

May 21, 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 May 19, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to update the text in its Fees Schedule. First, the Exchange proposes to amend Footnote 21 of the Fees Schedule, which currently states that ''All electronic executions in Hybrid 3.0 classes shall be assessed the Hybrid 3.0 Execution Surcharge, except that this fee shall not apply to: (i) Orders in SPX options in the SPX electronic book that are executed during opening rotation on the final settlement date of VIX options and futures . . .'' As currently provided, on the CBOE Volatility Index (''VIX'') settlement day, the Exchange waives the Hybrid 3.0 Execution Surcharge for orders in S&P 500 Index (''SPX'') options in the SPX electronic book that are executed during opening rotation on the final settlement date of VIX options and futures. Currently, this exception encompasses all SPX options in the SPX electronic book executed during the opening rotation on final settlement date of VIX options and futures regardless of whether those options had a bearing on the final settlement value. Indeed, certain SPX options in the SPX electronic book that are executed during opening rotation on the final settlement date of VIX options and futures cannot be used to determine the final settlement value of VIX. The Exchange seeks to amend this language to only exclude from the Hybrid 3.0 Execution Surcharge those SPX options that are executed during opening rotation and which have the expiration that contribute to the VIX settlement calculation. This is because the only way to participate in the settlement process is electronically; there is no open outcry alternative. Therefore, the Exchange does not want to assess a surcharge for the only possible method of participation in the VIX settlement process. Additionally, since the VIX settlement value is based upon SPX options, the Exchange does not believe it would be appropriate to charge the surcharge to those SPX options that have the expiration that is used in determining the final settlement value on the final settlement date of VIX options and futures (as opposed to those SPX options that cannot and do not have a bearing on the final settlement value). The Exchange notes that as it relates to CBOE Short-Term Volatility Index (''VXST'') options and futures,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Footnote 21 excepts from the assessment of the Hybrid 3.0 Execution Fee SPX options that are executed during opening rotation and which are used to determine the final settlement value on the final settlement date of VXST options and futures.[3] The Exchange is seeking to similarly amend this language to exclude from the Hybrid 3.0 Execution Surcharge only those SPX options that are executed during opening rotation and which have the expiration that contribute to the VXST settlement calculation. The Exchange believes that because the VXST settlement value is also be [sic] based upon SPX options on the standard third-Friday expiration, it is not appropriate to assess the surcharge to those SPX options that are or can be used in determining the final settlement value on the final settlement date of VXST options and futures (as opposed to those SPX options that cannot and do not have a bearing on the final settlement value). The Exchange believes it is reasonable to apply the same fees and fees structure to SPX options that have the expiration that is used to determine final settlement value on settlement date of both VIX and VXST options and futures.

Similarly, the Exchange next proposes to provide that it will waive the SPXW Customer Priority Surcharge for orders in SPX Weeklys (''SPXW'') options in the SPXW electronic book that are executed during opening rotation and which have the expiration that contribute to the VXST settlement calculation. Currently, Footnote 31 states that such surcharge applies to all customer contracts executed electronically ''except those contracts executed by a floor broker using a PAR terminal and orders in SPXW options in the SPXW electronic book that are executed during opening rotation on the final settlement date of VXST options and futures in which SPXW options are being used to determine the final settlement value.'' The Exchange seeks to amend this language and provide that the waiver of the SPXW Customer Priority Surcharge is applicable for SPXW options in the SPXW electronic book that are executed during opening rotation on the final settlement date of VXST options and futures and which have the expiration that contribute to the VXST settlement calculation. As explained above, the Exchange does not want to assess a surcharge for the only possible method of participation in the VXST settlement process, but wants to limit this exception to those options which have the expiration that contributed to the VXST settlement calculation on the final settlement date.

Lastly, the Exchange wishes to make a clarification regarding the option classes included in the Customer Large Trade Discount program. This proposed change is solely administrative and clarifying and will not amend any current fees. The Customer Large Trade Discount program (the ''Discount'') provides a discount in the form of a cap on the quantity of customer (''C'' origin code'') contracts that are assessed transactions fees in certain options classes. The Discount table in the Fees Schedule sets forth the quantity of contracts necessary for a large customer trade to qualify for the Discount, which varies by product. Currently, under the ''Products'' section in the Discount table, the following S&P products for which the Discount is in effect are listed: ''SPX, SPXpm, SRO.'' Customer transaction fees for each of these products are only charged up to the first 10,000 contracts. Currently, SPX Weeklys (''SPXW'') and SPX Quarterlys (''SPXQ'') are not separately spelled out in the Discount table, as SPXW and SPXQ fall within the universe of SPX transactions. The Exchange is proposing however, to clarify and make clear in the text of the Fees Schedule that the term ''SPX'' is intended to include SPXW and SPXQ options. The Exchange notes that the term ''SPX'' has been interpreted to date to include SPXW and SPXQ options for purposes of the Discount program. The Exchange believes the proposed rule change will make it clear to all market participants that the term ''SPX'' as used in the Discount table includes SPXW and SPXQ options. The Exchange believes the proposed addition of rule text will provide greater clarity for customers and will allow market participants to better understand how fees are applied.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that the proposed changes to Footnote 21 related to the Hybrid 3.0 Execution Surcharge and Footnote 31 related to the SPXW Customer Priority Surcharge are reasonable because they will result in market participants at times not being required to pay these surcharges for SPX and/or SPXW transactions in the circumstances described. The Exchange believes it is equitable and not unfairly discriminatory to exclude from the Hybrid 3.0 Execution Surcharge and SPXW Customer Priority Surcharge only those options that are executed during opening rotation and which have the expiration that contribute to the VIX or VXST settlement calculation because, as discussed above, the VIX and VXST settlement values are based upon those SPX or SPXW options and the Exchange therefore wants to encourage trading in those options at the opening on settlement days. Additionally, the Exchange believes the proposed rule change will encourage the trading of SPX and SPXW options that have the expiration that contribute to the VIX or VXST settlement calculation at the opening on settlement days, which will provide additional liquidity and enhance competition in those securities, which ultimately benefits all CBOE TPHs and all investors.

Finally, the Exchange believes the amendment to the Customer Large Trade Discount table will promote just and equitable principles of trade by clarifying to Trading Permit Holders that SPXW and SPXQ fall within the universe of transactions for purposes of the Discount program, thereby eliminating potential confusion and removing impediments to and perfecting the mechanism of a free and open market and a national market system. Providing a clearer representation of fees in the Exchange fee schedule will remove any confusion that may exist with the current wording in the Fees Schedule. The proposed changes are equitable and not unfairly discriminatory because bringing clarity to the Exchange Fees Schedule benefits all Trading Permit Holders.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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. CBOE does not believe that the proposed rule

[3] VXST, because it expires weekly instead of monthly, uses SPXW options to determine the 9-day VXST settlement value except for the one week a month for which there are not expiring SPXW options. That week is the standard third-Friday expiration, and for that week, VXST uses SPX options to determine the 9-day VXST settlement value.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all of the proposed changes will apply to all market participants. CBOE does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes only apply to trading on CBOE. To the extent that any of the proposed changes makes CBOE a more attractive market for market participants on other exchanges, such market participants may elect to become market participants on CBOE.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and paragraph (f) of Rule 19b–4 [7] 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–CBOE–2014–045 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–CBOE–2014–045. 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 CBOE. 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–CBOE–2014–045 and should be submitted on or before June 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12225 Filed 5–27–14; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2014–0027]

Consent Based Social Security Number Verification (CBSV) Service

AGENCY: Social Security Administration.

ACTION: Notice of Revised Transaction Fee for Consent Based Social Security Number Verification Service.

SUMMARY: We provide fee-based Social Security number (SSN) verification service to enrolled private businesses and government agencies who obtain a valid, signed consent form from the Social Security number holder. We originally published a notice announcing the CBSV service in the **Federal Register** on August 10, 2007.

Based on the consent forms, we verify the number holders' SSNs for the requesting party. The Privacy Act of 1974 (5 U.S.C. 552a(b)), section 1106 of the Social Security Act (42 U.S.C. 1306) and our regulation at 20 CFR 401.100, establish the legal authority for us to provide SSN verifications to third party requesters based on consent.

The CBSV process provides the business community and other government entities with consent-based SSN verifications in high volume. We developed CBSV as a user-friendly, internet-based application with safeguards that will protect the public's information. In addition to the benefit of providing high volume, centralized SSN verification services to the business community in a secure manner, CBSV provides us with cost and workload management benefits.

New Information: To use CBSV, interested parties must pay a one-time non-refundable enrollment fee of $5,000. Currently, users also pay a fee of $1.10 per SSN verification transaction in advance of services. We agreed to calculate our costs periodically for providing CBSV services and adjust the fees as needed. We also agreed to notify our customers who currently use the service and allow them to cancel or continue using the service at the new transaction fee.

Based on the most recent cost analysis, we will adjust the fiscal year 2014 fee to $3.10 per SSN verification transaction. New customers will still be responsible for the one-time $5,000 enrollment fee.

DATES: The changes described above are effective June 2, 2014.

FOR FURTHER INFORMATION CONTACT: Esset Tate, Office of Public Service and Operations Support, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, [410–966–8502], for more information about the CBSV service, visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov/cbsv.*

Dated: May 22, 2014.

Esset Tate,

Project Manager, Office of Public Service and Operations Support.

[FR Doc. 2014–12242 Filed 5–27–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 8746]

Meeting on United States-Oman Free Trade Agreement Environment Chapter Implementation, Joint Forum on Environmental Cooperation, and Public Session

AGENCY: Department of State.

ACTION: Announcement of meetings; solicitation of suggestions; invitation to public session.

SUMMARY: The Department of State and the Office of the United States Trade Representative (USTR) are providing notice that the governments of the United States and Oman intend to hold a meeting to review implementation of the Environment Chapter of the United States-Oman Free Trade Agreement (FTA), the United States-Oman Joint Forum on Environmental Cooperation (Joint Forum), and a public session in Muscat, Oman, on June 4 and 5, 2014, at a venue to be announced.

The governments of the United States and Oman (the governments) created the Joint Forum pursuant to the United States-Oman Memorandum of Understanding on Environmental Cooperation (MOU), signed on February 20, 2006. During the Joint Forum meeting, the governments will discuss how the United States and Oman can strengthen Oman's capacity to protect and conserve its environment, highlight past bilateral environmental cooperation, review activities under the 2011–2014 Plan of Action, and commit to a 2014–2017 Plan of Action. The Department of State and USTR invite the members of the public to submit written suggestions on items to include on the meeting agenda or in the 2014–2017 Plan of Action.

The Department of State and USTR also invite interested persons to attend a public session where the public will have the opportunity to ask about implementation of both the MOU and the Environment Chapter of the United States-Oman FTA.

DATES: The public session will be held on June 5, 2014, in Muscat, Oman at a venue to be announced. Suggestions on the Joint Forum meeting agenda and/or the 2014–2017 Plan of Action should be provided no later than June 2, 2014, to facilitate consideration.

ADDRESSES: Those interested in attending the public session should email Geoff Finger at *FingerGT@state.gov* to find out the time and place of the session. Suggestions on the Joint Forum meeting agenda and/or the 2014–2017 Plan of Action should be emailed to *FingerGT@state.gov* or faxed to Geoff Finger at (202) 647–5947, with the subject line ''United States-Oman Environmental Cooperation.'' Those with access to the internet can view and comment on this notice by going to: *http://www.regulations.gov/#!home* and searching on docket number DOS–2014–0011.

FOR FURTHER INFORMATION CONTACT: Geoff Finger, (202) 647–4828.

SUPPLEMENTARY INFORMATION: In the MOU, the governments (1) recognize ''the importance of strengthening capacity to protect the environment while promoting sustainable development in concert with the expanded bilateral trade relationship that will accompany the United States-Oman Free Trade Agreement (FTA)'' and (2) indicate their intent ''to cooperate in the field of environmental and natural resource protection and sustainable development.'' In the Environment Chapter of the United States-Oman FTA, the governments likewise ''recognize the importance of strengthening capacity to protect the environment and to promote sustainable development in concert with strengthening bilateral trade and investment relations.'' The governments express their commitment to undertaking cooperative environmental activities pursuant to the MOU. In Section 2 of the MOU, the governments establish the Joint Forum to coordinate and review environmental cooperation activities. As envisioned in the MOU, the Joint Forum will ''develop a Plan of Action; review and assess cooperative environmental activities undertaken pursuant to the Plan of Action; recommend ways to improve cooperation; and undertake such other activities as the Governments may deem to be appropriate.'' The Plan of Action is a tool to establish goals, objectives, and areas for cooperation, including short-, medium-, and long-term bilateral and/or regional projects and activities. Through this notice, the United States is soliciting the views of the public with respect to the Plan of Action.

In January 2012, the governments established the 2011–2014 Plan of Action for environmental cooperation with the following primary areas of cooperation: (1) Strengthening Environmental Laws, Including Natural Resource-Related Laws; (2) Disaster Preparedness; (3) Biodiversity Conservation and Improved Management of Protected Areas, and Other Ecologically Important Ecosystems; (4) Cleaner Production and Environmental Technology; and (5) Environmental Education and Public Participation in Environmental Issues. The United States anticipates the 2014–2017 Plan of Action will build upon the cooperative work initiated in the 2011–2014 Plan of Action.

Members of the public, including NGOs, educational institutions, private sector enterprises, and all other interested persons, are invited to submit written suggestions regarding items for inclusion in the meeting agendas or in the new Plan of Action. Please include your full name and identify any organization or group you represent. We encourage submitters to refer to:

- United States-Oman Memorandum of Understanding on Environmental Cooperation,
- 2011–2014 Plan of Action Pursuant to the United States-Oman Memorandum of Understanding on Environmental Cooperation,
- Chapter 17 of the United States-Oman Free Trade Agreement,
- Final Environmental Review of the United States–Oman Free Trade Agreement.

These documents are available at: *http://www.state.gov/e/oes/eqt/trade/oman/index.htm.*

Dated: May 21, 2014.

Deborah Klepp,

Director, Office of Environmental Quality and, Transboundary Issues, U.S. Department of State.

[FR Doc. 2014–12347 Filed 5–27–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–32]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before June 17, 2014.

ADDRESSES: You may send comments identified by docket number FAA–2012–1146 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *mark.forseth@faa.gov,* phone (425) 227–2796; or Sandra Long, ARM–201, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *sandra.long@faa.gov,* phone (202) 267–4714.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 21, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2012–1146.

Petitioner: Bombardier Aerospace.

Section of 14 CFR Affected: § 25.841(a)(2)(i) and (a)(2)(ii) at Amendment 25–87.

Description of Relief Sought: Petitioner seeks relief from the cabin altitude limits following an uncontained engine failure (UEF), and from additional considerations for a UEF which punctures and/or tears the fuselage creating a very large hole for the Bombardier Models BD–500–1A10 (CS100) and BD–500–1A11 (CS300) airplanes operating above 40,000 feet pressure altitude.

[FR Doc. 2014–12217 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–26]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 17, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0221 using any of the following methods:

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

• *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.

• *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels (202) 267–2676, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 21, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0221.

Petitioner: Seaborne Virgin Islands, Inc. d/b/a Seaborne Airlines.

Section of 14 CFR Affected: § 121.339.

Description of Relief Sought: Seaborne Virgin Islands, Inc. d/b/a Seaborne Airlines is requesting a deviation from the requirement to carry life rafts, flares, and locating beacons as required by 14 CFR 121.339(a)(2), (3), and (4) for operations over the Caribbean Sea and adjacent areas of the Atlantic Ocean for operations within 98 nautical miles (30 minutes at single engine enroute speed) of shoreline.

[FR Doc. 2014–12216 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0017]

Renewed and Amended Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State of Utah

AGENCY: Federal Highway Administration (FHWA), Utah Division Office, DOT.

ACTION: Notice of MOU renewal and amendments and request for comments.

SUMMARY: This notice announces that the FHWA and the Utah Department of Transportation (State) plan to renew and amend an existing MOU established pursuant to 23 U.S.C. 326 under which the FHWA has assigned to the State the FHWA's responsibility for determining whether a project is categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. (NEPA) and for carrying out certain other responsibilities for conducting environmental reviews, consultations, and related activities for Federal-aid highway projects. The proposed amendments include removal of language referring to existing programmatic agreements between the State and FHWA concerning categorical exclusions. This change is proposed to make the processing of these documents more clearly defined. The public is invited to comment on any aspect of the proposed MOU, including the scope of environmental review, consultation, and other activities which are assigned.

DATES: Please submit comments by June 27, 2014.

ADDRESSES: You may submit comments through the U.S. Document Management System (DMS) identified by Docket No. FHWA–2014–0017, or by any of the methods described below.

Web site: http://www.udot.utah.gov/go/environmental

Fax: 1–202–493–2251

Mail: Docket Management Facility; U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, Ground Floor Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. (EST), Monday through Friday, except Federal holidays.

Docket: For access to the docket to view a complete copy of the proposed MOU, or to read background documents or comments received, go to *http://www.regulations.gov* at any time or go to the ground floor Room U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, UT 84129. Office Hours: 7:00 a.m. to 4:30 p.m. (MST), *Edward.Woolford@DOT.gov;* Mr. Brandon Weston, Environmental Services Director, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, UT 84129, Office Hours 8:00 a.m. to 5:00 p.m. (Monday through Friday) (MST), *brandonweston@utah.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at *http://www.archives.gov* and the Government Printing Office's Web site at *http://www.access.gpo.gov.* An electronic version of the proposed MOU may be downloaded by accessing the DMS docket, as described above, at *http://www.regulations.gov.*

Background

Section 6004(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59), codified as Section 326 of amended Chapter 3 of Title 23, United States Code (23 U.S.C. 326, SAFETEA–LU), allows the Secretary of the United States Department of Transportation (USDOT Secretary), to assign, and a State to assume, responsibility for determining whether certain designated activities are included within classes of action that are categorically excluded from requirements for environmental assessments or environmental impact statements pursuant to regulations promulgated by the Council on Environmental Quality under part 1500 of Title 40, Code of Federal Regulations (CFR) (as in effect on October 1, 2003). The FHWA is authorized to act on behalf of the USDOT Secretary with respect to these matters.

In July 2008, the FHWA and the State executed a MOU which assigned the responsibility to the State for determining certain designated activities as categorically excluded under Section 6004(a) of SAFETEA–LU. The assignments include:

1. Activities listed in 23 CFR 771.117(c); and
2. The example activities listed in 23 CFR 771.117(d).

The MOU had an initial term of 3 years and may be renewed and/or amended. The renewal/amendments are the subject of this Notice. As part of this renewal, proposed changes to the MOU include modification to terminate an existing programmatic agreement between the State and FHWA for processing proposed projects that are candidates for categorical exclusion but that are not included on the lists described in 1–2 above.

The MOU assigns to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

1. Clean Air Act (CAA), 42 U.S.C. 7401–7671q (determinations of project-level conformity if required for the project).
2. Compliance with the noise regulations in 23 CFR 772.
3. Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and Section 1536.
4. Marine Mammal Protection Act, 16 U.S.C. 1361.
5. Anadromous Fish Conservation Act, 16 U.S.C. 757a–757g.
6. Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d.
7. Migratory Bird Treaty Act, 16 U.S.C. 703–712.
8. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq.
9. Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f) et seq.
10. Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; and 23 CFR Part 774.
11. Archeological and Historic Preservation Act of 1966, as amended, 16 U.S.C. 469–469(c).
12. American Indian Religious Freedom Act, 42 U.S.C. 1996.
13. Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209.
14. Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319).
15. Coastal Barrier Resources Act, 16 U.S.C. 3501–3510.
16. Coastal Zone Management Act, 16 U.S.C. 1451–1465.

17. Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–6.
18. Rivers and Harbors Act of 1899, 33 U.S.C. 401–406.
19. Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287.
20. Emergency Wetlands Resources Act, 16 U.S.C. 3921–3931.
21. TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133 (b)(11).
22. Flood Disaster Protection Act, 42 U.S.C. 4001–4128.
23. Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604 (known as section 6(f)).
24. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675.
25. Superfund Amendments and Reauthorization Act of 1986 (SARA).
26. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k.
27. Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
28. Executive Orders Relating to Highway Projects (E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13112, Invasive Species).

The MOU allows the State to act in the place of the FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian tribes, which is required under some of the above-listed laws and executive orders. The State also may assist the FHWA with formal consultations, with consent of a tribe, but the FHWA remains responsible for the consultation. This assignment includes transfer to the State of Utah the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the Criteria in Stipulation I(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

A copy of the proposed MOU may be viewed on the DOT DMS Docket, as described above, or may be obtained by contacting the FHWA or the State at the addresses provided above. A copy may also be viewed online at the following URL: *http://www.udot.utah.gov/go/environmental.* Once the FHWA makes a decision on the proposed MOU, the FHWA will place in the DOT DMS Docket, a statement describing the outcome of the decision-making process and a copy of the final MOU, if any. Copies of the final documents also may be obtained by contacting the FHWA or the State at the addresses provided above, or by viewing the documents at *http://www.udot.utah.gov/go/environmental.*

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

Issued on: May 21, 2014.

Jennifer A. Outhouse,

Federal Register Liaison, Federal Highway Administration.

[FR Doc. 2014–12271 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstract regarding the Petitions for Exemption from the Theft Prevention Standard below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on March 21, 2014 (79 FR 15799). The agency received no comments.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments' estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. Comments to OMB are most effective if OMB receives them within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NVS–131), 1200 New Jersey Ave. SE., West Building, Room W43–439, NVS–131, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–5222. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Petitions for Exemption from the Vehicle Theft Prevention Standard (49 CFR Part 543)

OMB Control Number: 2127–0542

Type of Request: Request for public comment on a previously approved collection of information.

Abstract: Manufacturers of passenger vehicle lines may petition the agency for an exemption from Part 541 requirements, if the line is equipped with an anti-theft device as standard equipment and meets agency criteria. Device must be as effective as parts-marking. 49 U.S.C. Chapter 331 requires the Secretary of Transportation to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. 49 U.S.C. 33106 provides for an exemption to this identification process by petitions from manufacturers who equip covered vehicles with standard original equipment antitheft devices, which the Secretary determines are likely to be as effective in reducing or deterring theft as parts-marking. NHTSA may exempt a vehicle line from the parts marking requirement, if the manufacturer installs an antitheft device as standard equipment on the entire vehicle line for which it seeks an exemption and NHTSA determines that

the antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements. In accordance with 49 U.S.C. 33106, after model year (MY) 2000, the number of new exemptions is contingent on a finding by the Attorney General as part of its long-range review of effectiveness. After consulting with DOJ, the agency decided it could continue granting one exemption per model year pending the results of the long-term review.

In a final rule published on April 6, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle rating of 6,000 pounds or less, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. Consistent with the DOJ consultation, the April 6, 2004 final rule amended the general requirements of Section 543.5 of Chapter 49 of the Code of Federal Regulations, allowing a manufacturer to petition NHTSA to grant an exemption for one additional line of its passenger motor vehicles from the requirements of the theft prevention standard for each model year after MY 1996. The final rule became effective September 1, 2006.

Prior to September 1, 2006, manufacturers were only allowed to petition NHTSA for high-theft vehicles lines. In its April 6, 2004 final rule, the agency amended part 543 to allow vehicle manufacturers to file petitions to exempt all vehicle lines that would become subject to parts-marking requirements beginning with the effective date of the final rule. As a result of this amendment, vehicle manufacturers are allowed to file petitions to exempt all vehicle lines that would become subject to the parts-marking requirements regardless of their theft status (high or low).

There are approximately 21 vehicle manufacturers that could request an exemption (one exemption per manufacturer per model year), although 33 petitions for exemption from the parts-marking requirements were received by the agency for MYs 2013–2015. This is an average of approximately 11 responses per year. NHTSA anticipates that this will remain the average number of yearly responses that will be received by the agency.

NHTSA estimates that the average hours per submittal will be 166, for a total annual burden of 1,826 hours. This is a slight increase from the previous OMB inventory of 1,808 hours. NHTSA estimates that the cost associated with the burden hours is $39.49 per hour, for a total cost of approximately $72,109.

Affected Public: Motor vehicle manufacturers.

Estimated Total Annual Burden: NHTSA estimates that vehicle manufacturers will incur a total annual reporting hour and cost burden of 1,826 hours and $72,109 respectively. There would be no additional cost to motor vehicle manufacturers that would require it to comply to this regulation.

Claude H. Harris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2014–12306 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0125; Notice 2]

Hankook Tire America Corp, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of Petition.

SUMMARY: Hankook Tire America Corp, (Hankook) has determined that certain model year Hankook Roadhandler Sport (H432) tires manufactured between June 21, 2013 and August 29, 2013, do not fully comply with paragraph S5.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No.139, *New Pneumatic Radial Tires for Light Vehicles.* Hankook has filed an appropriate report dated October 4, 2013, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Hankook's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Hankook submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the October 4, 2013, petition was published, with a 30-day public comment period, on December 10, 2013 in the **Federal Register** (78 FR 74226). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2013–0125.''

II. Tires Involved: Affected are approximately 6,257 Roadhandler Sport (H432), size 215/45R17 91W XL, Hankook tires manufactured between June, 21, 2013 and August 29, 2013.

III. Noncompliance: Hankook explains that the noncompliance is that, due to a mold labeling error, the sidewall marking on the side of the tires incorrectly describes the actual number of plies in the tread area of the tires as required by paragraph S5.5(f) of 49 CFR 571.139. Specifically, the tires in question were inadvertently manufactured with ''Ply Tread 2 steel + 1 Polyester + 2 Nylon, Sidewall 1 Polyester.'' The correct labeling and stamping to match the tire construction should have been ''Ply Tread 2 steel + 1 Polyester + 1 Nylon, Sidewall 1 Polyester.''

IV. Rule Text: Paragraph S5.5(f) of FMVSS No. 139 requires in pertinent part:

> S5.5 Tire Markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one side-wall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width that falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches . . .
>
> (f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different.

V. Summary of Hankook's Analyses: Hankook stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The affected subject tires meet or exceed all applicable FMVSS performance standards.

2. The subject tires will not be affected based on performance, durability, or safety they are designed and build for.

Hancock has additionally informed NHTSA that it has corrected the

noncompliance so that all future production of these Roadhandler Sport (H432) tires will comply with FMVSS No. 139.

In summation, Hankook believes that the described noncompliance of the subject tires is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

VI. NHTSA's Decision: The agency agrees with Hankook that the noncompliance is inconsequential to motor vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliance on the operational safety of the vehicles on which these tires are mounted. The safety of people working in the tire retread, repair and recycling industries must also be considered.

Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread and sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgment, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire.

The agency believes the noncompliance will have no measurable effect on the safety of tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, since the tire sidewall is marked correctly for the number of steel plies, this potential safety concern does not exist.

In consideration of the foregoing, NHTSA has decided that Hankook has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Hankook's petition is granted and the petitioner is exempted from the obligation of providing notification of, and remedy for, the subject noncompliance.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject tires that Hankook no longer controlled at the time that it determined that a noncompliance existed. However, the granting of this petition does not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Hankook notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–12270 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0033, Notice No. 14–3]

International Standards on the Transport of Dangerous Goods

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that on Wednesday, June 11, 2014, PHMSA will conduct a public meeting to discuss proposals in preparation for the 45th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) to be held June 23 to July 2, 2014, in Geneva, Switzerland. During the public meeting, PHMSA is also soliciting comments relative to potential new work items which may be considered for inclusion in its international agenda.

Also, on Wednesday, June 11, 2014, the Department of Labor, Occupational Safety and Health Administartion (OSHA) will conduct a public meeting (See Docket No. OSHA–H022k–2006–0062) to discuss proposals in preparation for the 27th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS) to be held July 2 to 4, 2014, in Geneva, Switzerland.

DATES: Wednesday, June 11, 2014.

ADDRESSES: Both meetings will be held at the DOT Headquarters Conference Center, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590.

Time and Location: PHMSA public meeting: 8:30 a.m. to 11:30 a.m. EDT, Oklahoma Room.

OSHA public meeting: 1:00 p.m. to 4:00 p.m. EDT, Conference Room 3.

Registration: It is requested that attendees pre-register for these meetings by completing the form at *https://www.surveymonkey.com/s/PNCPBQD.* Attendees may use the form to pre-register for the PHMSA meeting, the OSHA meeting, or both meetings. Failure to pre-register may delay your access to the DOT building. Participants attending in person are encouraged to arrive early to allow time for security checks necessary to obtain access to the building.

Conference call-in and ''live meeting'' capability will be provided for both meetings. Specific information on call-in and live meeting access will be posted when available at *http://www.phmsa.dot.gov/hazmat/regs/international* and at *http://www.osha.gov/dsg/hazcom/.*

FOR FURTHER INFORMATION CONTACT: Vincent Babich or Steven Webb, Office of Hazardous Materials Safety, International Standards, Department of Transportation, Washington, DC 20590; telephone (202) 366–8553.

Supplementary Information on the PHMSA Meeting: The primary purpose of PHMSA's meeting will be to prepare for the 45th session of the UNSCOE TDG. The 45th session of the UNSCOE TDG is the third of four meetings scheduled for the 2013–2014 biennium. The UNSCOE will consider proposals for the 19th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations which will be implemented within relevant domestic, regional, and international regulations from January 1, 2017. Copies of working documents, informal documents, and the meeting agenda may be obtained from the United Nations Transport Division's Web site at *http://www.unece.org/trans/main/dgdb/dgsubc3/c3age.html.*

General topics on the agenda for the UNSCOE TDG meeting include:

- Explosives and related matters

- Global harmonization of transport of dangerous goods regulations
- Listing, classification and packing
- Electric storage systems
- Transport of gases
- Miscellaneous proposals of amendments to the Model Regulations
- Electronic data interchange for documentation purposes
- Cooperation with the International Atomic Energy Agency (IAEA)
- Guiding principles for the Model Regulations
- Globally Harmonized System of Classification and Labeling of Chemicals (GHS)

Following the 45th session of the UNSCOE TDG, a copy of the Sub-Committee's report will be available at the United Nations Transport Division's Web site at *http://www.unece.org/trans/main/dgdb/dgsubc3/c3rep.html.* PHMSA's Web site at *http://www.phmsa.dot.gov/hazmat/regs/international* provides additional information regarding the UNSCOE TDG and related matters.

Supplementary Information on the OSHA Meeting: The **Federal Register** notice and additional detailed information relating to OSHA's public meeting will be available upon publication at *http://www.regulations.gov* (Docket No. OSHA–H022k–2006–0062) and on the OSHA Web site at *http://www.osha.gov/dsg/hazcom/.*

Signed at Washington, DC, on May 21, 2014.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2014–12238 Filed 5–27–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 22, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before June 27, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0150.

Type of Review: Extension without change of a currently approved collection.

Title: Power of Attorney and Declaration of Representative.

Form: 2848.

Abstract: Form 2848 is used to authorize someone to act for the respondent in tax matters. It grants all powers that the taxpayer has except signing a return and cashing refund checks. Data is used to identify representatives and to ensure that confidential information is not divulged to unauthorized persons. Also used to input representative on Central Authorization File (CAF).

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 1,092,833.

OMB Number: 1545–0197.

Type of Review: Revision of a currently approved collection.

Title: Application for Determination for Employee Benefit Plan.

Form: 5300.

Abstract: IRS needs certain information on the financing and operating of employee benefit and employee contribution plans set up by employers. IRS uses Form 5300 to obtain the information needed to determine whether the plans qualify under Code sections 401(a) and 501(a).

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 7,201,200.

OMB Number: 1545–1362.

Type of Review: Extension without change of a currently approved collection.

Title: Renewable Electricity, Refined Coal, and Indian Coal Production Credit.

Form: 8835.

Abstract: Filers claiming the general business credit for electricity produced from certain renewable resources under code sections 38 and 45 must file Form 8835.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 1,045.

OMB Number: 1545–1384.

Type of Review: Extension without change of a currently approved collection.

Title: Taxpayer Statement Regarding Refund.

Form: 3911.

Abstract: If taxpayer inquires about their non-receipt of refund (or lost or stolen refund) and the refund has been issued, the information and taxpayer signature are needed to begin tracing action.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 16,600.

OMB Number: 1545–1896.

Type of Review: Extension without change of a currently approved collection.

Title: Application to Participate in the IRS Acceptance Agent Program.

Form: 13551.

Abstract: Form 13551 is used to gather information to determine applicant's eligibility in the Acceptance Agent Program.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 6,413.

OMB Number: 1545–2084.

Type of Review: Extension without change of a currently approved collection.

Title: Foreign Based Importers—Non-Filers.

Abstract: Foreign corporations are subject to tax on income that is effectively connected with a U.S. trade or business and are required to file form 1120, 1120–F, or 1065 reporting taxable income. The respondents will be foreign corporations. The information gathered will be used to determine if the foreign corporation has a U.S. trade or business and is required to file a U.S. Income Tax return.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 30.

OMB Number: 1545–2095.

Type of Review: Revision of a currently approved collection.

Title: TD 9467—Measurement of Assets and Liabilities for Pension Funding Purposes; Benefit Restrictions for Underfunded Pension Plans.

Abstract: Regulations provide guidance regarding the determination of

the value of plan assets and benefit liabilities for purposes of the funding requirements that apply to single employer defined benefit plans, regarding the use of certain funding balances maintained for those plans, and regarding benefit restrictions for certain underfunded defined benefit pension plans. These regulations reflect provisions under sections 430(d), 430(f), 430(g), 430(h)(2), 430(i), and 436, as added to the Internal Revenue Code (Code) by the Pension Protection Act of 2006 (Public Law 109–280; 120 Stat. 780), and amended by the Worker, Retiree, and Employer Recovery Act of 2008 (Pub. L. 110–458; 122 Stat. 5092). Plans sponsors may make elections regarding these plans options.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 120,000.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–12309 Filed 5–27–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Disclaimer and Consent With Respect To United States Savings Bonds/Notes

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 form ''Disclaimer and Consent With Respect To United States Savings Bonds/Notes''.

DATES: Written comments should be received on or before July 28, 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 Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Disclaimer and Consent With Respect To United States Savings Bonds/Notes.

OMB Number: 1535–0113.

Form Number: PD F 1849.

Abstract: The information is requested when the requested savings bonds/notes transaction would appear to affect the right, title or interest of some other person.

Current Actions: Revision of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 300.

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: May 22, 2014.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2014–12280 Filed 5–27–14; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Special Form of Assignment for U.S. Registered Securities

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 form ''Special Form of Detached Assignment for U.S. Registered Definitive Securities and U.S. Bearer Securities for Conversion to BECCS or CUBES''.

DATES: Written comments should be received on or before July 28, 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 Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: Special Form of Detached Assignment for U.S. Registered Definitive Securities and U.S. Bearer Securities for Conversion to BECCS or CUBES.

OMB Number: 1535–0059.

Form Number: PD F 1832.

Abstract: The information is requested to complete transaction involving the assignment of U.S. Registered and Bearer Securities.

Current Actions: Revision of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,600.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 400.

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: May 22, 2014.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2014–12278 Filed 5–27–14; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Internal Revenue Service Tax Exempt and Government Entities Division (TE/GE); Meeting

AGENCY: Internal Revenue Service (IRS); Tax Exempt and Government Entities Division, Treasury.

ACTION: Notice.

SUMMARY: The Advisory Committee on Tax Exempt and Government Entities (ACT) will hold a public meeting on Wednesday, June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Mark Kirbabas, Acting Designated Federal Officer, TE/GE Communications and Liaison; 1111 Constitution Ave. NW.; SE:T:CL—NCA 679; Washington, DC 20224. Telephone: 202–317–8444 (not a toll-free number). Email address: *Mark.J.Kirbabas@irs.gov.*

SUPPLEMENTARY INFORMATION: By notice herein given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the ACT will be held on Wednesday, June 11, 2014, from 9:30 a.m. to 11:30 a.m., at the Internal Revenue Service; 1111 Constitution Ave. NW.; Room 3313; Washington, DC. Issues to be discussed relate to Employee Plans, Exempt Organizations, and Government Entities. Reports from five ACT subgroups cover the following topics:

- Employee Plans: Analysis and Recommendations Regarding the Pre-Approved and Determination Letter Programs
- Exempt Organizations: Analysis and Recommendations Regarding Unrelated Business Income Tax Compliance of Colleges and Universities
- Federal, State and Local Governments: The Affordable Care Act and Government Employees
- Indian Tribal Governments: IRS Tribal Consultation: A Compliance Audit and Recommendations for Improvement
- Tax-Exempt Bonds: Today's Reality: The Increased Reliance on the ''Facts and Circumstances'' Test in Analyzing Management Contracts for Private Business Use

Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, attendees must call Cynthia Phillips Grady to confirm their attendance. Ms. Phillips Grady can be reached at (202) 317–8782. Attendees are encouraged to arrive at least 30 minutes before the meeting begins to allow sufficient time for security clearance. Photo identification must be presented. Please use the main entrance at 1111 Constitution Ave. NW., to enter the building. Should you wish the ACT to consider a written statement, please call (202) 317–8444, or write to: Internal Revenue Service; 1111 Constitution Ave. NW.; SE:T:CL—NCA–679; Washington, DC 20224, or email *Mark.J.Kirbabas@irs.gov.*

Dated: May 21, 2014.

Mark O'Donnell,

Director, Communications and Liaison, Tax Exempt and Government Entities Division, Internal Revenue Service.

[FR Doc. 2014–12340 Filed 5–27–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0622]

Agency Information Collection (VAAR Clause 852.236.89, Buy American Act) Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0622'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0622.''

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–89, Buy American Act.

OMB Control Number: 2900–0622.

Type of Review: Extension of a currently approved collection.

Abstract: The Buy American Act requires that only domestic construction material shall be used to perform domestic Federal contracts for construction, with certain exceptions. Despite the allowable exceptions, it is VA policy not to accept foreign construction material. VAAR clause 852.236–89 advises bidders of these provisions and requires bidders who choose to submit a bid that includes foreign construction material to identify and list the price of such material. VA uses the information to determine whether to accept or not accept a bid that includes foreign construction material.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 31, 2014, at page 5531.

Affected Public: Business or other for-profit, and Not-for-profit institutions.

Estimated Annual Burden: 20 hours.

Estimated Average Burden per Respondent: 30 min.

Frequency of Response: On occasion.

Estimated Number of Respondents: 40.

Dated: May 22, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–12237 Filed 5–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0590]

Agency Information Collection (Department of Veterans Affairs Acquisition Regulations Clause 852.237–7, Indemnification and Medical Liability Insurance) Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0590'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0590.''

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

a. Veterans Affairs Acquisition Regulation Clause 852.237–7, Indemnification and Medical Liability Insurance.

b. Veterans Affairs Acquisition Regulation Clause 852.228–71 (formerly 852.237.71), Indemnification and Insurance.

c. Veterans Affairs Acquisition Regulation Clause 852.207–70, Report of Employment Under Commercial Activities.

OMB Control Number: 2900–0590.

Type of Review: Extension of a currently approved collection.

Abstracts

a. VA Acquisition Regulation Clause 852.237–7 is used in solicitations and contracts for the acquisition of non-personal health care services. It requires the bidder/offeror prior to contract award to furnish evidence of insurability of the offeror and/or all healthcare providers who will perform under the contract. The information provided is used to ensure that VA will not be held liable for any negligent acts of the contractor or it employees and that VA and VA beneficiaries are protected by adequate insurance coverage.

b. Clause 852.228–71(formerly 852.237.71) is used in solicitations for vehicle or aircraft services. It requires the bidder/offeror prior to contract award to furnish evidence that the firm possesses the types and amounts of insurance required by the solicitation. The information is necessary to ensure that VA beneficiaries and the public are protected by adequate insurance coverage.

c. Clause 852.207–70 is used in solicitations for commercial items and services where the work is currently being performed by VA employees and where those employees might be displaced as a result of an award to a commercial firm. The clause requires the contractor to report the names of the affected Federal employees offered employment opening and the names of employees who applied for but not offered employment and the reasons for withholding offers to those employees. The information collected is used by contracting officers to monitor and ensure compliance by the contractor under the requirements of Federal Acquisition Regulation Clause 52.207–3, Right of First Refusal of Employment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 31, 2014, at pages 5530–5531.

Affected Public: Business or other for-profit; Individuals and households; Not-for-profit institutions, and State, Local or Tribal Government.

Estimated Annual Burden

a. Veterans Affairs Acquisition Regulation Clause 852.237–7, Indemnification and Medical Liability Insurance—750 hours

b. Veterans Affairs Acquisition Regulation Clause 852.228–71 (formerly 852.237.71), Indemnification and Insurance—250 hours.

c. Veterans Affairs Acquisition Regulation Clause 852.207–70, Report of Employment under Commercial Activities—15 hours.

Estimated Average Burden per Respondent

a. Veterans Affairs Acquisition Regulation Clause 852.237–7, Indemnification and Medical Liability Insurance—30 minutes.

b. Veterans Affairs Acquisition Regulation Clause 852.228–71 (formerly 852.237.71), Indemnification and Insurance—30 minutes.

c. Veterans Affairs Acquisition Regulation Clause 852.207–70, Report of

Employment under Commercial Activities 30—minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents

a. Veterans Affairs Acquisition Regulation Clause 852.237–7, Indemnification and Medical Liability Insurance—1,500.

b. Veterans Affairs Acquisition Regulation Clause 852.228–71 (formerly 852.237.71), Indemnification and Insurance—500.

c. Veterans Affairs Acquisition Regulation Clause 852.207–70, Report of Employment Under Commercial Activities—30.

Dated: May 22, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–12236 Filed 5–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0623]

Agency Information Collection (VAAR Clause 852.236.91, Special Notes) Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0623'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov*. Please refer to ''OMB Control No. 2900–0623.''

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236.91, Special Notes.

OMB Control Number: 2900–0623.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR Clause 852.236.91 requires bidders to furnish information on previous experience, technical qualifications, financial resources, and facilities available to perform the work. The clause also requires contractors submitting a claim for price adjustment due to severe weather delay to provide climatologically data covering the period of the claim and covering the same period for the ten preceding years. VA uses the data collected to evaluate the bidder's qualification and responsibility, and to evaluate the contractor's claims for contract price adjustment due to weather-related delays.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 31, 2014, at pages 5528–5529.

Affected Public: Business or other for-profit, and Not-for-profit institutions.

Estimated Annual Burden:

a. Qualifications Data: 758 hours.

b. Weather Data: 20 hours.

Estimated Average Burden per Respondent:

a. Qualifications Data: 30 min.

b. Weather Data: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. Qualifications Data: 1,516.

b. Weather Data: 20.

Dated: May 22, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–12239 Filed 5–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0051]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0051'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0051'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Titles: Quarterly Report of State Approving Agency Activities.

OMB Control Number: 2900–0051.

Type of Review: Revision of a currently approved collection.

Abstract: VA reimburses SAAs for expenses incurred in the approval and supervision of education and training programs. SAAs are required to report their activities to VA quarterly and provide notices regarding which courses, training programs and tests were approved, disapproved or suspended.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 17, 2014, at pages 15622–15623.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 46,420 hours.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 220.

Dated: March 22, 2014.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–12233 Filed 5–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0422]

Agency Information Collection (VAAR Clauses 852.236–72, 852.236–80, 852.236–82, 852.236–83, 852.236–84 and 852.236–88) Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 27, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0422'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0422.''

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

a. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–72, Performance of Work by the Contractor.

b. Department of Veterans Affairs Acquisition Regulation (VAAR) Alternate I to Clause 852.236–80, Subcontracts and Work Coordination.

c. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1.

d. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1.

e. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–84, Schedule of Work Progress.

f. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes.

OMB Control Number: 2900–0422.

Type of Review: Extension of a currently approved collection.

Abstract: The information contained Department of Veterans Acquisition Regulation (VAAR) Clauses 852.236–72, Alternate I to 852.236–80, 852.236–82, 852.236–83, 852.236–84, and 852.236–88 is necessary for VA to administer construction contracts, and to carry out its responsibility to construct, maintain and repair real property for the Department.

a. VAAR Clause 852.236–72, Performance of Work by the Contractor, requires contractors awarded a construction contract containing Federal Acquisition Regulation (FAR) clause 52.236–1, to submit a statement designating the branch or branches of contract work to be performed by the contractor's own forces. The VAAR clause implements the FAR clause by requiring the contractor to provide information to the contracting officer on how the contractor intends to fulfill this contractual obligation. The contracting officer uses this information to ensure that the contractor complies with the contract requirements.

b. Alternate I to Clause 852.236–80, Work Coordination, require construction contractors, on contracts involving complex mechanical-electrical work, to furnish coordination drawings showing the manner in which utility lines will fit into available spaces and relate to each other and to the existing building elements. The information is used by the contracting officer and VA engineer assigned to the project to resolve any problems relating to the installation of utilities on construction contract.

c. VAAR Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), requires construction contractors to submit a schedule of costs for work to be performed under the contract. If the contract includes guarantee period services, Alternate I requires contractor to submit information on the total and itemized costs of the guarantee period services and to submit a performance plan/program. The information is needed to allow the contracting officer to determine the correct amount to pay the contractor as work progresses and to properly proportion the amount paid for guarantee period services.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), requires construction contractors to submit a schedule of costs for work to be performed under the contract. If the contract includes guarantee period services, Alternate I requires contractor to submit information on the total and itemized costs of the guarantee period services and to submit a performance plan/program. The information is needed to allow the contracting officer to determine the correct amount to pay the contractor as work progresses and to properly proportion the amount paid for guarantee period services. The difference between this clause and the one above 852.236–82 is that this clause requires the contractor to use a computerized Network Analysis System (NAS) to prepare the cost estimate.

e. VAAR Clause 852.236–84, Schedule of Work Progress, requires construction contractors, on contracts that do not require the use of a NAS, to submit a progress schedule. The information is used by the contracting officer to track the contractor's progress under the contract and to determine whether or not the contractor is making satisfactory progress.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes. FAR Clause 52.243–4 authorizes the contracting officer to order changes to a construction contract but does not specifically require the contractor to submit cost proposals for those changes. VAAR Clause 852.236–88 requires contractors to submit cost proposal for changes ordered by the contracting officer or for changes proposed by the contractor. This information is needed to allow the contracting officer and the contractor to reach a mutually acceptable agreement on how much to pay the contractor for the proposed changes to the contract. It is also used by the contracting officer to determine whether or not to authorize the proposed changes or whether or not additional or alternate cost proposals for changes are needed.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 17, 2014, at pages 3271–3272.

Affected Public: Business or other for-profit and Not-for-profit institutions.

Estimated Annual Burden

a. VAAR Clause 852.236–72, Performance of Work by the Contractor—60 hours.

b. VAAR Alternate I to Clause 852.236–80, Subcontracts and Work Coordination—920 hours.

c. VAAR Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1—1,219 hours.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1—46 hours.

e. VAAR Clause 852.236–84, Schedule of Work Progress—1,828.5 hours.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes—729 hours.

Estimated Average Burden per Respondent

a. VAAR Clause 852.236–72, Performance of Work by the Contractor—1 hour.

b. VAAR Alternate I to Clause 852.236–80, Subcontracts and Work Coordination—10 hours.

c. VAAR Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1—1 hour.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1—30 minutes.

e. VAAR Clause 852.236–84, Schedule of Work Progress—1 hour.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes—3 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents

a. VAAR Clause 852.236–72, Performance of Work by the Contractor—60.

b. VAAR Alternate I to Clause 852.236–80, Subcontracts and Work Coordination—92.

c. Department of Veterans Affairs Acquisition Regulation (VAAR) Clause 852.236–82, Payments Under Fixed-Price Construction Contracts (without NAS), including Alternate 1—1,219.

d. VAAR Clause 852.236–83, Payments Under Fixed-Price Construction Contracts (with NAS), including Alternate 1—92.

e. VAAR Clause 852.236–84, Schedule of Work Progress—1,219.

f. VAAR Clause 852.236–88, Contract Changes, Supplements FAR Clause 52.243–4, Changes—243.

Dated: May 22, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–12235 Filed 5–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0662]

Agency Information Collection (Civil Rights Discrimination Complaint) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 27, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov*. Please refer to ''OMB Control No. 2900–0662 (Civil Rights Discrimination Complaint)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0662 (Civil Rights Discrimination Complaint)'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct

or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Civil Rights Discrimination Complaint, VA Form 10–0381.

OMB Control Number: 2900–0662.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans and other VHA customers who believe that their civil rights were violated by agency employees while receiving medical care or services in VA medical centers, or institutions such as state homes receiving federal financial assistance from VA, complete VA Form 10–0381 to file a formal complaint of the alleged discrimination.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 17, 2014, at page 3270.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 46 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 183.

Dated: March 22, 2014.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–12232 Filed 5–27–14; 8:45 am]

BILLING CODE 8320–01–P

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Federal Register

Vol. 79, No. 102

Wednesday, May 28, 2014

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Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
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FEDERAL REGISTER PAGES AND DATE, MAY

24527–24994 1
24995–25482 2
25483–25640 5
25641–26108 6
26109–26358 7
26359–26588 8
26589–26828 9
26829–27158 12
27159–27476 13
27477–27728 14
27729–28392 15
28393–28604 16
28605–28808 19
28809–29068 20
29069–29322 21
29323–29660 22
29661–30002 23
30003–30430 27
30431–30698 28

CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8984 (Superceded by Proc. 9129) 29321
9108 25641
9109 25643
9110 25645
9111 25647
9112 25649
9113 25651
9114 25653
9115 25655
9116 25657
9117 25659
9118 26357
9119 27475
9120 27719
9121 27721
9122 27723
9123 27725
9124 27727
9125 29067
9126 29315
9127 29317
9128 29319
9129 29321
9130 30003
9131 30431

Executive Orders:
13667 (See Proc. 8693) 28387

Administrative Orders:
Notices:
Notice of May 7, 2014 26589
Notice of May 12, 2014 27477
Notice of May 15, 2014 28807
Notice of May 19, 2014 29069

5 CFR

151 25483
179 29071
733 25483
734 25483
2634 28605
2635 28605

6 CFR

5 29072

7 CFR

28 27479
205 24527
246 24995
271 28606
272 28606
274 28606
276 28606
277 28606
319 24995
331 26829
905 30439
920 30441
925 27159
946 ..... 24997, 26109, 26591
985 26359
1005 ..... 24999, 25003, 26591
1006 ..... 24999, 26591
1007 ..... 24999, 25003, 26591
1487 25661
3550 28809

Proposed Rules:
985 25710
1005 ..... 25032, 26638
1007 ..... 25032, 26638
1217 27212
3550 28851

8 CFR

103 27161
235 27161

Proposed Rules:
204 26870
214 ..... 26870, 26886
248 26870
274a 26870, 26886

9 CFR

121 26829

10 CFR

72 ..... 25486, 28393
429 ..... 25486, 27388
430 26591
431 ..... 26591, 27388

Proposed Rules:
51 24595
52 25715
61 27772
429 ..... 26638, 29272, 29380, 29632, 29692
430 ..... 26639, 27774, 29272, 29380
431 ..... 26650, 27778, 29632
600 27795

12 CFR

6 24528
14 28393
21 28393
26 28393
34 28393
35 28393
41 28393
133 28393
136 28393
160 28393
163 28393
164 28393
171 28393
196 28393
208 24528

217 24528
324 24528
620 30005
652 ....28810, 29074
1238 25006

Proposed Rules:
3 ....24596, 24618
217 ....24596, 24618
251 27801
324 ....24596, 24618
701 24623
1005 28458
1016 ....27214, 30485
1026 25730

13 CFR

121 29661

Proposed Rules:
121 28631

14 CFR

23 26111
39 ....24541, 24546, 24548, 24551, 24553, 24556, 26603, 26606, 26608, 26610, 27480, 27483, 30005, 30008, 30015
71 ....26365, 26612, 26613, 27175, 27176, 27177, 27178, 27179, 27729, 29323, 29324, 30017, 30019
73 ....27730, 29074, 29661
91 28811
97 ....29662, 29664
121 28811
125 28811
135 28811

Proposed Rules:
39 ....24628, 25033, 25753, 26651, 26901, 26905, 26906, 27505, 27814, 28647, 29384, 29693, 29694, 30485, 30486, 30490, 30492, 30498, 30500
71 ....25755, 25756, 25757, 29138, 29696, 29697, 30054
120 24631
193 27817
234 29770
244 29770
250 29770
255 29770
256 29770
257 29770
259 29770
398 24632
399 29770

15 CFR

732 27418
734 27418
736 27418
740 27418
742 27418
744 ....24558, 24563, 27418
748 27418
758 27418
772 ....27418, 30021
774 ....27418, 30021

Proposed Rules:
801 30503
922 26654

16 CFR

301 30445
803 25662

Proposed Rules:
259 27820
1112 28458
1230 28458

17 CFR

1 26831

Proposed Rules:
240 ....25194, 29508
249 25194

18 CFR

35 29075
154 29075
341 29075
385 29075
410 ....26613, 26615

19 CFR

10 ....29077, 30356
24 29077
162 29077
163 ....29077, 30356
178 ....29077, 30356

20 CFR

Proposed Rules:
404 24634

21 CFR

172 29078
510 28813
520 28813
876 28401
880 28404

Proposed Rules:
1 ....25758, 29699
101 ....30055, 30056
866 29387
884 ....24634, 24642
1100 30506
1140 30506
1143 30506

22 CFR

120 27180
121 27180
124 27180
234 26834

Proposed Rules:
1305 26659

23 CFR

Proposed Rules:
490 30507
924 30508

24 CFR

8 29671

Proposed Rules:
203 26376
Ch. IX 29700
3284 25035

25 CFR

23 27189

Proposed Rules:
151 24648

26 CFR

1 ....26113, 26616, 26836, 26838

Proposed Rules:
1 ....26190, 27230, 27508, 28468, 29700, 29701
31 29701
301 29701

29 CFR

4022 ....25667, 27731
4041A 30459
4231 30459
4281 30459

Proposed Rules:
1614 27824
2590 26192

30 CFR

70 24814
71 24814
72 24814
75 24814
90 24814

Proposed Rules:
925 28852
935 28854
948 ....28858, 28860
1241 28862

31 CFR

542 25414
589 26365

32 CFR

60 25675
68 27732
79 28407
199 29085
241 27487
300 30463
312 25505
320 26120
706 25007
1285 30463

Proposed Rules:
197 26381
243 27516

33 CFR

100 ....25678, 26373, 27488, 28429, 28834, 29088, 29091, 30025
117 ....24567, 25681, 28431, 28432, 28433, 29677
147 29095
165 ....26122, 26843, 26846, 26848, 26851, 27489, 27490, 27754, 28433, 28434, 28834, 29091, 29098, 29099, 29100, 29101, 29102, 29678, 30025, 30043

Proposed Rules:
100 ....26195, 26661
110 ....26195, 30509
117 24654
140 26391
142 26391
150 26391
165 ....24656, 25009, 25763, 27521, 28468, 28876, 29139, 29392

34 CFR

Proposed Rules:
Ch. III 24661, 27230, 27233, 27236, 29701, 30056

36 CFR

1191 26125

37 CFR

1 27755
370 25009

Proposed Rules:
2 26664
370 25038

38 CFR

17 30043
36 26620

Proposed Rules:
62 26669
63 27826

40 CFR

52 ....25010, 25014, 25019, 25021, 25506, 26143, 26628, 27190, 27193, 27490, 27493, 27761, 27763, 28435, 28607, 28612, 29324, 29327, 29352, 29354, 29358, 29359, 29361, 29680, 30045
60 ....25681, 28439
70 27490
80 ....25025, 29362
81 ....25508, 27193, 27493
82 29682
98 25682
180 ....26150, 26153, 26158, 27496, 28444, 29103
300 ....25031, 26853, 29108

Proposed Rules:
Ch. I 28664
49 25049
51 27446
52 ....25054, 25059, 25063, 25066, 25074, 25533, 25540, 26909, 27241, 27257, 27524, 27528, 27533, 27543, 27546, 27830, 27834, 28471, 28649, 28650, 28659, 29142, 29395, 29705, 29712, 29726
60 27690
61 25388
70 27546
80 25074
81 ....25077, 25540, 25555
170 27546
180 29729
300 ....26836, 26922, 29148
770 26678

42 CFR

73 26860
405 25436
410 25436
413 27106
416 27106
417 29844
422 29844
423 29844
424 29844
440 27106
442 27106
482 27106
483 27106
485 27106
486 27106
488 27106
491 ....25436, 27106
493 ....25436, 27106

Proposed Rules:
2 26929
68b 30531
88 25766
405 ....26538, 27978, 30511
412 ....26040, 26308, 27978
413 27978
414 30511

415 27978
418 26538
422 27978
424 27978
485 27978
488 ....25767, 27978
495 29732
1000 26810
1001 26810
1002 26810
1003 27080
1005 27080
1006 26810

44 CFR

64 25519
67 ....25522, 25531
Proposed Rules:
67 27264

45 CFR

144 30240
146 30240
147 30240
148 30240
153 30240
154 30240
155 30240
156 30240
158 30240
1172 26631
1626 30052
Proposed Rules:
170 29732

46 CFR

1 26374
10 26374
11 26374
12 26374
13 26374
14 26374
15 26374
Proposed Rules:
45 30061
69 29149
197 26391

47 CFR

1 ....26164, 26862
2 ....24569, 26863, 30053
15 24569
25 ....26863, 27502, 27503
51 28840
54 29111
64 25682
73 ....27196, 27503, 28442, 28996
76 28615
Proposed Rules:
73 ....25558, 26198, 27834, 27835, 27836, 29010

48 CFR

202 26092
212 30469
225 30469
231 26092
237 30469
242 30469
244 26092
246 26092
252 ....26092, 30469, 30474
436 29369
452 29369
552 ....28442, 29136
Proposed Rules:
217 30535
234 30535
237 30535
252 30535

49 CFR

385 27766
395 26868
Proposed Rules:
383 30062
384 30062
385 ....27265, 28471
386 ....27265, 28471
390 ....27265, 28471
391 30062
395 28471

50 CFR

Ch. I 30400
13 30400
17 ....25683, 25689, 26014, 26175, 28847, 30400
21 30474
23 30400
216 26188
218 26188
300 ....28448, 28452
622 ....26375, 27768
635 ....25707, 28849
648 ....28850, 29371, 30483
660 ....24580, 27196, 27198, 28455, 29377
679 29136
Proposed Rules:
17 ....25084, 25797, 25806, 26392, 26504, 26679, 26684, 27547, 27548, 29150
216 ....27550, 28879
402 27060
424 27066
622 28880
635 ....27553, 30064
648 ....26685, 26690, 27274, 29154, 30065
679 ....25558, 27557

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 685/P.L. 113–105
American Fighter Aces Congressional Gold Medal Act (May 23, 2014; 128 Stat. 1157)

H.R. 1209/P.L. 113–106
To award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo. (May 23, 2014; 128 Stat. 1160)

Last List May 22, 2014

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