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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

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. APHIS–2014–0033]

In Vitro Tests for Serial Release

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the ''In vitro tests for serial release'' regulations by removing a footnote that refers to one method to calculate the relative antigen content of inactivated veterinary biological products and relative potency calculation software available from Veterinary Services' Center for Veterinary Biologics (CVB). CVB will no longer provide or update the software and the written method for using the software will no longer be used. This action will update the regulations.

DATES: *Effective* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Section Leader, Operational Support, Center for Veterinary Biologics Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road, Unit 148, Riverdale, MD 20737–1231; (301) 851–3426.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR 113.8 provide criteria for acceptable in vitro potency tests for the serial release of live and inactivated veterinary biological products. As provided in the regulations, the potency of inactivated products is evaluated by comparing the relative antigen content of the product to an unexpired reference using a parallel line immunoassay or another acceptable procedure. The footnote in paragraph (c) of this section refers to one method that can be used to evaluate the relative antigen content using Supplementary Assay Method (SAM) 318 and relative potency calculation software available from Veterinary Services' Center for Veterinary Biologics (CVB). CVB is no longer providing or updating the software, and the written method for using the software, described in SAM 318, will no longer be used. Therefore, we are removing that footnote.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12866 and 12988. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 113 is amended as follows:

PART 113—STANDARD REQUIREMENTS

■ 1. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

§ 113.8 [Amended]

■ 2. In § 113.8, paragraph (c), footnote 1 is removed.

§ 113.100 [Amended]

■ 3. In § 113.100, paragraph (f), footnote 2 is redesignated as footnote 1.

§ 113.200 [Amended]

■ 4. In § 113.200, paragraph (f), footnote 3 is redesignated as footnote 2.

Done in Washington, DC, this 23rd day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–12550 Filed 5–29–14; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2014–N–0429]

Medical Devices; Immunology and Microbiology Devices; Classification of Dengue Virus Serological Reagents

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying dengue virus serological reagents into class II (special controls). The special controls that will apply to the device are identified in this order, and the codified language for the dengue serological reagents classification will include the identification of the special controls that will apply to this device. The Agency is classifying the device into class II (special controls) because special controls, in addition to general controls, will provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective June 30, 2014. The classification was applicable April 8, 2011.

FOR FURTHER INFORMATION CONTACT: Beena Puri, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5553, Silver Spring, MD 20993–0002, 301–796–6202.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA

rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144, July 9, 2012), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing this classification.

In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on October 8, 2010, classifying the InBios DENV Detect IgM Capture ELISA into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On October 20, 2010, InBios International Inc., submitted a request for de novo classification of the InBios DENV Detect IgM Capture ELISA under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request for de novo classification in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls will provide reasonable assurance of the safety and effectiveness of the device.

The device is assigned the generic name dengue virus serological reagents, which are identified as devices that consist of antigens and antibodies for the detection of dengue virus and dengue antibodies in individuals who have signs and symptoms of dengue fever or dengue hemorrhagic fever. The detection aids in the clinical laboratory diagnosis of dengue fever or dengue hemorrhagic fever caused by dengue virus.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks:

TABLE 1—IDENTIFIED RISKS TO HEALTH AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
A false positive test result for an individual may lead to unnecessary treatment and possibly a less thorough laboratory evaluation for the true cause of illness; a false positive result may lead to unnecessary initiation of mosquito vector control measures.	Device Description Containing the Information Specified in the Special Control Guideline. Performance Characteristics. Labeling. Postmarket Measures.
A false negative test result may lead to inappropriate use of antibiotics or a delay in treatment to prevent death due to dengue hemorrhagic fever or dengue shock syndrome or a false negative result may lead to delay in initiation of mosquito vector control measures.	Device Description Containing the Information Specified in the Special Control Guideline. Performance Characteristics. Labeling. Postmarket Measures.
An error in the interpretation of the results	Labeling.

FDA believes that the measures set forth in the special controls guideline entitled ''Class II Special Controls Guideline: Dengue Virus Serological Reagents'' are necessary, in addition to general controls, to mitigate the risks to health described in table 1.

Therefore, on April 8, 2011, FDA issued an order to the petitioner classifying dengue virus serological reagents into class II. FDA is codifying this device type by adding § 866.3945).

Following the effective date of this final classification order, any firm submitting a 510(k) premarket notification for this device type will need to comply with the special controls.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this type of

device is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the dengue virus nucleic acid amplification test reagents they intend to market.

II. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 and 21 CFR 809.10 have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 866.3945 is added to subpart D to read as follows:

§ 866.3945 Dengue virus serological reagents.

(a) *Identification.* Dengue virus serological reagents are devices that consist of antigens and antibodies for the detection of dengue virus and dengue antibodies in individuals who have signs and symptoms of dengue fever or dengue hemorrhagic fever. The detection aids in the clinical laboratory diagnosis of dengue fever or dengue hemorrhagic fever caused by dengue virus.

(b) *Classification.* Class II (special controls). The special control is FDA's guideline entitled ''Class II Special Controls Guideline: Dengue Virus Serological Reagents.'' For availability of the guideline document, see § 866.1(e).

Dated: May 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12545 Filed 5–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2013–N–0544]

Microbiology Devices; Reclassification of Nucleic Acid-Based Systems for Mycobacterium tuberculosis Complex in Respiratory Specimens

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is reclassifying nucleic acid-based in vitro diagnostic devices for the detection of *Mycobacterium tuberculosis* complex in respiratory specimens from class III (premarket approval) into class II (special controls). FDA is also issuing the special controls guideline entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex in Respiratory Specimens.'' These devices are intended to be used as an aid in the diagnosis of pulmonary tuberculosis.

DATES: This rule is effective June 30, 2014.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2013–N–0544, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

• Mail/Hand delivery/Courier (for paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. FDA–2013–N–0544 for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Janice A. Washington, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5554, Silver Spring, MD 20993–0002, 301–796–6207.

SUPPLEMENTARY INFORMATION:

I. Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115), the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) establish a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) establishes three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under the FD&C Act, FDA clears or approves the three classes of medical devices for commercial distribution in the United States through three

regulatory processes: Premarket approval (PMA), product development protocol, and premarket notification (a premarket notification is generally referred to as a ''510(k)'' after the section of the FD&C Act where the requirement is found). The purpose of a premarket notification is to demonstrate that the new device is substantially equivalent to a legally marketed predicate device. Under section 513(i) of the FD&C Act, a device is substantially equivalent if it has the same intended use and technological characteristics as a predicate device, or has different technological characteristics but data demonstrate that the new device is as safe and effective as the predicate device and does not raise different issues of safety or effectiveness.

FDA determines whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 of the regulations (21 CFR part 807). Section 510(k) of the FD&C Act and the implementing regulations in part 807, subpart E, require a person who intends to market a medical device to submit a premarket notification submission to FDA before proposing to begin the introduction, or delivery for introduction into interstate commerce, for commercial distribution of a device intended for human use.

In accordance with section 513(f)(1) of the FD&C Act, devices that were not in commercial distribution before May 28, 1976, the date of enactment of the 1976 amendments, generally referred to as postamendment devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless FDA classifies the device into class I or class II by issuing an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval or the device is reclassified into class I or class II. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act and part 807 of FDA's regulations.

Section 513(f)(2) of the FD&C Act establishes procedures for ''de novo'' risk-based review and classification of postamendment devices automatically classified into class III by section 513(f)(1). Under these procedures, any person whose device is automatically classified into class III by section 513(f)(1) of the FD&C Act may seek reclassification into class I or II, either after receipt of an order finding the device to be not substantially equivalent, in accordance with section 513(i), to a predicate device that does not require premarket approval, or at any time after determining there is no legally marketed device upon which to base a determination of substantial equivalence. In addition, under section 513(f)(3) of the FD&C Act, FDA may initiate, or the manufacturer or importer of a device may petition for, the reclassification of a device classified into class III under section 513(f)(1).

II. Regulatory Background of the Device

A nucleic acid-based in vitro diagnostic device for the detection of *M. tuberculosis* complex in respiratory specimens is a postamendment device classified into class III under section 513(f)(1) of the FD&C Act in 1995. Consistent with the FD&C Act and FDA's regulations in 21 CFR 860.130(a), FDA is reclassifying these devices from class III into class II because there is sufficient information from FDA's accumulated experience with these devices to establish special controls that can provide a reasonable assurance of the device's safety and effectiveness.

III. Identification

Nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens are qualitative nucleic acid-based in vitro diagnostic devices intended to detect *M. tuberculosis* complex nucleic acids extracted from human respiratory specimens. These devices are non-multiplexed and intended to be used as an aid in the diagnosis of pulmonary tuberculosis when used in conjunction with clinical and other laboratory findings. These devices do not include devices intended to detect the presence of organism mutations associated with drug resistance. Respiratory specimens may include sputum (induced or expectorated), bronchial specimens (e.g., bronchoalveolar lavage or bronchial aspirate), or tracheal aspirates.

IV. Background for Reclassification Decision

At an FDA/Centers for Disease Control (CDC)/National Institute of Allergy and Infectious Diseases public workshop entitled ''Advancing the Development of Diagnostic Tests and Biomarkers for Tuberculosis,'' held in Silver Spring, MD, on June 7 and 8, 2010, the class III designation for nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens was raised as a barrier to advancing *M. tuberculosis* diagnostics (Ref. 1). Based on discussion at the public workshop, FDA agreed to consider this issue further and subsequently convened a meeting of the Microbiology Devices Panel of the Medical Devices Advisory Committee on June 29, 2011. Panel members were asked to discuss if sufficient risk mitigation was possible for FDA to initiate the reclassification process from class III to class II devices for this intended use through the drafting of a special controls guidance. All panel members expressed the opinion that sufficient data and information exist such that the risks of false positive and false negative results can be mitigated to allow a special controls guidance to be created that would support reclassification from class III to class II for nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens (Ref. 2). All outside speakers at the open public hearing session during the meeting also spoke in favor of reclassification.

No comments were received on the proposed rule issued on June 19, 2013.

V. Classification

FDA is reclassifying nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens from class III to class II. FDA believes that reclassifying this device into class II with special controls (guideline document) provides reasonable assurance of the safety and effectiveness of the device. Section 510(m) of the FD&C Act provides that a class II device may be exempt from the premarket notification requirements under section 510(k), if the Agency determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this device, FDA believes that premarket notification is necessary to provide reasonable assurance of safety and effectiveness and, therefore, is not exempting the device from the premarket notification requirements.

VI. Risks to Health

After considering the information discussed by the Microbiology Devices Panel during the June 29, 2011, meeting, the published literature, and the medical device reporting system reports, FDA believes the following risks are associated with nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens: (1) False positive test results may lead to incorrect

treatment of the individual with possible adverse effects. The patient may be subjected to unnecessary isolation and/or other human contact limitations. Unnecessary contact investigations may also occur; (2) false negative test results could result in disease progression and the risk of transmitting disease to others; and (3) biosafety risks to health care workers handling specimens and control materials with the possibility of transmission of tuberculosis infection to health care workers.

VII. Summary of the Reasons for Reclassification

FDA, consistent with the opinions expressed by the Microbiology Devices Panel of the Medical Devices Advisory Committee, believes that the establishment of special controls, in addition to general controls, provides reasonable assurance of the safety and effectiveness of nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens.

1. The safety and effectiveness of nucleic acid-based systems for *M. tuberculosis* complex have become well-established since approval of the first device for this use in 1995.

2. The risk of false positive test results can be mitigated by specifying minimum performance standards in the special controls guideline and including information regarding patient populations appropriate for testing in the device labeling. Additional risk mitigation strategies include the indication for use that the device be used as an aid to the diagnosis of pulmonary tuberculosis in conjunction with other clinical and laboratory findings. The device also should be accurately described and have labeling that addresses issues specific to these types of devices.

3. The risk of false negative test results can be mitigated by specifying minimum performance standards for test sensitivity in the special controls guideline and ensuring that different patient populations are included in clinical trials. Additional risk mitigation strategies include the indication for use that the device be used as an aid to the diagnosis of pulmonary tuberculosis in conjunction with other clinical and laboratory findings. The device also should be accurately described and have appropriate labeling that addresses issues specific to these types of devices.

4. Biosafety risks to health care workers handling specimens and control materials with the possibility of transmission of tuberculosis infection to health care workers could be addressed similarly to existing devices of this type that we have already approved. It is believed there are no additional biosafety risks introduced by reclassification from class III to class II. The need for appropriate biosafety measures can be addressed in labeling recommendations that are included in the special controls guideline and by adherence to recognized laboratory biosafety procedures.

Based on FDA's review of published literature, the information presented by outside speakers invited to the Microbiology Devices meeting, and the opinions of panel members expressed at that meeting, FDA believes that there is a reasonable basis to determine that nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens can provide the significant benefit of rapid detection of infection in patients with suspected tuberculosis as compared to traditional means of diagnosis. For patients with acid-fast smear negative tuberculosis, nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens are currently the only laboratory tests available for rapid detection of active pulmonary tuberculosis. Rapid identification of patients with active tuberculosis may have significant benefits to the infected patient by earlier diagnosis and management as well as potentially significant effects on the public health by limiting disease spread.

Nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens have been approved for marketing by FDA for over 15 years. There is substantial scientific and medical information available regarding the nature, complexity, and problems associated with these devices. Revised public health recommendations for use, published by CDC on January 16, 2009, recommended the use of nucleic acid amplification testing in conjunction with acid-fast microscopy and culture and specifically states that ''Nucleic acid amplification testing should be performed on at least one respiratory specimen from each patient with signs and symptoms of pulmonary [tuberculosis] for whom a diagnosis of [tuberculosis] is being considered but has not yet been established, and for whom the test result would alter case management or [tuberculosis] control activities'' (Ref. 3).

VIII. Special Controls

FDA believes that the measures set forth in the special controls guideline entitled ''Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex in Respiratory Specimens'' are necessary, in addition to general controls, to mitigate the risks to health described in section VI. As seen in table 1, the special controls set forth in the guideline for this device address each of the identified risks.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES

Identified risks	Mitigation measures
False positive test results may lead to incorrect treatment of the individual with possible adverse effects. The patient may be subjected to unnecessary isolation and/or other human contact limitations. Unnecessary contact investigations may also occur.	Device description containing the information specified in the special control guideline. Performance studies. Labeling.
False negative test results could result in disease progression, and the risk of transmitting disease to others.	Device description containing the information specified in the special control guideline. Performance studies. Labeling.
Biosafety risks to health care workers handling specimens and control materials with the possibility of transmission of tuberculosis infection to health care workers.	Labeling.

As of the effective date of this rule, nucleic acid-based in vitro diagnostic devices for the detection of *M. tuberculosis* complex in respiratory specimens will be reclassified into class II. The reclassification will be codified

in 21 CFR 866.3372. Firms submitting a 510(k) for a nucleic acid-based in vitro diagnostic device for the detection of *M. tuberculosis* complex in respiratory specimens will need either to: (1) Comply with the particular mitigation measures set forth in the special controls guideline or (2) use alternative mitigation measures, but demonstrate to the Agency's satisfaction that alternative measures identified by the firm will provide at least an equivalent assurance of safety and effectiveness. Adherence to the criteria in the guideline, in addition to the general controls, is necessary to provide a reasonable assurance of the safety and effectiveness of the devices.

IX. Electronic Access to the Special Controls Guideline

Persons interested in obtaining a copy of the guideline may do so by using the Internet. A search capability for all Center for Devices and Radiological Health guidelines and guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. The guideline is also available at *http://www.regulations.gov*.

To receive ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex in Respiratory Specimens,'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1788 to identify the guideline you are requesting.

X. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this reclassification action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

XI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. Section 4(a) of the Executive order requires Agencies to ''construe * * * a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.'' Federal law includes an express preemption provision that preempts certain state requirements ''different from or in addition to'' certain Federal requirements applicable to devices. (See section 521 of the FD&C Act (21 U.S.C. 360k); *Medtronic* v. *Lohr,* 518 U.S. 470 (1996); and *Riegel* v. *Medtronic,* 128 S. Ct. 999 (2008)). The special controls established by this final rule create ''requirements'' for specific medical devices under 21 U.S.C. 360k, even though product sponsors have some flexibility in how they meet those requirements. (See *Papike* v. *Tambrands, Inc.,* 107 F.3d 737, 740–42 (9th Cir. 1997)).

XII. Paperwork Reduction Act of 1995

This rule refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 56.115 have been approved under OMB control number 0910–0130; the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 and 21 CFR 809.10 have been approved under OMB control number 0910–0485.

XIII. Clarifications to Special Controls Guideline

This special controls guideline reflects changes the Agency is making to clarify its position on the binding nature of special controls. The changes include referring to the document as a ''guideline,'' as that term is used in section 513(a) of the FD&C Act, which the Secretary has developed and disseminated to provide a reasonable assurance of safety and effectiveness for class II devices, and not a ''guidance,'' as that term is used in 21 CFR 10.115. The guideline clarifies that firms will need either to: (1) Comply with the particular mitigation measures set forth in the special controls guideline or (2) use alternative mitigation measures, but demonstrate to the Agency's satisfaction that those alternative measures identified by the firm will provide at least an equivalent assurance of safety and effectiveness. Finally, the guideline uses mandatory language to emphasize that firms must comply with special controls to legally market their class II devices. These revisions do not represent a change in FDA's position about the binding effect of special controls, but rather are intended to address any possible confusion or misunderstanding.

XIV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory alternatives and, when 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). The Agency believes that this rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the reclassification relieves manufacturers of premarket approval requirements of section 515 of the FD&C Act (21 U.S.C. 360e) it would not create new burdens. Thus, the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which 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 governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $141 million, using the most current (2013) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this rule to result in any 1-year expenditure that would meet or exceed this amount.

The proposed rule was issued on June 19, 2013 (78 FR 36698). The comment period closed August 19, 2013, and FDA did not receive any comments. We revise the analysis of impact presented in the proposed rule with more current data, and adjust for inflation. Our estimate of benefits annualized over 20 years is $12.34 million at a 3 percent discount rate and $8.02 million at a 7

percent discount rate. The change in pre- and post-marketing requirements between a 510(k) and a PMA lead to benefits in the form of reduced submission costs, review-related activities, and inspections. Another unquantifiable benefit from the rule is that a decrease in entry could lead to further product innovation. FDA is unable to quantify the costs that could arise if there is a change in risk which could lead to adverse events, recalls, warning letters, or unlisted letters. Table 2 summarizes the estimated costs and benefits.

The full discussion of economic impacts is available in docket FDA–2013–N–0544 at *http://www.regulations.gov*, and at *http://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm* (Ref. 4).

TABLE 2—SUMMARY OF BENEFITS, COSTS AND DISTRIBUTIONAL EFFECTS OF FINAL RULE

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (percent)	Period covered (years)	
Benefits:							
Annualized	$8.02			2012	7	20	
Monetized $millions/year	$12.34			2012	3	20	
Annualized				2012	7	20	
Quantified				2012	3	20	
Qualitative.							
Costs:							
Annualized				2012	7	20	
Monetized $millions/year				2012	3	20	
Annualized				2012	7	20	
Quantified				2012	3	20	
Qualitative	FDA is unable to quantify the costs that could arise if there is a change in risk which could lead to adverse events, recalls, warning letters, or unlisted letters.						
Transfers:							
Federal				2012	7	20	
Annualized				2012	3	20	
Monetized $millions/year	From:			To:			
Other				2012	7	20	
Annualized				2012	3	20	
Monetized $millions/year	From:			To:			

Effects:
State, Local or Tribal Government: None estimated
Small Business: The proposed rule will not have a significant impact on a substantial number of small entities.
Wages: None estimated

XV. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov*. (FDA has verified all the Web site addresses in this reference section, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Transcript of the Tuberculosis Public Workshop, June 7. 2010. (Available at: *http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/CriticalPathInitiative/UpcomingEventsonCPI/UCM289182.doc.*)

2. Transcript of FDA's Microbiology Devices Panel Meeting, June 29, 2011. (Available at: *http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/MicrobiologyDevicesPanel/UCM269469.pdf.*)

3. ''Updated Guidelines for the Use of Nucleic Acid Amplification Tests in the Diagnosis of Tuberculosis,'' *Morbidity and Mortality Weekly Report (MMWR),* vol. 58, pp. 7–10, January 16, 2009. (Available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5801a3.htm.*)

4. Full Disclosure Final Regulatory Impact Analysis of the final rule ''Microbiology Devices; Reclassification of Nucleic Acid-Based Systems for *Mycobacterium tuberculosis* Complex in Respiratory Specimens,'' Docket No. FDA–2013–N–0544. (Available at: *http://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/default.htm.*

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 866.3372 to subpart D to read as follows:

§ 866.3372 Nucleic acid-based in vitro diagnostic devices for the detection of Mycobacterium tuberculosis complex in respiratory specimens.

(a) *Identification.* Nucleic acid-based in vitro diagnostic devices for the detection of *Mycobacterium tuberculosis* complex in respiratory specimens are qualitative nucleic acid-based in vitro diagnostic devices intended to detect *Mycobacterium tuberculosis* complex nucleic acids extracted from human respiratory specimens. These devices are non-multiplexed and intended to be used as an aid in the diagnosis of pulmonary tuberculosis when used in conjunction with clinical and other laboratory findings. These devices do not include devices intended to detect the presence of organism mutations associated with drug resistance. Respiratory specimens may include sputum (induced or expectorated), bronchial specimens (e.g., bronchoalveolar lavage or bronchial aspirate), or tracheal aspirates.

(b) *Classification.* Class II (special controls). The special control for this device is the FDA document entitled ''Class II Special Controls Guideline: Nucleic Acid-Based In Vitro Diagnostic Devices for the Detection of *Mycobacterium tuberculosis* Complex in Respiratory Specimens.'' For availability of the guideline document, see § 866.1(e).

Dated: May 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12544 Filed 5–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2014–OPE–0038; CFDA Number 84.015A]

Final Priorities; National Resource Centers Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education.

ACTION: Final priorities.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education announces two priorities for the National Resource Centers (NRC) Program administered by the International and Foreign Language Education Office. The Assistant Secretary may use these priorities for competitions in fiscal year (FY) 2014 and later years.

We take this action to focus Federal financial assistance on an identified national need. We intend these priorities to address a gap in the types of institutions, faculty, and students that have historically benefited from the resources available at NRCs and to address a shortage in the number of teachers entering the teaching profession with global competency and world language training, certification, or credentials.

DATES: *Effective Date:* These priorities are effective June 30, 2014.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Gibbs, U.S. Department of Education, 1990 K Street NW., Room 6083, Washington, DC 20006, K–OPE–6078. Telephone: (202) 502–7634 or by email: *cheryl.gibbs@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The NRC Program provides grants to institutions of higher education or consortia of such institutions to establish, strengthen, and operate comprehensive and undergraduate foreign language and area or international studies centers that will be national resources for (a) teaching of any modern foreign language; (b) instruction in fields needed to provide full understanding of areas, regions, or countries in which the modern language is commonly used; (c) research and training in international studies and the international and foreign language aspects of professional and other fields of study; and (d) instruction and research on issues in world affairs that concern one or more countries.

Program Authority: 20 U.S.C. 1122.

Applicable Program Regulations: 34 CFR parts 655 and 656.

We published a notice of proposed priorities for this program in the **Federal Register** on March 18, 2014 (79 FR 15077). That notice contained background information and our reasons for proposing the particular priorities.

There are differences between the proposed priorities and these final priorities as discussed in the *Analysis of Comments and Changes* section elsewhere in this notice.

Public Comment: In response to our invitation in the notice of proposed priorities, 25 parties submitted comments on the proposed priorities.

We discuss substantive issues under the number of the item to which they pertain. Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and any changes in the priorities since publication of the notice of proposed priorities follows.

Priority 1—Applications that propose significant and sustained collaborative activities with one or more Minority-Serving Institutions (MSIs) or one or more community colleges

Comment: Several commenters stated that by defining an MSI for the purpose of this priority using eligibility under the programs authorized by Title III or Title V of the Higher Education Act of 1965, as amended (HEA), the Department unduly limits the pool of institutions with which NRCs could potentially collaborate. They also observed that opportunities to reach and impact substantially more underrepresented and underserved populations will be missed if NRC institutions only collaborate with institutions that are eligible to receive assistance under Title III or Title V of the HEA. The commenters suggested alternative strategies to give NRC institutions more flexibility in achieving the access and diversity goals of the priority. For example, one institutional commenter noted that there are no Title III or V institutions in its State, but, to fulfill its urban access mission, it serves high enrollments of low-income, underrepresented, and minority students through a long-standing partnership with the local public school system. When students from the local public school system are admitted as undergraduate students, they are familiar with, and more likely to participate in, area studies and world language courses and study abroad opportunities. The same commenter also noted that to support underrepresented, low-income, and underserved students, the institution has established valuable partnerships with local agencies so that a continuum of resources is available to low-income and minority students before and after they are admitted to the institution. The commenter suggested that encouraging grantees to devise innovative strategies and partnerships that respond to local circumstances in order to reach more low-income and minority students is more consistent with the Department's emphasis on outcome-based performance measures than is requiring grantees to respond to a proscribed priority.

A rural institution commented that it does not have an MSI or a community college in its geographic locale. It observed that partnerships with MSIs and community colleges should not be prioritized over a rural institution's capacity to provide area studies courses and less commonly taught language

training to undergraduate students who are underrepresented minorities. The commenter also suggested that, instead of requiring collaborative activities with MSIs or community colleges, an NRC should be able to meet the priority by incorporating international dimensions into the NRC institution's undergraduate curriculum. According to the commenter, this would serve to attract and retain minority students and permit the NRC to focus its instruction and outreach efforts on underrepresented undergraduates on its campus, with the goal of increasing diversity in area studies programs.

Two commenters observed that many NRC institutions independently serve high numbers of underrepresented, underserved, or minority students, and if they have to allocate limited financial resources to support external collaborative activities, this will further strain their budgets and divert institutional resources from their students who are equally deserving of international education training opportunities. Another commenter noted that although it is both an MSI and an NRC institution, its internal activities and programming to support underrepresented and underserved groups do not meet the intent of the priority because the priority focuses on proposing collaborative activities with other MSIs. The commenter suggested that, in cases where an NRC institution is also a Title III- or Title V-eligible MSI, this priority should allow such an institution to focus on intra-campus collaborative activities as well as on collaborative activities with other MSIs and community colleges.

Discussion: We appreciate the commenters' concern that the definition of MSI is too narrow for the purpose of the priority and the alternative strategies they offered. However, we do not believe that the suggested strategies would achieve an important goal of this priority, which is to provide Title III and Title V institutions opportunities to access the resources available at Title VI institutions, through collaboration among Title III, Title V, and Title VI institutions. Further, institutions that are eligible to receive assistance under Title III, part A, Title III, part B, and Title V include Historically Black Colleges and Universities (HBCUs), predominately black institutions, Hispanic-serving institutions, and tribal colleges, among others. Accordingly, NRC institutions have a variety of options for collaboration, covering a wide range of underrepresented and underserved populations. Considering that community colleges are also included in this priority, we believe that there is sufficient opportunity for applicants to meet this priority. We, therefore, do not agree that the definition of an MSI for the purposes of this priority is too narrow.

We also believe that there are sufficient opportunities for collaboration between an NRC institution that is not in close proximity to MSIs or community colleges. For example, the institution may, among other things, use technology to connect with other institutions or offer faculty travel grants to bring faculty to the institution.

In regard to the concerns about using limited NRC grant funds to conduct the collaboration activities described in the priority, we do not think that the activities, if planned cost-effectively, will require significant portions of grant funds. In addition, the goal is not only to reach underserved students but to support collaboration with Title III and Title V institutions to improve international education on their campuses.

For an applicant that meets the definition of an MSI, we agree that it is appropriate to allow that institution to meet the priority by conducting intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges. An example of an intra-campus collaborative activity would be a project involving the faculty in the Department of Social Sciences and the Portuguese language instructors to develop a language across the curriculum course about food security issues in Latin America.

Changes: We have revised the priority language to permit institutions that are eligible under Title III or Title V to propose intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges.

Comment: One commenter suggested that it would be helpful if we provide a list of eligible Title III, part A, Title III, part B, and Title V institutions.

Discussion: We agree that making this information readily available to applicants will help them in addressing and meeting this priority.

Changes: None. We will provide the information on the institutions that currently meet this definition in the notice inviting applications.

Comment: One commenter recommended that we remove the singular modifier before MSI and before community college to clarify that collaborative activities may be proposed with more than one MSI or more than one community college.

Discussion: We agree with the commenter's suggestion and are making this change to ensure we do not limit the number of entities that are able to collaborate under this priority.

Changes: We have revised the priority to make it clear that an institution can collaborate with multiple MSIs or community colleges.

Priority 2—Collaborative activities with schools or colleges of education

Comment: All commenters expressed concern about priority 2 because many institutions of higher education do not have a school or college of education or do not provide pre-service teacher certification training. They further observed that at many institutions, pre-service teacher training is offered through the schools of social sciences, liberal arts, or natural sciences, or the college of arts and sciences or through emerging models in teacher credential programs that are decentralized outside of the schools or colleges of education. The same commenters recommended that we revise the proposed priority to include options such as teacher credentialing programs, programs of teacher education, or post-baccalaureate programs. Three commenters recommended that we revise the priority to permit institutions that do not have schools or colleges of education to collaborate with institutions in their geographical location that have schools or colleges of education. Similarly, all commenters recommended that we expand the priority to allow applicants to propose collaborative activities with colleges or schools of education on or off the NRC campus.

Discussion: We agree with these suggestions. We believe that these revisions will offer more flexibility and reflect how different institutions of higher education operate in practice, while ensuring that the intent and objectives of the priority are still met. In addition, we note that the units listed in the final priority are not exhaustive, meaning that an institution could also collaborate with similar types of units that are not specifically mentioned in the priority and institutions that are on or off the NRC campus.

Changes: We have revised the priority to allow collaboration with units such as schools or colleges of education, schools of liberal arts and sciences, post-baccalaureate teacher education programs, and teacher preparation programs. We also have expanded the priority to permit collaborative activities with units or institutions that are on or off the NRC campus.

Comment: Several commenters raised concerns that the priority does not take into consideration that there is a limited job market for new teachers with credentials to teach less commonly taught languages (LCTLs), partly because LCTLs are not integrated into kindergarten through grade 12 (K–12) education or supported by the States.

Specifically, one commenter noted that giving priority to NRCs that contribute to the training and credentialing of new teachers is particularly problematic for NRCs that focus on languages and world areas such as Southeast Asia (SEA), because world areas like SEA are almost entirely absent from State-mandated K–12 curricula. The commenter further noted that through the training of Ph.D., Master of Arts, and Bachelor of Arts students, an NRC institution that focuses on SEA is educating the future post-secondary teachers of Southeast Asian Studies, thereby meeting a vital national interest. Similarly, another commenter cited the discontinuance of its Russian language teaching program due to low enrollment in the face of a weak job market. The commenter argued against encouraging students to pursue a teaching certification when there is no market for the credential.

Another commenter recommended that we either eliminate the portion of the priority regarding credentialing more foreign language teachers or tailor the priority to those specific LCTLs that require additional teachers to meet existing and expected future instructional needs within the K–12 system.

Another commenter suggested that we remove the last clause in the proposed priority relating to the credentialing of foreign language teachers because the commenter believed that LCTL instruction is adequately addressed by the first clause regarding the integration of world languages into teacher education. The commenter stated that teachers who are hired to teach other content courses but who also have foreign language training often have the opportunity to expose students to LCTLs in conjunction with other teaching activities. The commenter further noted that the first part of the priority already addresses this indirect path by which the NRCs can support and encourage the inclusion of more language instruction in elementary through secondary school classrooms. Encouraging teachers in training to study LCTLs has the potential to increase the overall availability of instruction in LCTLs in regular classroom activities.

Discussion: We do not agree that the portion of the priority relating to the credentialing of foreign language teachers is adequately addressed by the first part of the priority regarding the integration of world languages into teacher education. The preparation and credentialing of foreign language teachers in LCTLs is a distinct and formal process that might not necessarily occur under the broader collaboration categories in the first clause. We wish to encourage preparation and credentialing of foreign language teachers in LCTLs to the extent that there is demand for teachers of those languages, and therefore will maintain that option in the priority. Nonetheless, this activity is not required to meet this priority.

However, the commenters have provided a sound rationale to revise the priority as it relates to the credentialing of foreign language teachers in LCTLs. We agree that, due to limited State support and the lack of integration of language teaching into elementary and secondary education nationwide, there is low or no demand for teachers of some LCTLs. Accordingly, we agree with the suggestion that we limit the priority to LCTLs for which there is a demand for additional teachers to meet existing and expected future K–12 language program needs.

Changes: We have revised the priority to allow applicants to focus their teacher preparation and credentialing efforts on those specific LCTLs for which there is a demand for additional teachers to meet existing and expected future K–12 language program needs.

Final Priorities

Priority 1

Applications that propose significant and sustained collaborative activities with one or more Minority-Serving Institutions (MSIs) (as defined in this notice) or with one or more community colleges (as defined in this notice). These activities must be designed to incorporate international, intercultural, or global dimensions into the curriculum at the MSI(s) or community college(s), and to improve foreign language, area, and international studies or international business instruction at the MSI(s) or community college(s). If an applicant institution is an MSI or a community college (as defined in this notice), that institution may propose intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Priority 2

Applications that propose collaborative activities with units such as schools or colleges of education, schools of liberal arts and sciences, post-baccalaureate teacher education programs, and teacher preparation programs on or off the national resource center campus. These collaborative activities are designed to support the integration of an international, intercultural, or global dimension and world languages into teacher education and/or to promote the preparation and credentialing of more foreign language teachers in less commonly taught languages (LCTLs) for which there is a demand for additional teachers to meet existing and expected future kindergarten through grade 12 language program needs.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a

preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement 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 stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final priorities only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of 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 27, 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. 2014–12583 Filed 5–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2014–OPE–0035]

Final Priority; Foreign Language and Area Studies Fellowships Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final priority.

[CFDA Number: 84.015B.]

SUMMARY: The Acting Assistant Secretary for Postsecondary Education announces a priority under the Foreign Language and Area Studies Fellowships (FLAS) Program administered by the International and Foreign Language Education (IFLE) Office. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years.

We take this action to lower postsecondary education costs for

students in the United States who have financial need and who seek to become language and area studies experts. We intend the priority to give FLAS institutions an incentive to award fellowships to students who would most benefit from financial relief.

DATES: *Effective Date:* This priority is effective June 30, 2014.

FOR FURTHER INFORMATION CONTACT: Kate Maloney, U.S. Department of Education, 1990 K St. NW., Room 6082, Washington, DC 20006. Telephone: (202) 502–7521 or by email: *kate.maloney@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the FLAS Program is to provide allocations of academic year and summer fellowships to institutions of higher education or consortia of institutions of higher education to assist meritorious undergraduate and graduate students undergoing training in modern foreign languages and related area or international studies.

Program Authority: 20 U.S.C. 1122.

Applicable Program Regulations: 34 CFR parts 655 and 657.

We published a notice of proposed priority for this program in the **Federal Register** on March 18, 2014 (79 FR 15081). That notice contained background information and our reasons for proposing the particular priority.

There are differences between the proposed priority and this final priority as discussed in the *Analysis of Comments and Changes* section elsewhere in this notice.

Public Comment: In response to our invitation in the notice of proposed priority, 11 parties submitted comments on the proposed priority.

We group major issues according to subject. Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and any changes in the priority since publication of the notice of proposed priority follows.

General Support

Comments: Three commenters expressed support for the priority. Two commenters remarked that the priority was appropriate and feasible to implement.

Discussion: We appreciate the commenters' support.

Changes: None.

Legislative Authority

Comments: Three commenters expressed concern that the priority went beyond the statutory authority that establishes that fellowship awards be merit based. Specifically, one commenter suggested that section 608 of the Higher Education Act of 1965, as amended (HEA), limits the Department to the criterion of ''excellence'' for FLAS awards. Another commenter stated that ''high academic achievement'' as described in 34 CFR 657.3(c) is the only legally authorized criterion for selection of fellows.

Discussion: The Department believes that it has legal authority to establish this priority. Neither the selection criteria in section 608(a) of the HEA nor the eligibility criteria in § 657.3, including the criteria regarding the type of program the applicant is enrolled in and whether the applicant shows potential for high academic achievement, is changed by this priority. In other words, a student must meet the criteria in section 608(a) of the HEA and in § 657.3 before the student could receive preference from an institution, based on financial need, under this priority. We also note that fellowship applicants who do not receive the preference described in the priority may still be awarded fellowships.

Changes: None.

Administrative Burden

Comments: Four commenters remarked on the increased burden of administering the priority. One commenter noted that FLAS coordinators would have to field more financial aid inquiries from students. Two commenters claimed that it may be difficult or impossible to share financial aid information across institutions for FLAS fellows who apply from other institutions.

One commenter suggested that an institution's FLAS award selection processes would have to be significantly changed to meet the priority. Another commenter remarked that the institution's admissions policies would have to be revised because its graduate programs do not require a demonstration of financial need to be eligible for scholarships or funding.

Three commenters suggested that the inclusion of financial need criteria in the selection of students for FLAS fellowships would create student privacy concerns that would burden administrative staff. The commenters remarked that the inclusion of student financial data would require changes in the award process and additional staff training to securely process the sensitive information.

Two commenters noted the increased burden for students to have to fill out the Free Application for Federal Student Aid (FAFSA) in order to be competitive for a FLAS award. One commenter cited that a minority of graduate students fills out a FAFSA form, and, accordingly, graduate students would have to complete a FAFSA solely to qualify for a preference under the priority.

Discussion: We agree that administering this priority will require the academic department that awards fellowships to field more financial aid inquiries from students and coordinate with the institution's financial aid office. We believe this additional work will not present an unreasonable burden on the institution. Additional student inquiries and increased coordination with other offices on campus do not outweigh the importance of directing fellowship aid where it is most needed. We also do not believe it is difficult or impossible for an institution to obtain financial aid information related to a summer applicant who attends another institution. A student may request that the Department send an Institutional Student Information Record (ISIR) to an additional school through FAFSA on the Web, and the new institution will receive the information the next business day.

We also do not believe that the burden to protect the privacy of student information will be significant given that an institution should already have in place requirements for the protection of student information. In addition, the financial aid office could limit the information that it transmits to the academic department to cover only the student's expected family contribution (EFC), rather than providing all of the student's ISIR information to the academic department. In addition, an institution may meet the priority by committing to use a preference for students with financial need beginning in the 2015–2016 academic year, which will provide institutions with time to address any necessary staff training.

We also do not believe that it is unreasonable to require a graduate student who seeks to obtain a competitive preference for a fellowship to submit a FAFSA. The potential benefit to the graduate student outweighs the inconvenience of completing a FAFSA. Moreover, a student may be awarded a FLAS fellowship even if he or she did not submit a FAFSA, depending on the number of fellowships available to the institution and the characteristics of the other applicants. Nonetheless, we

recognize that this may require the institution to educate its students about the requirement to submit a FAFSA in order to potentially receive preference under the priority.

Although this priority may add another layer to the fellowship selection process, we do not believe that the selection process will require significant changes, as an institution can obtain this financial information without an undue burden. Nonetheless, in response to commenters' concerns regarding administrative burden we have revised the priority language to allow an institution at the time of application to propose a preference for students who have financial need only for undergraduate students, only for graduate students, or for both types of students. This allows an institution flexibility in deciding whether it is feasible to consider financial need for only its undergraduate students, its graduate students, or all students.

We also have revised the priority to allow an institution to start using the preference in the 2015–2016 academic year. We believe this extra time for implementation will allow institutions to create the required processes on their campuses to implement the priority.

Changes: We have made two revisions to the priority. First, we have revised the priority to allow an institution to use a preference for students who have financial need only for undergraduate students, only for graduate students, or for both types of students. We also revised the priority to provide that an institution may meet the priority by committing to start using the preference in the 2015–2016 academic year, rather than in the first year of the grant as we originally proposed.

Timing of Competitions and Notifications

Comments: Three commenters expressed concern regarding the feasibility of implementing the FLAS selection process under this priority due to the timing of the release of financial aid information. They noted that their selection committees typically meet in February and notify FLAS fellows who have been selected by March. These commenters believed that this timeframe was not achievable under the proposed priority because FAFSA data are not available until March or April. A commenter provided two reasons why FLAS awards need to be determined in March before the availability of FASFA data. First, the commenter said that summer FLAS fellows must be notified of the FLAS committee's decision by March so that they can apply to summer programs and submit their overseas program requests to the Department's IFLE staff. Second, the commenter noted that academic year awards for incoming students need to be determined by March so that the institution can recruit competitive students who must make graduate school decisions by April 15.

Two commenters remarked that the financial aid criteria will complicate the selection process but have little impact on the selection of FLAS fellows at the graduate level. A commenter noted that most graduate students are full-time students with limited sources of funding, and so they would likely qualify on the basis of financial need anyway. A commenter noted that the principal determinant of a graduate student's financial need would be the student's marital status and presence or absence of dependents, and the commenter suggested that these factors are not appropriate selection criteria for making FLAS award decisions.

Discussion: We do not agree that the requirements of the priority will impede institutions in making awards by their usual deadlines. Students may submit FAFSAs to the Department beginning January 1, including through FAFSA on the Web. The Department processes records every weekday, except Federal holidays, and institutions generally receive the results of a FAFSA within one to two days after the student submits the FAFSA. If the institution wants students to apply for FLAS grants by February, it can instruct applicants who want to be considered for a preference based on financial need that they must submit the FAFSA before the selection committee meets in February.

Based on the previously described revisions to the priority language, institutions have the option to apply the priority to undergraduates only. Nonetheless, while it is possible that a preference for graduate students demonstrating financial need may consequently benefit students with spouses or children, we believe that assisting those students with financial need before awarding fellowships to students who have not demonstrated need is the most responsible use of scarce resources.

Changes: None.

Student Financial Aid Packages

Comments: Three commenters suggested that the financial aid criterion will negatively affect the students whom the priority intends to assist. One commenter said that students with financial need who may be eligible to receive scholarships other than FLAS awards would appear to have low unmet need on account of scholarships the students may later turn down, and so they would be disadvantaged in the FLAS selection process. Another commenter noted that some academic departments provide more generous fellowship and teacher assistant stipends than others. Students from these departments would be categorized as less needy and therefore less competitive for FLAS awards, and the departments would be penalized for their financial aid policies.

Discussion: Our intent through this priority is to provide FLAS fellowships to students with financial need. To avoid penalizing needy students who may have received other scholarship offers, we have revised the priority language to indicate that a student's need should be determined based on the student's EFC, which reflects the student's financial circumstances before other aid, such as scholarships, is considered.

Changes: We revised the priority to add language indicating that a student's need is to be calculated using the student's EFC, which reflects the student's financial circumstances before other aid, such as scholarships, is taken into account.

FLAS Student Eligibility

Comment: One commenter suggested that FLAS awards be made available to students from other colleges and universities regardless of whether a student is enrolled in an institution with an allocation of FLAS fellowships.

Discussion: Under § 657.3 (b)(1) of the FLAS Program regulations, a student is eligible to receive a fellowship if the student is enrolled in an institution receiving an allocation of fellowships. The Department does not have the authority to revise the priority absent a change to the regulations.

Changes: None.

Final Priority

Priority: Applications that propose to give preference when awarding fellowships to undergraduate students, graduate students, or both, to students who demonstrate financial need as indicated by the students' expected family contribution, as determined under part F of title IV of the Higher Education Act of 1965, as amended. This need determination will be based on the students' financial circumstances and not on other aid. The applicant must describe how it will ensure that all fellows who receive such preference show potential for high academic achievement based on such indices as grade point average, class ranking, or similar measures that the institution may determine. For grants awarded with fiscal year 2014 funds, the preference

applies to fellowships awarded for study during academic years 2015–16, 2016–17, and 2017–18.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this proposed regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement 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 stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of 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 27, 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. 2014–12582 Filed 5–29–14; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–HQ–OAR–2003–0076; FRL–9909–78–OAR]

RIN 2060–AR25

Review of New Sources and Modifications in Indian Country—Amendments to the Federal Indian Country Minor New Source Review Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing final amendments to the federal minor New Source Review (NSR) program in Indian country. We refer to this NSR rule as the ''federal Indian country minor NSR program.'' We are amending this rule in two ways. First, we are expanding the list of emissions units and activities that are exempt from the federal Indian country minor NSR program by adding several types of low-emitting units and activities. Second, we have clarified construction-related terms by defining ''commence construction'' and ''begin construction'' to better reflect the regulatory requirements associated with construction activities. We believe both of these changes will simplify the program, and result in less burdensome implementation without detriment to air quality in Indian country. Finally, we have reconsidered the advance notification period for relocation of a true minor source in response to a petition on the rule from the American Petroleum Institute, the Independent Petroleum Association of America and America's Natural Gas Alliance, but we are not changing that provision.

DATES: The final rule is effective on June 30, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2003–0076. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Nizich, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504–03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–3078; fax number (919) 541–5509; email address: *nizich.greg@epa.gov*.

SUPPLEMENTARY INFORMATION: The information in this Supplementary Information section of this preamble is organized as follows:

I. General Information
A. Does this action apply to me?
B. Where can I get a copy of this document and other related information?
C. What acronyms, abbreviations and units are used in this preamble?
II. Purpose
III. Background
A. What are the general requirements for the minor NSR program in Indian country?
B. What is the Indian country NSR rule?
C. What is the status of NSR air quality programs in Indian country?
IV. What final action is the EPA taking on amendments to the federal Indian country minor NSR rule?
A. What additional emissions units and activities are exempted from the federal Indian country minor NSR rule?
B. How are construction-related activities defined for permitting purposes?
C. What is the deadline for advance notification to the reviewing authority for a true minor sources that is relocating?
V. Summary of Significant Comments and Responses
A. Emissions Unit and Activity Exemptions
B. Definition of Begin Construction
C. Source Relocation
VI. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act
L. Judicial Review
VII. Statutory Authority

I. General Information

A. Does this action apply to me?

Entities potentially affected by this final rule include owners and operators of emission sources in all industry groups planning to locate or located in Indian country. Categories and entities potentially affected by this action are expected to include:

Category	NAICS [a]	Examples of regulated entities
Industry	21111	Oil and Gas Production/Operations.
	211111	Crude Petroleum and Natural Gas Extraction.
	211112	Natural Gas Liquid Extraction.
	212321	Sand and Gravel Mining.
	22111	Electric Power Generation.
	221210	Natural Gas Distribution.
	22132	Sewage Treatment Facilities.
	23899	Sand and Shot Blasting Operations.
	311119	Animal Food Manufacturing.
	3116	Beef Cattle Complex, Slaughter House and Meat Packing Plant.
	321113	Sawmills.

Category	NAICS [a]	Examples of regulated entities
	321212	Softwood Veneer and Plywood Manufacturing.
	32191	Millwork (wood products manufacturing).
	323110	Printing Operations (lithographic).
	324121	Asphalt Hot Mix.
	3251	Chemical Preparation.
	32711	Clay and Ceramics operations (kilns).
	32732	Concrete Batching Plant.
	3279	Fiber Glass Operations.
	331511	Casting Foundry (Iron).
	3323	Fabricated Structural Metal.
	332812	Surface Coating Operations.
	3329	Fabricated Metal Products.
	33311	Machinery Manufacturing.
	33711	Wood Kitchen Cabinet manufacturing.
	42451	Grain Elevator.
	42471	Gasoline Bulk Plant.
	4471	Gasoline Station.
	54171	Professional, Scientific, and Technical Services.
	562212	Solid Waste Landfill.
	72112	Casinos).
	811121	Auto Body Refinishing.
Federal government	924110	Administration of Air and Water Resources and Solid Waste Management Programs.
State/local/tribal government	924110	Administration of Air and Water Resources and Solid Waste Management Programs.

[a] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be subject to the federal Indian country minor NSR program, and therefore potentially affected by this action. To determine whether your facility is affected by this action, you should examine the applicability criteria in 40 CFR 49.151 through 49.161 (i.e., the federal Indian country minor NSR rule). If you have any questions regarding the applicability of this action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final rule will also be available on the World Wide Web. Following signature by the EPA Administrator, a copy of this final rule will be posted in the regulations and standards section of the EPA's NSR home page located at *http://www.epa.gov/nsr*.

C. What acronyms, abbreviations and units are used in this preamble?

The following acronyms, abbreviations and units are used in this preamble:

BACT Best Available Control Technology
CAA or Act Clean Air Act
EPA U.S. Environmental Protection Agency
FARR Federal Air Rule for Indian Reservations
FR Federal Register
GP General Permit
HAPs Hazardous Air Pollutants
HP Horsepower
LAER Lowest Achievable Emission Rate
MMBTU/hr Million British thermal units per hour
NAAQS National Ambient Air Quality Standard(s)
NESHAP National Emission Standards for Hazardous Air Pollutants
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
ppm Parts per million
PSD Prevention of Significant Deterioration
PTE Potential to Emit
RFA Regulatory Flexibility Act
SBA Small Business Administration
SIP State Implementation Plan
TIP Tribal Implementation Plan
tpy Tons per year
UMRA Unfunded Mandates Reform Act

II. Purpose

The purpose of this rulemaking is to revise certain provisions in the federal Indian country minor NSR rule [1] (the Rule) to streamline implementation by expanding the list of appropriately exempted units/activities and clarifying language related to source construction. Specifically, we are adding five categories to the list of units/activities that are exempt from the federal Indian country minor NSR rule, and revising another category, because their emissions are deemed insignificant. Listing these categories explicitly for exemptions means that many applicants and reviewing authorities will not need to calculate potential emissions for those activities.

In the Rule, the term ''commence construction'' is used in two different contexts, i.e., the provisions governing construction prohibition, and also the provisions specifying that construction must occur within 18 months of the final permit issuance date. We are clarifying this distinction by adding two separate definitions for those situations: ''begin construction'' and ''commence construction.'' Further, we are replacing ''commence construction'' with ''begin construction'' in certain sections of the regulatory text for consistency with the new definitions. Finally, this rule reaffirms the 30-day advance notification requirement for relocation of true minor sources after reconsideration of this provision.

III. Background

A. What are the general requirements for the minor NSR program in Indian country?

Section 110(a)(2)(C) of the Clean Air Act (Act) requires that every state implementation plan (SIP) include a program to regulate the construction and modification of stationary sources, including a permit program as required in parts C and D of title I of the Act, to ensure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The permitting program for minor sources is addressed

[1] The federal Indian country minor NSR rule is a component of ''Review of New Sources and Modifications in Indian Country,'' Final rule 76 FR 38747 (July 1, 2011) that applies to new and modified minor sources and minor modifications at major sources.

by section 110(a)(2)(C) of the Act, which we commonly refer to as the minor NSR program. A minor source means a source that has a potential to emit (PTE) lower than the major NSR applicability threshold for a particular pollutant as defined in the applicable nonattainment major NSR program or any regulated NSR pollutant with respect to the Prevention of Significant Deterioration (PSD) program.

States must develop minor NSR programs designed to attain and maintain the NAAQS in a manner most suitable for the circumstances of the particular state. The federal requirements for state minor NSR programs are outlined in 40 CFR 51.160 through 51.164. These federal requirements for minor NSR programs are considerably less prescriptive than those for major sources to facilitate the development of programs that best reflect a state's chosen approach to achieving the required result. As a result, the requirements vary substantially across the state minor NSR programs.

Furthermore, sections 301(a) and 301(d)(4) of the Act, as implemented through the Tribal Authority Rule [2] (TAR), provide the EPA with a broad degree of discretion in developing a program to regulate new and modified minor sources in Indian country.

B. What is the Indian country NSR rule?

The ''Review of New Sources and Modifications in Indian country'' (*i.e.,* Indian country NSR rule) final rule was established under the authority of sections 301(a) and (d) of the Act and the TAR and published in the **Federal Register** on July 1, 2011 (76 FR 38748). This rule established a federal implementation plan (FIP) for Indian country that includes two NSR programs for the protection of air resources in Indian country. These two new NSR programs work together with the pre-existing PSD program at 40 CFR 52.21[3] and the title V operating permits program at 40 CFR part 71 [4] to provide a comprehensive permitting program for Indian country to ensure that air quality in Indian country will be protected in the manner intended by the Act.

One regulation created by the Indian country NSR rule, which we refer to as the ''federal Indian country minor NSR rule,'' is codified at 40 CFR 49.151–49.161 and applies to new and modified minor sources and to minor modifications at existing major sources throughout Indian country where there is no EPA-approved plan in place. The second regulation, which we refer to as the ''Indian country nonattainment major NSR rule,'' is codified at 40 CFR 49.166–49.173 and applies to new and modified major sources in areas of Indian country that are designated as not attaining the NAAQS (nonattainment areas). The Indian country NSR rules ensure that Indian country will be protected in the manner intended by the Act by establishing a preconstruction permitting program for new or modified minor sources, minor modifications at major sources, and new major sources and major modifications in nonattainment areas.

Under the federal Indian country minor NSR rule, new minor sources with a PTE equal to or greater than the minor NSR thresholds and modifications at existing minor sources, as well as minor modifications at major sources, with allowable emissions increases equal to or greater than the minor NSR thresholds, must apply for and obtain a minor NSR permit prior to beginning construction of the new source or modification. The effective date of the federal Indian country minor NSR rule was August 30, 2011. To facilitate the effective implementation of the federal Indian country minor NSR program, some components of the rule were phased in. Generally, the applicability of the preconstruction permitting rules to new synthetic minor sources [5] began on the rule's effective date, August 30, 2011; for new or modified true minor sources and minor modifications at major sources,[6] the rule applies beginning the earlier of September 2, 2014, or 6 months after the publication of a final general permit for that source category in the **Federal Register** (40 CFR 49.151(c)(1)(iii)(B)). In addition, existing true minor sources in Indian country were required to register with their reviewing authority by March 1, 2013.

C. What is the status of NSR air quality programs in Indian country?

No tribe is currently administering an EPA-approved PSD program. Therefore, the EPA has been implementing a FIP to issue PSD permits for major sources in attainment areas of Indian country (40 CFR 52.21). There are also no tribes currently administering an EPA-approved nonattainment major NSR program, so the EPA is the reviewing authority under a FIP (40 CFR 49.166 through 49.175). Only a few tribes are administering EPA-approved minor NSR programs. Accordingly, the EPA administers minor NSR programs in most areas of Indian country under a FIP (40 CFR 49.151 through 49.165).

Sections 301(d) and 110(o) of the Act provide eligible tribes the opportunity to develop their own tribal programs and we encourage eligible tribes to develop their own minor and nonattainment major NSR programs, as well as a PSD major source program, for incorporation into tribal implementation plans (TIPs). Tribes may use the tribal NSR FIP program as a model if they choose to develop their own EPA-approved TIPs.

IV. What final action is the EPA taking on amendments to the federal Indian country minor NSR rule?

This section discusses the final amendments to the federal Indian country minor NSR rule and our rationale for those amendments.

A. What additional emissions units and activities are exempted from the federal Indian country minor NSR rule?

This final rule adds five categories (and also expands one category) to the current list of units/activities that are exempt from the existing federal Indian country minor NSR rule. We are adding these units/activities to 40 CFR 49.153(c) because their potential emissions are insignificant and generally well below the minor source thresholds. These additional exemptions will reduce regulatory burden by eliminating the need for applicants and/or permitting agencies to

[2] The TAR is comprised of Subpart A of 40 CFR part 49, which is titled ''Indian Country: Air Quality Planning and Management''.

[3] The PSD program is a preconstruction permitting program that applies to new major stationary sources (major sources) and major modifications in areas attaining the NAAQS, including attainment areas in Indian country.

[4] Title V of the Act requires all new and existing major sources in the United States to obtain and comply with an operating permit that brings together all of the source's applicable requirements under the Act. All states, numerous local areas and one tribe have approved title V permitting programs under the regulations at 40 CFR part 70. The EPA implements the part 71 federal program in Indian country and other areas that are not covered by an approved part 70 program. Currently, one tribe has been delegated authority to assist the EPA with administration of the federal part 71 program.

[5] 40 CFR 49.152 defines ''synthetic minor source'' as a source that otherwise has the potential to emit regulated NSR pollutants in amounts that are at or above those for major sources in section 49.167, section 52.21 or section 71.2 of chapter 40, as applicable, but that has taken a restriction so that its PTE is less than such amounts for major sources. Such restrictions must be enforceable as a practical matter.

[6] 40 CFR 49.152 defines ''true minor source'' as a source, not including the exempt emissions units and activities listed in section 49.153(c), that emits or has the potential to emit regulated NSR pollutants in amounts that are less than the major source thresholds in section 49.167 or section 52.21 of Chapter 40, as applicable, but equal to or greater than the minor NSR thresholds in section 49.153, without the need to take an enforceable restriction to reduce its PTE to such levels.

calculate their potential emissions to verify that minor source permitting thresholds are not triggered. Adding these exemption categories fulfills the commitment we made in the preamble to the federal Indian country minor NSR rule (July 1, 2011; 76 FR 38759) to assess whether to add other activities to the list of exempted units/activities.

The following units/activities are being added to the exempt category list under 40 CFR 49.153(c):

- Emergency generators used solely to provide electrical power during power outages: in attainment areas the total site-rated horsepower rating shall be below 1,000; in nonattainment areas classified Serious or lower, the total site-rated horsepower shall be below 500. In areas classified Severe or Extreme, no exemption applies.
- Stationary internal combustion engines with a horsepower rating less than 50.
- Furnaces or boilers used for space heating that use only gaseous fuel with a total maximum heat input (i.e., from all units combined) at or below: in attainment areas, 10 million British thermal units per hour (MMBtu/hr); in nonattainment areas classified as Serious or lower, 5 MMBtu/hr; and in nonattainment areas classified as Severe or Extreme, 2 MMBtu/hr.
- Single family residences and residential buildings with four or fewer dwelling units.
- Air conditioning units used for human comfort that do not exhaust air pollutants to the atmosphere from any manufacturing or other industrial processes.

Also, we are modifying the existing exemption for food preparation, as we proposed, to include the cooking of food by other than wholesale businesses that both cook and sell cooked food. Lastly, we have decided not to finalize the proposed exemption category for forestry and silvicultural activities for the reasons explained under section V below.

B. How are construction-related activities defined for permitting purposes?

This final rule adds definitions for the terms ''begin construction'' and ''commence construction'' with only a minor change to the definitions we proposed. These definitions were proposed to better distinguish those situations where activity is prohibited without a permit from those situations where construction needs to occur within a specified period of time after permit issuance to maintain a valid permit. The only change being made to the proposed definitions in the final rule is that the term ''grading'' is being added to the list of activities that are allowed without a permit within the definition of ''begin construction.'' We discuss this change further under the public comments discussion in section V of this preamble. We are also finalizing the changes we proposed without revision to use ''begin construction,'' rather than ''commence construction,'' in those sections of the federal Indian country minor NSR rule where the regulatory text addresses actions that are prohibited prior to permit issuance. This makes our use of ''commence construction'' more consistent with the EPA's major NSR program, and, thus minimizing any potential confusion.

Also, we are finalizing the revised regulatory text in 40 CFR 49.151(c)(1)(iii)(B) clarifying our intent that true minor sources are not required to obtain a permit unless construction of such source, or modification, occurs on or after the date that is the earlier of 6 months after a final general permit for that specific source category is published in the **Federal Register**, or September 2, 2014.[7]

C. What is the deadline for advance notification to the reviewing authority for a true minor source that is relocating?

We requested public comment on the relocation provision under 40 CFR 49.160(d)(1) that requires the owner/operator of a true minor source to notify the relevant reviewing authority in writing 30 days prior to relocating an existing source. Specifically, we sought comment on possibly reducing the advance notification period from 30 days to as few as 10 days. After reviewing the public comments received on this topic, we have decided to retain the 30-day advance notification period since a clear basis for reducing the notification period was not provided, and because several reasons for retaining the current 30-day period were given. In the process of reviewing the comments addressing the advance notification provision, we did become aware that relocation of individual pieces of equipment, rather than entire sources, can occur often in certain industries, and therefore we provide further discussion addressing those situations in section V of this preamble.

Finally, to better clarify advance notification requirements when a source relocation results in a change in the reviewing authority (e.g., the source moves from a reservation in EPA Region 8 to a reservation in EPA Region 6), we are finalizing the proposed changes to 40 CFR 49.160(d)(1) specifying that a source must notify both the existing and new reviewing authorities in that case.

V. Summary of Significant Comments and Responses

The EPA provided a 60-day review and comment period on this rulemaking, which closed on August 5, 2013. We received seven comment letters (two industry letters, one state/local agency letter, three tribal letters and one private citizen letter) on the proposed amendments. The subsections that follow provide the significant comments and responses. The Response to Comments document that contains a summary of all comments received on the proposed amendments and the responses to those comments, is available in the docket.

A. Emissions Unit and Activity Exemptions

1. Overall Comment on Exemptions

Comment: One state/local commenter appreciates that additional exemptions may be needed; however, the commenter expressed an overall concern (that applies broadly to several of the exemption categories proposed) that the exemptions are inconsistent with their region's air quality rules. The commenter believes that exempting these sources from permitting will provide a competitive advantage to sources in Indian country compared to sources on non-tribal lands.

The commenter cites a specific concern with the competitive advantage issue in light of the EPA's recent proposed ''detachment'' of Morongo Indian country from California's South Coast Air Basin and the lowering of the classification of the Morongo reservation from Extreme to Serious ozone nonattainment (**Note:** the proposed reclassification identified by the commenter was finalized on September 23, 2013 (78 FR 58189)). The commenter states that the Morongo lands are located directly upwind from the Coachella Valley, a Severe ozone nonattainment area, and therefore the commenter is concerned that exempting certain sources from permitting in Indian country will result in negative air quality impacts thereby delaying attainment of the NAAQS in downwind airsheds for both non-tribal lands and certain tribal areas.

[7] The **Federal Register** dated January 14, 2014, proposed to extend the true minor source permitting deadline for oil and natural gas sources between 12 and 18 months after the current deadline of September 2, 2014 (79 FR 2517). This means the true minor source permitting deadline for this category of sources could be extended from between September 2, 2015 and March 2, 2016.

The commenter urges the EPA to adopt requirements specific to areas of Indian country that are classified as either Severe or Extreme ozone nonattainment areas, just as the EPA has adopted lower minor NSR emission thresholds in the existing rule for nonattainment areas as opposed to attainment areas.

Response: Prior to the August 30, 2011, effective date of the federal Indian country minor NSR rule, codified in 40 CFR part 49, promulgated July 1, 2011 (76 FR 38748), there were no emission reduction requirements for new minor sources within areas of Indian country such as the Morongo Reservation. We point this out to highlight that the federal Indian country minor NSR rule has already reduced any potential competitive advantage cited by the commenter by requiring pre-construction permits for sources (with emissions above permitting thresholds) where prior to August 30, 2011, there were no such requirements.

As discussed in the July 1, 2011, final rule, while section 182(e)(2) of the Act specifies an emissions increase threshold of ''0'' tons/year (tpy) for existing major sources in Extreme ozone nonattainment areas, we do not believe these thresholds are appropriate for minor sources and operators within Indian country. Nonetheless, we are mindful of the need to protect the NAAQS and, as discussed later in comment responses related to exemptions for emergency generators and boilers/furnaces, we have made some revisions to the exemption criteria in the final rule amendments.

2. Exemption for Emergency Generators

Comment: One state/local commenter expressed concern with the proposed exemption threshold for emergency generators under 500 horsepower (HP) in nonattainment areas and asserted it would create an imbalance between tribal lands and the surrounding non-tribal areas classified as Severe or Extreme nonattainment for ozone. Air quality regulations that apply to sources within the commenter's jurisdiction specify emission limits for nitrogen oxide (NO_X) and particulate matter (PM) for all engines over 50 HP. The commenter believes engines on tribal lands, which would be exempt from permitting under the EPA's proposed criteria, would emit NO_X in amounts above the 0.8 tpy and 1.8 tpy levels that new and older model engines, respectively, must meet under the state air district's Best Available Control Technology (BACT) requirements. The commenter states that these types of engines are controllable and contribute to ozone and therefore should be subject to NSR permitting.

The commenter also cited a report from the World Health Organization [8] that declared diesel PM to be a human carcinogen. The commenter states that emissions from three standby generators (approximately 900 HP in total) can create cancer risks exceeding 25 in a million, even if operated only 50 hours/year. The commenter elaborates that a 500 HP emergency generator, operating for 500 hours/year, would create even higher risk (than the engines totaling 900 HP in the earlier example) due to its longer operating period, and therefore PM should be controlled from these units and they should be subject to NSR since the EPA's source-specific rules are not applicable to these units.

Response: One of our objectives for proposing activities/units for exemption was to reduce burden on source owners. We believe that emergency generators with horsepower ratings below the exemption thresholds will predominately have emissions below the minor source permitting thresholds and therefore the proposed exemption would potentially save source owners the effort of estimating their emissions solely to demonstrate that emissions are well below the permitting threshold.

However, we also recognize the commenter's concerns regarding the impacts of sources in Indian country to portions of the South Coast Air Basin that are classified Severe or Extreme nonattainment for ozone. We are required by title I of the Act to ensure attainment and maintenance of the NAAQS. Accordingly, after considering the comment, we believe that an exemption for emergency generators is not appropriate in ozone nonattainment areas classified Severe or Extreme, and we have revised exemption language in the final rule accordingly. As finalized, the total site-rated 500 HP exemption for emergency generators in ozone nonattainment areas will only apply in ozone nonattainment areas classified Serious or lower. The site-rated 1,000 HP exemption proposed for attainment areas remains unchanged in this final rule.

3. Exemption for Boilers and Furnaces

Comment: One state/local commenter believes that boilers and/or furnaces below the proposed heat input rates should not be exempt from minor NSR permitting in ozone nonattainment areas classified as Severe or higher because it would provide a competitive advantage to sources locating in Indian country. The commenter explains that the South Coast Air Quality Management District's (SCAQMD) air quality rules require controls for NO_X at levels below the proposed exemption rates of 5 million Btu/hr for nonattainment areas; 10 million Btu/hr for attainment areas. The commenter refers to SCAQMD's NO_X emission limits of 9 ppm for natural gas boilers having heat input rates between 2 million Btu/hr and 5 million Btu/hr to be met by January 1, 2012. In addition to that requirement, natural gas industrial furnaces must meet an emissions limit of 30 ppm (Rule 1147) and NO_X controls for fan-type central furnaces under 175,000 Btu/hr are required as well (Rule 1111). The commenter states that the permitting exemption under Rule 219(b)(2) applies only to boilers and furnaces under 2 million Btu/hr.

Response: We believe the commenter raises a valid concern regarding the potential impacts to portions of the South Coast Air Basin classified as Severe or Extreme ozone nonattainment areas that are adjacent to/downwind from Indian country. In certain cases the proposed exemption could make it more difficult for downwind non-Indian country areas to achieve attainment of the NAAQS, which would be contrary to the requirements of title I of the Act. To minimize the likelihood of this occurring in the areas with higher ozone nonattainment classifications, we are finalizing a lower heat input rate (than the proposed 5 million Btu/hr which would have applied in all nonattainment areas) for Severe and Extreme ozone nonattainment areas. The heat input rate exemption for nonattainment areas in the final rule is specified as follows: for nonattainment areas classified Serious and lower, the exemption rate is heat input rates at or below 5 million Btu/hr; for ozone nonattainment areas classified as Severe or Extreme, the exemption level is a heat input rate at or below 2 million Btu/hr. The heat input rate exemption proposed for attainment areas remains unchanged.

4. Exemption for Forestry/Silvicultural Activities

Comment: One tribal commenter supports this proposed exemption. The commenter states the view that while emissions from road construction and maintenance are of particular concern (**Note:** while the commenter did not specify, we assume the comment is referring to activities related to the proposed exemption category), ''such emissions do not rise to a level requiring their removal from the list of proposed

[8] Press release dated June 12, 2012. *See www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf.*

exemptions.'' The commenter further states that permitting requirements for road construction and maintenance will impact timely repair and maintenance of roads on the commenter's lands. The commenter also mentions that open burning, a potential source of emissions on their lands, is regulated by the Bureau of Indian Affairs. Therefore the commenter believes the proposed exemption for forestry and silvicultural activities is reasonable and will save permitting resources.

One state/local commenter requests that the proposed exemption category be modified or deleted. The commenter voices concern with significant emissions from road construction and maintenance, and logging activities. The commenter also expresses concern with the potential for multiple pieces of equipment to collectively exceed the minor source thresholds, such as engines associated with wood chippers, a consideration the EPA noted in identifying units/activities to propose for exemption (June 4, 2013; 78 FR 33270). The commenter urges the EPA to delete the proposed exemption and instead rely on the attainment and nonattainment area NO_X thresholds (10 tpy and 5 tpy, respectively) to determine when a permit must be obtained. As an alternative, the commenter suggests that specific types of equipment could be exempted instead of the entire category if the EPA determines them to have *de minimis* emissions.

Response: One reason we proposed the forestry/silvicultural category for exemption was to be consistent with the exemptions list in the Federal Air Rule for Indian Reservations, which applies in Indian country in the Northwest. A second reason we proposed this category for exemption was that we believed all emissions within the category would be *de minimis* in nature. Therefore, subjecting them to NSR permitting would provide little environmental benefit. Both commenters express some concern with the emissions associated with forestry and silvicultural activities, and one commenter identifies a situation where emissions could exceed *de minimis* levels.

Upon considering available information, we have concluded that a category-wide exemption is not the most appropriate approach to managing emissions for forestry and silvicultural activities. This conclusion is based on our recognizing the broad range of activities and potential emissions sources that could be part of this category and the potential to inadvertently exclude units with significant emissions. Due to the broad nature of activities under this category, we believe that there might be cases where permitting of certain emission units is needed to protect air quality, which would be precluded under a category-wide exemption. Based on that concern, we believe it is more appropriate to use the emission thresholds in the existing rule (e.g., NO_X: 10 tpy and 5 tpy in attainment and nonattainment areas, respectively) to determine source permitting requirements and not have a broad, category-wide exemption. Therefore the exemption for forestry and silvicultural activities is not included in the final amendments.

B. Definition of Begin Construction

Comment: One industry association commenter notes that the proposed definition of ''begin construction'' lists certain activities that can be conducted before the source has obtained a permit.[9] The commenter states that the list is more restrictive than the Agency's long standing approach to permissible activities. The commenter refers to a policy memo addressing activities allowed without a permit [10] and states that the EPA should not deviate from previously established policies.

Response: We agree with the commenter. Our intent was to include the same list of activities in the proposed definition that have been historically allowed under the EPA policy prior to obtaining a permit. We inadvertently omitted the term ''grading'' from the list in the proposed definition. We have added grading to the activities allowed under the definition of ''begin construction'' in the final rule to maintain consistency with the existing EPA policy.

C. Source Relocation

1. 30-Day Advance Notification Provision

Comment: One tribal commenter believes that at least 30 days notice is warranted for relocation of a non-portable source since a new permit may be required, and, in that case, the permitting authority will need sufficient time to process the application and issue a permit. The commenter elaborates that for a portable source, a 10-day notice requirement may be sufficient since its permit will likely include pre-approved new locations. The commenter agrees with the EPA's interpretation that these time periods apply where an entire source is relocated, noting that relocation of one or more pieces of equipment or emission units requires consultation with the source's reviewing authority to determine if a modification will occur under the federal Indian country minor NSR rule.

Another tribal commenter believes that, based on their permitting experience, in situations where a registered source relocates to a new, previously unapproved location, the permitting authority should have at least 30 days to review the relocation request. The commenter states that this time period is needed for tribal and historic preservation reviews to be performed.

One industry association commenter reiterates comments made in its petition for reconsideration on the July 1, 2011, final federal Indian country minor NSR rule stating that sources often relocate on short notice and occasionally change a previously planned relocation with little advance warning. The commenter states that the 30-day advance notice requirement is incompatible with oil and gas sector operations. In a subsequent teleconference, the commenter clarified that their primary concern involves relocation of one or more pieces of equipment or emissions units and not entire sources.[11] In response to the EPA's request for comment on the notification provision, the commenter agrees with the EPA's statement that there is no requirement for advance approval, or a permit, for a registered source that relocates prior to September 2, 2014. The commenter suggests that, in those cases, there is no need or value to an advance notification as long as the source continues to comply with its permit. The commenter elaborates that there will be sufficient opportunity after relocation to notify the EPA of any change. The commenter offers that one possible approach is the one used under 40 CFR 63.9(j), and could be adopted in the tribal rule.[12] The commenter also references the recently promulgated oil and gas sector

[9] The list we proposed includes the following activities: Engineering and design planning, geotechnical investigation (surface and subsurface explorations), clearing, surveying, ordering of equipment and materials, storing of equipment or setting up temporary trailers to house construction management or staff and contractor personnel.

[10] Memorandum from Reich, Edward E., OAQPS, to DeSpain, Robert R., EPA Region VII, titled ''*Construction Activities Prior to Issuance of a PSD Permit with Respect to ''Begin Actual Construction,''* March 28, 1986.

[11] *See* memorandum titled *Summary of Discussion from the October 23, 2013, Teleconference between API Representatives and the Environmental Protection Agency on Source Relocation under the Tribal Minor NSR Rule.* Nov 13, 2013. Docket number EPA–HQ–OAR–2003–0076–0188.

[12] This section allows sources to submit changes to previously provided information within 15 days after the change occurs.

New Source Performance Standards (NSPS) which allows for a lag time between source startup and the determination of whether controls are required.

Response: We specifically requested comment on the case where the source relocates before September 2, 2014 (i.e., where no permit is required). As discussed in the preamble for the proposed amendments (78 FR 33723), a true minor source that relocates in that situation does not need prior approval from its reviewing authority. The notification provision simply specifies advance notification in that case. However, it was not clear in some tribal comments if they were addressing the situation where relocation occurs before September 2, 2014, or on or after that date, since the need for a permit was mentioned by commenters. For that latter case, as stated in the proposal, a previously unpermitted portable source (e.g., a hot-mix asphalt plant) that relocates on or after September 2, 2014, will be required to obtain a permit prior to relocation, and we believe that any such permit will contain provisions addressing any future relocation. In this case of relocation on/after September 2, 2014, the permit application fulfills the advance notification requirement. In addition, we believe in cases where a permit is required the permitting process addresses the tribal and historic preservation obligations cited by the commenters. Because none of the commenters presented examples of a situation where the 30-day advance notification provision justifies a reduction, we are retaining the 30-day notification period. In the additional discussion below, we are clarifying that the advance notice relocation provision is intended to apply to entire sources and not individual pieces of equipment or emissions units.

2. Permitting Issues Related to Source Relocation

Comment: One industry association commenter referenced the EPA's discussion in the proposed rule preamble addressing permitting obligations for true minor sources that relocate (78 FR 33273). The commenter disagrees with the EPA's statement that a true minor source constructed before September 2, 2014, that relocates after that date will have to obtain a permit. The commenter states that relocation is not tantamount to a modification of such a source and therefore the need for a permit is not triggered. The commenter clarified in a subsequent teleconference [13] that most of the situations addressed in the comments involve relocation or replacement of single pieces of equipment, not entire facilities, in the oil and gas sector.

Further, the commenter disagrees with the EPA's statement in the proposed rule preamble that a true minor source constructed after September 2, 2014, must obtain a permit for the original location and any subsequent relocation not specifically pre-authorized in the original permit. The commenter believes the EPA should clarify that permit conditions listing specific sites for relocation are not required. The commenter states that this approach would be particularly important for general permits where the ability to relocate would have to be based on generic criteria. The commenter believes no other approach would work with a general permit.

Response: The registration program and relocation provisions in 40 CFR 49.160(d)(1) apply to an entire true minor source, and are not applicable to an individual piece of equipment that is merely a part of the true minor source. The registration program is used for developing an inventory of emissions throughout Indian country to help us manage and protect air quality. We understand from the commenter that in oil and gas sector operations moving a single piece of equipment from one facility to another, or replacing a piece of equipment with a new one, can occur on a regular basis. For clarification purposes, we believe it would be beneficial to both sources and reviewing authorities for us to list the different situations involving a piece of equipment (a unit) that we believe will be most common, and specify the outcome with respect to minor NSR permitting. While we have listed expected outcomes below, the source owner/operator should still verify with its reviewing authority that the ''matching'' situation listed below, and its stated outcome, applies to its case:

(1) A unit at a permitted source is replaced ''in kind'' (i.e., the replacement unit is of the same size, capacity, horsepower, etc. as the existing unit)—The owner/operator should notify the reviewing authority as specified in its permit. If the existing permit conditions do not address equipment replacement/relocation, then the source should send a notification letter to its reviewing authority no later than 60 days following replacement of the unit.

(2) A unit at a registered but unpermitted source is replaced in kind—No new notification to the reviewing authority is required since this unit is already part of the inventory.

(3) A unit is moved within the boundary of a permitted or registered source—No new notification to the reviewing authority required, unless otherwise specified in the permit.

(4) A unit planned for addition (i.e., not replacement) at either a permitted or registered source, with PTE above the minor NSR thresholds—The owner/operator of the true minor source must first obtain a minor source permit before installing the unit at the new location beginning on September 2, 2014.[14]

(5) One or more units (with combined PTE between the minor and major source thresholds) that are relocated to an entirely new location (i.e., a greenfield facility)—(a) Prior to September 2, 2014, the owner/operator of the true minor source must register with its reviewing authority within 90 days of beginning operation at the new location in accordance with 40 CFR 49.160(c)(1)(ii); (b) On or after September 2, 2014, the owner/operator of the true minor source must obtain a minor NSR permit from the reviewing authority at the new location before beginning construction.

(6) A unit moved from one registered source to another registered source before the September 2, 2014, permitting deadline—The source must notify the reviewing authority of removal of the unit from the originating source (to update its inventory) and also notify the reviewing authority of the addition of the unit at the destination source within 60 days following the change in location.

3. Other Comments on Permitting

Comment: One industry association commenter states that, in the existing federal Indian country minor NSR rule, true minor sources constructed or modified after August 30, 2011, are required to obtain a permit. The commenter notes that the EPA proposed to revise this applicability date until September 2, 2014, and the commenter supports this change.

Response: We believe the commenter may have misinterpreted the existing requirements within 49.151(c)(1)(iii).

[13] *See* memorandum titled *Summary of Discussion from the October 23, 2013, Teleconference between API Representatives and the Environmental Protection Agency on Source Relocation under the Tribal Minor NSR Rule.* November 13, 2013. Docket number EPA–HQ–OAR–2003–0076–0188.

[14] The EPA published a notice of proposed rulemaking in the **Federal Register** on January 14, 2014 (79 FR 2546). Within that document we asked for comment on extending the true minor source permitting deadline from September 2, 2014, to between September 2, 2015, and March 2, 2016, for oil and natural gas production sources.

Our intent under the existing rule has always been that true minor sources do not need a permit if they begin construction before September 2, 2014. We proposed changes to the regulatory text on June 4, 2013, that are intended to clarify the nature of this deadline. We are finalizing these proposed changes to the regulatory text to make this intent clear.

VI. Statutory and Executive Order Reviews

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

This action is not a ''significant regulatory action'' under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The action will not create any new requirements under the federal Indian country minor NSR program, but rather will simplify minor source registrations and permit applications for some sources, potentially reducing burden. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations for the federal Indian country minor NSR program (40 CFR 49.151 through 49.161) under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.,* and has assigned OMB control number 2060–0003. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations and small governmental jurisdictions.

For purposes of assessing the impacts of this final action on small entities, small entity is defined as: (1) A small business as defined in the U.S. Small Business Administration size standards at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final action on small entities, I certify that this final action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analysis is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect, on all of the small entities subject to the rule.

This final action will not create any new requirements under the federal Indian country minor NSR program, and therefore would not impose any additional burden on any sources (including small entities). This final action will simplify minor source registrations and reduce the burden of applicability determinations for some sources compared to the existing rule, potentially reducing burden for all entities, including small entities. We have therefore concluded that this final rule will be neutral or relieve the regulatory burden for all affected small entities.

D. Unfunded Mandates Reform Act

This action contains no federal mandate under the provisions of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538 for state, local and tribal governments, in the aggregate, or the private sector in any 1 year. This action will not create any new requirements under the federal Indian country minor NSR program, but rather will simplify minor source registrations and reduce the burden of applicability determinations for some sources. Therefore, this action is not subject to the requirements of sections 202 or 205 of UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. As noted previously, the effect of this final rule will be neutral or relieve regulatory burden.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This final rule will revise the federal Indian country minor NSR program, which applies only in Indian country, and will not, therefore, affect the relationship between the national government and the states or the distribution of power and responsibilities among the various levels of government.

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

Subject to the Executive Order 13175 (65 FR 67249, November 9, 2000), the EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments or the EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement.

The EPA has concluded that this final rule will have tribal implications. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. This final rule will have tribal implications since it revises the federal Indian country minor NSR program, which applies to both tribally-owned and privately-owned sources in Indian country. As with the existing rule, the revised rule will be implemented by the EPA, or a delegate tribal agency assisting the EPA with administration of the rules, until replaced by an EPA-approved tribal implementation plan. The effect of this final rule will be to simplify compliance with, and administration of, the federal Indian country minor NSR program, so any impact on tribes would be in the form of reduced burden and cost.

Prior to proposing the rule amendments, we presented highlights of the expected changes to tribal environmental staff during a conference call with the National Tribal Air Association on February 28, 2013, and

asked for comments. Following signature of the proposed amendments on May 23, 2013, the EPA mailed letters to over 560 tribal leaders to offer consultation. In addition, to help facilitate the tribes' decision concerning our offer of consultation, we held conference calls on June 17 and 20, 2013, with tribal environmental officials where we provided an overview of the proposed changes and answered any questions. We did not receive any requests for consultation from tribal governments. Lastly, we have taken into account the comments submitted from three tribes on the proposed amendments and fully considered those comments in finalizing the amendments in today's rule.

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

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

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

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

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through the OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, the EPA has not considered the use of any voluntary consensus standards.

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

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

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This final rule will simplify minor source registrations and permit applications for some sources under the federal Indian country minor NSR program, but will not relax control requirements or result in greater emissions under the program.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on the date of publication, *i.e.,* on June 30, 2014.

L. Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by July 29, 2014. Any such judicial review is limited to only those objections that are raised with reasonable specificity in timely comments. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. Under section 307(b)(2) of the Act, the requirements of this final action may not be challenged later in civil or criminal proceedings brought by us to enforce these requirements.

VII. Statutory Authority

The statutory authority for this action is provided by sections 101, 110, 112, 114, 116 and 301 of the CAA as amended (42 U.S.C. 7401, 7410, 7412, 7414, 7416 and 7601).

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 9, 2014.

Gina McCarthy,

EPA Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as set forth below.

PART 49—INDIAN COUNTRY: AIR QUALITY PLANNING AND MANAGEMENT

■ 1. The authority citation for part 49 continues to read as follows:

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

Subpart C—[Amended]

■ 2. Section 49.151 is amended by revising paragraphs (c)(1)(i)(A), (c)(1)(ii)(A) and (B), (c)(1)(iii)(B), and (d)(1) to read as follows:

§ 49.151 Program overview.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(A) If you wish to begin construction of a minor modification at an existing major source on or after August 30, 2011, you must obtain a permit pursuant to §§ 49.154 and 49.155 (or a general permit pursuant to § 49.156, if applicable) prior to beginning construction.

* * * * *

(ii) * * *

(A) If you wish to begin construction of a new synthetic minor source and/or

a new synthetic minor HAP source or a modification at an existing synthetic minor source and/or synthetic minor HAP source on or after August 30, 2011, you must obtain a permit pursuant to § 49.158 prior to beginning construction.

(B) If your existing synthetic minor source and/or synthetic minor HAP source was established pursuant to the FIPs applicable to the Indian reservations in Idaho, Oregon and Washington or was established under an EPA-approved rule or permit program limiting potential to emit, you do not need to take any action under this program unless you propose a modification for this existing synthetic minor source and/or synthetic minor HAP source, on or after August 30, 2011. For these modifications, you need to obtain a permit pursuant to § 49.158 prior to beginning construction.

* * * * *

(iii) * * *

(B) If you wish to begin construction of a new true minor source or a modification at an existing true minor source on or after 6 months from the date of publication in the **Federal Register** of a final general permit for that source category, or September 2, 2014, whichever is earlier, you must first obtain a permit pursuant to §§ 49.154 and 49.155 (or a general permit pursuant to § 49.156, if applicable). The proposed new source or modification will also be subject to the registration requirements of § 49.160, except for sources that are subject to § 49.138.

* * * * *

(d) * * *

(1) If you begin construction of a new source or modification that is subject to this program after the applicable date specified in paragraph (c) of this section without applying for and receiving a permit pursuant to this program, you will be subject to appropriate enforcement action.

* * * * *

■ 3. Section 49.152(d) is amended by adding in alphabetical order definitions for ''Begin construction'' and ''Commence construction'' to read as follows:

§ 49.152 Definitions.

* * * * *

(d) * * *

Begin construction means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change. The following preparatory activities are excluded: Engineering and design planning, geotechnical investigation (surface and subsurface explorations), clearing, grading, surveying, ordering of equipment and materials, storing of equipment or setting up temporary trailers to house construction management or staff and contractor personnel.

Commence construction means, as applied to a new minor stationary source or minor modification at an existing stationary source subject to this subpart, that the owner or operator has all necessary preconstruction approvals or permits and either has:

(i) Begun on-site activities including, but not limited to, installing building supports and foundations, laying underground piping or erecting/installing permanent storage structures. The following preparatory activities are excluded: Engineering and design planning, geotechnical investigation (surface and subsurface explorations), clearing, grading, surveying, ordering of equipment and materials, storing of equipment or setting up temporary trailers to house construction management or staff and contractor personnel; or

(ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

* * * * *

■ 4. Section § 49.153 is amended by:

■ a. Revising paragraphs (a)(3)(ii) and (iii) and (c) introductory text and (c)(3); and

■ b. Adding paragraphs (c)(8) through (12) to read as follows:

§ 49.153 Applicability.

(a) * * *

(3) * * *

(ii) If you wish to begin construction of a new synthetic minor source and/or a new synthetic minor HAP source or a modification at an existing synthetic minor source and/or synthetic minor HAP source, on or after August 30, 2011, you must obtain a permit pursuant to § 49.158 prior to beginning construction.

(iii) If you own or operate a synthetic minor source or synthetic minor HAP source that was established prior to the effective date of this rule (that is, prior to August 30, 2011) pursuant to the FIPs applicable to the Indian reservations in Idaho, Oregon and Washington or under an EPA-approved rule or permit program limiting potential to emit, you do not need to take any action under this program unless you propose a modification for this existing synthetic minor source and/or synthetic minor HAP source on or after August 30, 2011. For these modifications, you need to obtain a permit pursuant to § 49.158 prior to beginning construction.

* * * * *

(c) *What emissions units and activities are exempt from this program?* At a source that is otherwise subject to this program, this program does not apply to the following emissions units and activities that are listed in paragraphs (c)(1) through (12) of this section:

* * * * *

(3) Cooking of food, except for wholesale businesses that both cook and sell cooked food.

* * * * *

(8) Single family residences and residential buildings with four or fewer dwelling units.

(9) Emergency generators, designed solely for the purpose of providing electrical power during power outages:

(i) In nonattainment areas classified as serious or lower, the total maximum manufacturer's site-rated horsepower of all units shall be below 500;

(ii) In attainment areas, the total maximum manufacturer's site-rated horsepower of all units shall be below 1,000.

(10) Stationary internal combustion engines with a manufacturer's site-rated horsepower of less than 50.

(11) Furnaces or boilers used for space heating that use only gaseous fuel, with a total maximum heat input (i.e., from all units combined) of:

(i) In nonattainment areas classified as Serious or lower, 5 million British thermal units per hour (MMBtu/hr) or less;

(ii) In nonattainment areas classified as Severe or Extreme, 2 million British thermal units per hour (MMBtu/hr) or less;

(iii) In attainment areas, 10 MMBtu/hr or less.

(12) Air conditioning units used for human comfort that do not exhaust air pollutants in the atmosphere from any manufacturing or other industrial processes.

* * * * *

■ 5. Section 49.158 is amended by revising paragraph (c)(1) to read as follows:

§ 49.158 Synthetic minor source permits.

* * * * *

(c) * * *

(1) If your existing synthetic minor source and/or synthetic minor HAP source was established pursuant to the FIPs applicable to the Indian reservations in Idaho, Oregon and Washington or was established under an EPA-approved rule or permit program limiting potential to emit, you do not need to take any action under this program unless you propose a modification for this existing synthetic minor source and/or synthetic minor HAP source on or after August 30, 2011. For these modifications, you need to obtain a permit pursuant to § 49.158 before you begin construction.

* * * * *

■ 6. Section 49.160 is amended by revising paragraph (d)(1) to read as follows:

§ 49.160 Registration program for minor sources in Indian country.

* * * * *

(d) * * *

(1) *Report of relocation.* After your source has been registered, you must report any relocation of your source to the reviewing authority in writing no later than 30 days prior to the relocation of the source. Unless otherwise specified in an existing permit, a report of relocation shall be provided as specified in paragraph (d)(1)(i) or (ii) of this section, as applicable. In either case, the permit application for the new location satisfies the report of relocation requirement.

(i) Where the relocation results in a change in the reviewing authority for your source, you must submit a report of relocation to the current reviewing authority and a permit application to the new reviewing authority.

(ii) Where the reviewing authority remains the same, a report of relocation is fulfilled through the permit application for the new location.

* * * * *

[FR Doc. 2014–11499 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2014–0182; FRL–9911–56–Region 2]

Approval and Promulgation of Implementation Plans; Carbon Monoxide Maintenance Plan, Conformity Budgets, Emissions Inventories; State of New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the New York State Department of Environmental Conservation. This revision establishes an updated ten-year carbon monoxide (CO) maintenance plan for the New York portion of the New York-Northern New Jersey-Long Island (NYCMA) CO area which includes the following seven counties: Bronx, Kings, Nassau, New York, Queens, Richmond and Westchester. In addition, EPA is approving a revision to the CO motor vehicle emissions budgets for New York and revisions to the 2007 Attainment/Base Year emissions inventory.

The New York portion of the NYCMA CO area was redesignated to attainment of the CO National Ambient Air Quality Standard (NAAQS) on April 19, 2002 and maintenance plans were also approved at that time. By this action, EPA is approving the second maintenance plan for this area because it provides for continued attainment for an additional ten years of the CO NAAQS. The intended effect of this rulemaking is to approve a SIP revision that will insure continued maintenance of the CO NAAQS.

DATES: *Effective Date:* This rule is effective on June 30, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2014–0182. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Programs Branch, Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's final action, please contact Henry Feingersh, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, telephone number (212) 637–3382, fax number (212) 637–3901, email *feingersh.henry@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

EPA is approving New York's SIP revision updating their existing ten-year carbon monoxide (CO) maintenance plan with another ten-year plan for the New York portion of the New York-Northern New Jersey-Long Island (NYCMA) CO area which includes the following seven counties: Bronx, Kings, Nassau, New York, Queens, Richmond and Westchester. The reader is referred to the March 25, 2014 (79 FR 16265) proposal for details on this rulemaking.

II. What comments did EPA receive on its proposal and what are EPA's responses?

EPA received one comment that supports our proposed approval of the updated CO maintenance plan. EPA is approving the New York SIP revision request.

III. What is EPA's final action?

EPA is approving New York's SIP revision updating their existing ten-year CO maintenance plan for the New York portion of the New York-Northern New Jersey-Long Island (NYCMA) CO area. EPA is also approving the 2007 CO base year emissions inventory and the CO motor vehicle emissions budgets all dated May 9, 2013.

IV. Statutory and Executive Order Reviews

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

additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 29, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 16, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

Therefore, 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

■ 2. In § 52.1670, add a new entry at the end of the table in paragraph (e) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Action/SIP element	Applicable geographic or nonattainment area	New York submittal date	EPA approval date	Explanation
*	*	*	*	*
Approval of CO maintenance plan, CO motor vehicle budgets, and 2007 CO base year emissions inventory.	New York portion of the New York-Northern New Jersey-Long Island (NYCMA) CO area.	05/09/13	5/30/14 [insert page number where the document begins].	This is the 2nd 10-year CO maintenance plan for the New York portion of the NYCMA.

■ 3. In § 52.1682, add paragraph (d) to read as follows:

§ 52.1682 Control strategy: Carbon monoxide.

* * * * *

(d) Approval—The May 9, 2013 revision to the carbon monoxide (CO) maintenance plan for the New York portion of the New York-Northern New Jersey-Long Island, NYCMA, CO area. This revision contains a second ten-year maintenance plan that demonstrates continued attainment of the National Ambient Air Quality Standard for CO through the year 2022, 2007 CO base year emissions inventory and CO motor vehicle emissions budgets through the maintenance period.

[FR Doc. 2014–12465 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0495; FRL–9909–35–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions for Permitting of Particulate Matter With Diameters Less Than or Equal to 2.5 Micrometers (PM2.5)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on May 19, 2011. The May 19, 2011, SIP submission adopts revisions to the Texas General Air Quality Definitions and Permits by Rule (PBR) program consistent with certain federal rules implementing the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS). EPA finds that the Texas Prevention of Significant Deterioration (PSD) New Source Review (NSR) SIP meets all EPA $PM_{2.5}$ PSD SIP rules. These rules include permitting components such as the $PM_{2.5}$ precursors of sulfur dioxide and nitrogen oxides, condensables, significant emissions rates (SER), and increment. EPA is approving these actions under section 110 and part C of the Clean Air Act (CAA or the Act).

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

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2011–0495. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment.

FOR FURTHER INFORMATION CONTACT: Adina Wiley, Air Planning Section (6PD–R), telephone (214) 665–2115, email address *wiley.adina@epa.gov*.

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

Table of Contents

I. Background
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

The background for today's action is discussed in detail in our February 14, 2014 proposal (79 FR 8916). In that notice, we proposed to approve revisions to the Texas SIP at 30 TAC Sections 101.1 and 106.4 submitted on May 19, 2011, for the implementation of the 1997 and 2006 $PM_{2.5}$ NAAQS. EPA also proposed to find that the Texas PSD NSR SIP met the $PM_{2.5}$ PSD requirements contained in the federal regulations as of December 9, 2013, including regulation of NO_X and SO_2 as $PM_{2.5}$ precursors, regulation of condensables, and $PM_{2.5}$ increments.

II. Response to Comments

We received comments from the Texas Industry Project (TIP) on our February 14, 2014 proposal. The comments we received can be accessed in their entirety from the *www.regulations.gov* Web site (Docket No. EPA–R06–OAR–2011–0495). The TIP generally expressed support for our proposed rulemaking, but did request clarification on certain issues. Following is a summary of the comments submitted from TIP and EPA's response.

Comment: TIP requests that EPA acknowledge that ammonia is not regulated as a precursor for $PM_{2.5}$ for PSD permitting under the Texas SIP. The commenter also presented information about EPA's treatment of ammonia and volatile organic compounds (VOC) as precursors to $PM_{2.5}$ in the federal PSD Program. Specifically, the commenter referenced EPA's May 16, 2008 NSR $PM_{2.5}$ Implementation Rule; the lack of a significant emission rate for VOC or ammonia in the federal PSD rules at 40 CFR 51.166(b)(23)(i); and the definition of ''regulated NSR pollutant'' where VOC is presumed out and ammonia is not mentioned at 40 CFR 51.166(b)(49).

Response: As discussed below, EPA agrees with the commenter's conclusion that this approval action of the Texas $PM_{2.5}$ SIP will not result in regulating ammonia or VOCs as precursors to $PM_{2.5}$. Federal rules do not require the Texas PSD program to regulate VOCs or ammonia as precursors to $PM_{2.5}$.

In the May 16, 2008 NSR $PM_{2.5}$ Implementation Rule, the EPA finalized revisions to the PSD program to govern regulation of SO_2, NO_X and VOCs as regulated NSR pollutants. For purposes of PSD, SO_2 is a regulated NSR pollutant under all circumstances; NO_X is presumptively regulated as an NSR pollutant, unless the State or EPA demonstrates that emissions of NO_X from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations; and VOCs are presumptively not regulated as an NSR pollutant, unless the State or EPA demonstrates that emissions of VOCs from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations. *See* 40 CFR 51.166(b)(49)(i)(*b*)–(*d*), 52.21(b)(50)(i)(*b*)–(*d*). The EPA did not include ammonia as a regulated NSR pollutant for purposes of PSD.

As to nonattainment NSR, States were not required to regulate ammonia as a $PM_{2.5}$ precursor for a specific nonattainment area unless either the state or EPA provided a satisfactory demonstration that ammonia emissions from sources in a specific nonattainment area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations. *See* 40 CFR 51.165(a)(1)(xxxvii)(C)(*4*). However, the EPA clarified that ''the action of any State identifying ammonia emissions as a significant contributor to a nonattainment area's $PM_{2.5}$ concentrations, or our approval of a nonattainment SIP doing so, does not make ammonia a regulated NSR pollutant for the purposes of PSD in any attainment or unclassifiable areas nationally.'' See 73 FR 28321, 28330.

Texas was therefore not required by the EPA to address ammonia in its PSD regulations and there is no indication that Texas intended to identify ammonia as a regulated NSR pollutant for purposes of PSD permitting for $PM_{2.5}$. Texas also did not revise its PSD regulations to regulate VOCs as a $PM_{2.5}$ precursor, as neither Texas nor the EPA demonstrated that emissions of VOCs from sources in the State significantly contribute to $PM_{2.5}$ concentrations in the State. The EPA is approving the Texas SIP as regulating only SO_2 and NO_X as $PM_{2.5}$ precursors for purposes of PSD permitting. No changes were made to our final rule as a result of this comment.

III. Final Action

We are approving the May 19, 2011, submittal for the State of Texas revising 30 TAC Sections 101.1(25), (75), (76), and (78) and 106.4(a)(1) and (a)(4) for the implementation of the 1997 and 2006 $PM_{2.5}$ NAAQS and non-substantive revisions to 30 TAC 106.4(a)(2) and (c) as proposed. We also find that the Texas PSD NSR SIP satisfies the $PM_{2.5}$ PSD requirements contained in federal regulations as of December 9, 2013. This action is being taken under section 110 and part C of the Act.

Also in this action we are making a ministerial revision to the Texas SIP to reflect a recent EPA final approval of the

Texas PSD program. In Title 40 of the Code of Federal Regulations, Part 52, § 52.2303, paragraph (a)(2) is corrected to reflect the January 6, 2014, **Federal Register** EPA final action (79 FR 551) that replaced two provisions of the Texas PSD Supplement, paragraphs (a) and (b) of Board Order 87–09.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 29, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 16, 2014.

Ron Curry,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270 (c), the table titled ''EPA APPROVED REGULATIONS IN THE TEXAS SIP'' is amended by revising the entries for Sections 101.1 and 106.4 to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 101—General Air Quality Rules				
Subchapter A—General Rules				
Section 101.1	Definitions	04/20/2011	05/30/2014 [Insert *FR* page number where document begins].	

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
* * *	*	*	*	*
Chapter 106—Permits by Rule				
Subchapter A—General Requirements				
* * *	*	*	*	*
Section 106.4	Requirements for Permitting by Rule.	04/20/2011	05/30/2014 [Insert *FR* page number where document begins].	
* * *	*	*	*	*

* * * * *

■ 3. In § 52.2303 is amended by adding paragraph (a)(1)(x) and revising paragraph (a)(2) to read as follows.

§ 52.2303 Significant deterioration of air quality.

(a) * * *

(1) * * *

(x) June 30, 2014 (as revised by the Texas Commission on Environmental Quality on April 20, 2011 and submitted on May 19, 2011) to address PSD permitting requirements for $PM_{2.5}$ promulgated by EPA on May 16, 2008, October 20, 2010, and December 9, 2013.

(2) The Prevention of Significant Deterioration (PSD) Supplement document, submitted October 26, 1987 (as adopted by the TACB on July 17, 1987) and revised on July 2, 2010, to remove paragraphs (7)(a) and (7)(b). See EPA's final approval action on January 6, 2014.

* * * * *

[FR Doc. 2014–12474 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0455: FRL–9911–64–Region–10]

Adequacy Determination for the Kent, Seattle, and Tacoma, Washington PM_{10} State Implementation Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public of its finding that the Kent, Seattle, and Tacoma second 10-year limited maintenance plan (LMP) for particulate matter with an aerodynamic diameter of a nominal 10 microns or less (PM_{10}) is adequate for transportation conformity purposes. The LMP was submitted to the EPA by the State of Washington Department of Ecology (Ecology or the State) on November 25, 2013. As a result of our adequacy finding, regional emissions analyses will no longer be required as part of the transportation conformity demonstrations for PM_{10} for the Kent, Seattle, and Tacoma areas.

DATES: This finding is effective June 16, 2014.

FOR FURTHER INFORMATION CONTACT: The finding will be available at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*. You may also contact Dr. Karl Pepple, U.S. EPA, Region 10 (OAWT–107), 1200 Sixth Ave., Suite 900, Seattle WA 98101; (206) 553–1778; or by email at *pepple.karl@epa.gov*.

SUPPLEMENTARY INFORMATION: This action provides notice of the EPA's adequacy finding regarding the second 10-year PM_{10} limited maintenance plan for Kent, Seattle, and Tacoma (LMP) for purposes of transportation conformity. The EPA's finding was made pursuant to the adequacy review process for implementation plan submissions delineated at 40 CFR 93.118(f)(1) under which the EPA reviews the adequacy of a state implementation plan (SIP) submission prior to the EPA's final action on the implementation plan.

The State submitted the LMP to the EPA on November 25, 2013. Pursuant to 40 CFR 93.118(f)(1), the EPA notified the public of its receipt of this plan and its review for an adequacy determination on the EPA's Web site and requested public comment by no later than January 10, 2014. Additionally, the EPA announced the public comment period on the entire LMP in the **Federal Register** on December 26, 2013 (78 FR 78311). The EPA received a request to extend the comment period and announced a comment period extension to March 10, 2014 in a notice published on February 6, 2014 (79 FR 7126). The EPA received no comments on the on-road vehicle portion of the plan during the comment period. As part of our review, we also reviewed comments on the LMP submitted to the State of Washington during the State's public process. There were no adverse comments directed at the on-road portion of the plan that were submitted during the State hearing process regarding the new Plan.

However, the EPA did receive adverse comments on potential future emissions in the non-road portion of the LMP. Nevertheless, the EPA believes it is appropriate to find this LMP adequate for purposes of transportation conformity while the EPA continues to review the plan and comments received. This adequacy finding is not dispositive of the EPA's ultimate approval or disapproval of the LMP.

The EPA notified Ecology in a letter dated April 9, 2014 (adequacy letter), subsequent to the close of the EPA comment period, that the EPA had found the LMP to be adequate for use for transportation conformity purposes. A copy of the adequacy letter and its enclosure are available in the docket for this action and at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm*.

Pursuant to 40 CFR 93.109(l), limited maintenance plans are not required to contain on-road motor vehicle emissions budgets. Accordingly, as a result of this adequacy finding, regional emissions analyses will no longer be required as a part of the transportation conformity demonstrations for PM_{10} for

the Kent, Seattle, and Tacoma areas. However, other conformity requirements still remain such as consultation (40 CFR 93.112), transportation control measures (40 CFR 93.113), and project level analysis (40 CFR 93.116).

Transportation conformity is required by section 176(c) of the Clean Air Act. Transportation conformity to a SIP means that on-road transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The minimum criteria by which we determine whether a SIP is adequate for conformity purposes are specified at 40 CFR 93.118(e)(4). The EPA's analysis of how the LMP satisfies these criteria is found in the adequacy letter and its enclosure. The EPA's adequacy review is separate from the EPA's SIP completeness review and it is not dispositive of the EPA's ultimate action on the SIP.

Authority: 42 U.S.C. 7401–767Iq.

Dated: May 23, 2014.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2014–12604 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 131030919–4436–02]

RIN 0648–BD73

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reporting Requirements; Unused Catch Carryover

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

ACTION: Final rule.

SUMMARY: NMFS is implementing two measures in this rulemaking: A requirement for daily Vessel Monitoring System (VMS) catch reporting for vessels declared to fish in the Eastern U.S./Canada Area; and the *de minimis* amount of unused fishing year (FY) 2013 sector annual catch entitlement (ACE) that may be carried over, beginning in FY 2014, without being subject to potential accountability measures. The revision to the reporting requirement is necessary to ensure accurate and timely Eastern U.S./Canada Area catch reporting for quota monitoring purposes. The *de minimis* carryover amount is necessary to complete the carryover process NMFS described for FY 2014 in conjunction with the May 2013 rulemaking for Framework Adjustment 50 to the Northeast (NE) Multispecies Fishery Management Plan (FMP).

DATES: This rule is effective June 30, 2014. The *de minimis* carryover amount outlined in Table 1 in the preamble is effective June 30, 2014, through April 30, 2015.

ADDRESSES: Copies of Framework 50 and its associated documents, including the environmental assessment (EA), the Regulatory Impact Review (RIR), and the Final Regulatory Flexibility Analysis (FRFA) prepared by the Council and NMFS are available from John K. Bullard, Regional Administrator, NMFS Northeast Regional Office (NERO), 55 Great Republic Drive, Gloucester, MA 01930. The previously listed documents are also accessible via the Internet at: *http://www.nero.noaa.gov/sfd/sfdmulti.html.*

FOR FURTHER INFORMATION CONTACT: For information on the Eastern U.S./Canada Area reporting requirements in this rule contact Liz Sullivan, Fishery Management Specialist, phone: 978–282–8493. For information on the unused ACE *de minimis* carryover amount, contact Mike Ruccio, Fishery Policy Analyst, phone: 978–281–9104.

SUPPLEMENTARY INFORMATION:

1. Background

Eastern U.S./Canada Area Daily VMS Reporting. Prior to FY 2013, the regulatory text for the catch monitoring/attribution program for Georges Bank (GB) cod and haddock required that all GB cod and haddock caught on a trip in which a vessel fished in both the Western and Eastern U.S./Canada Areas be attributed to the Eastern Area. In practice, we attributed catch of these stocks to areas fished based on our understanding that Amendment 16 to the FMP intended this result; however, the regulatory text was inadvertently left unchanged from pre-Amendment 16 measures.

In commenting on a proposed rule for Amendment 48 to the FMP (78 FR 18188; March 25, 2013), which included a measure to correct this inadvertent language holdover, the New England Fishery Management Council (Council) objected to the proposed revision, stating it was inconsistent with their intent in Amendment 16. Because the proposed change was meant to reflect Council intent regarding Amendment 16, we withdrew its proposed revision, leaving the original text in place in the final rule (i.e., GB cod and haddock catch would be attributed to the Eastern U.S./Canada Area). We noted this change as an interim measure, but asked for comments as it varied from the proposed rule. We then received a second comment letter from the Council on the interim measure, retracting the first statement of intent, and supporting the approach we first proposed. The Council also suggested that the requirement for daily reporting of catch in the Eastern Area should be reinstituted as allowed under Amendment 16 through Regional Administrator authority to better ensure timely and accurate reporting for quota monitoring purposes.

Based on the second Council letter, we announced on July 10, 2013, that Eastern U.S./Canada Area catch monitoring was being changed from the interim method to a system that apportions catch based on area fished, consistent with the recommendation of the Council and the 2013 proposed rule measure. We published the final rule for this monitoring method on August 29, 2013 (78 FR 53363). Accounting for all FY 2013 trips has been retroactively revised from the interim approach to the area fished method. Such changes were considered to be within the purview of the Regional Administrator (§ 648.85(a)(3)(ii)(A)).

The Amendment 16 final rule (75 FR 18262; April 9, 2010) also intended to remove the requirement for sector vessels to submit daily VMS catch reports when declared into the U.S./Canada Management Area, as well as the two Eastern U.S./Canada Special Access Programs (SAPs; the Closed Area II Yellowtail Flounder/Haddock SAP and the Eastern U.S./Canada Haddock SAP), because the requirement for a weekly sector manager report was determined to be sufficient by the Regional Administrator. This intent was captured in the preamble of the proposed and final rules for Amendment 16; however, this change was not reflected in the regulatory text at § 648.85(a)(3)(v). Subsequently, the Council requested that we implement a daily reporting requirement for the Eastern U.S./Canada Area to address misreporting and ensure more accurate and timely reporting for this area. As part of the rulemaking on August 29, 2013 (78 FR 53363), we announced our intention to require sector vessels declared to fish in the Eastern U.S./Canada Area to submit daily VMS catch

reports. We did not, and do not, intend to change the weekly reporting requirement for vessels declared only into the Western U.S./Canada Area.

Because the daily reporting requirement is already specified in the regulations (§ 648.85(a)(3)(v)) for vessels declared into the Eastern U.S./Canada Area, this provision need not change, except to clarify that the daily reporting requirement does not apply to vessels declared only into the Western U.S./Canada Area. Accordingly, this action modifies the reporting requirement of § 648.85(a)(3)(v) to clarify that only sector vessels that have declared into the Eastern U.S./Canada Area are required to submit daily catch reports, and that, for vessels declared only into the Western U.S./Canada Area, sectors must continue to submit weekly sector catch reports. The intent of this action is to improve the accuracy of reporting of the Eastern U.S./Canada Area.

De Minimis Unused Sector ACE Carryover. In conjunction with the rule implementing Framework Adjustment 50 for FY 2013, we issued rulemaking under section 305(d) of the Magnuson-Stevens Act to clarify how accounting for year-to-year unused sector ACE carryover would be handled beginning in FY 2014 (78 FR 26172; May 3, 2013). The applicable regulations outlining the carryover system, including the revisions made in Framework Adjustment 50, can be found in § 648.87(b)(1)(i)(F)(*1*)–(*5*).

Our clarification specified that sectors would be held accountable for any overage of the sector-specific sub-annual catch limit (sub-ACL) if the total fishery level ACL were exceeded in any given year, consistent with the existing accountability measures regulations. The clarification makes explicitly clear that sectors would be accountable for carried-over catch used if the total ACL is exceeded, except for a nominal *de minimis* amount to be determined by NMFS. We believe providing a nominal amount of carryover is an important safety consideration because, by allowing some carryover, vessels could elect to forego some portion of, or entire, late-season fishing trips for safety reasons, knowing that they could instead harvest the *de minimis* amount in the next fishing year, irrespective of any accountability measures. Substantial explanation of the carryover program accounting is provided in Framework 50 and the associated rulemaking documents, and is not repeated here.

Recently, the U.S. District Court (District of Columbia) found that the FY 2013 carryover catch accounting measures implemented as a transition-year approach, before a system that maintained full accountability if total ACLs are exceeded, violated the Magnuson-Stevens Act. We will be developing a separate emergency rulemaking to implement a remedy for carryover of FY 2013 catch to 2014.

2. Approved Measures

Eastern U.S./Canada Area Daily VMS Reporting. NMFS approves the requirement for sector vessels declared to fish in the Eastern U.S./Canada Area to submit daily VMS catch reports. The reports must be submitted in 24-hour intervals for each day, and are required to include at least the following information:

1. VTR serial number or other universal ID specified by the Regional Administrator;
2. Date fish were caught and statistical area in which the fish were caught; and
3. Total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, ocean pout, Atlantic wolffish, and white hake kept (in pounds, live weight) in each broad stock area, specified in § 648.10(k)(3), as instructed by the Regional Administrator.

The regulations at § 648.85(a)(3)(v) currently require sector vessels to submit daily reports if they declare into a U.S./Canada Area. This rule does not require a substantive change to the regulations for vessels declared into the Eastern U.S./Canada Area, because daily reporting is needed in the Eastern U.S./Canada Area to ensure accurate catch reporting. However, although the previous regulatory text required daily reporting for vessels declared into the Western U.S./Canada Area, weekly sector catch reports have been determined to be sufficient for that area. Therefore, the regulatory text at § 648.85(a)(3)(v) is modified to delete the daily reporting requirement for such vessels.

Pursuant to the regulations at § 648.10(k)(2), vessels that have declared their intent to fish within multiple Broad Stock Areas must submit a trip-level hail report via VMS. This report must include the landed weight of regulated species and total retained catch, unless the vessel is fishing in a special management program such as the Eastern U.S./Canada Area, and is required to submit daily reports via VMS. With this rule, a sector vessel on a trip declared into the Eastern U.S./Canada Area and fishing in multiple Broad Stock Areas is exempt from the requirement to submit a trip-level catch report.

A sector vessel using an annually approved sector exemption from the requirement to declare intent to fish in either the Closed Area II Yellowtail Flounder/Haddock SAP or the Eastern U.S./Canada Haddock SAP from the dock (known as flexing) will be required to submit a report to indicate their catch for the trip up until the time they declare into the Eastern U.S./Canada SAP. Once declared into either of these SAPs, the sector vessel must submit daily reports for the remainder of the trip.

De Minimis Unused Sector ACE Carryover. NMFS approves the measure to provide 1 percent of the annual sector sub-annual catch limit (sub-ACL) as the *de minimis* carryover amount, starting in FY 2014. This *de minimis* amount of carryover, if used, will not be specifically counted against the sector ACE or ACL for accountability purposes. The full sub-ACL is still allocated to sectors as ACE (i.e., not reduced by 1 percent). The existing carryover provision that allows up to 10 percent of unused sector ACE to be carried over remains in effect; however, any carried over catch in excess of the *de minimis* amount will be counted against the sector ACE and overall ACL for accountability purposes if the total fishery-level ACL is exceeded.

By using a nominal amount of the sector-specific sub-ACL in the derivation process, the resulting 1-percent *de minimis* carryover falls within the management uncertainty buffer established for sectors. This approach ensures that the *de minimis* value is in line with catch limits established for the FY in which carryover may be taken. For FY 2015 and beyond, NMFS approves this approach of using 1 percent of the sector sub-ACL for the year in which carryover would be harvested as the default *de minimis* amount. The actual value may vary year-to-year based on the sub-ACLs specified for the year. NMFS will publish the actual *de minimis* amount in conjunction with either Council initiated frameworks implementing ACLs or in sector ACE adjustment rules.

TABLE 1—POTENTIAL FY 2014 CATCH LIMIT INFORMATION, *De Minimis* CARRYOVER AMOUNTS, TOTAL POTENTIAL CATCH, AND IMPACT OF REALIZING TOTAL POTENTIAL CATCH

[All weights in metric tons]

Stock of species	2014 Potential catch limit information				*De minimis* amount and evaluation			
	FY 2014 OFL	FY 2014 ABC	FY 2014 Total ACL	FY 2014 Sector sub-ACL	*De minimis* Value—1 Percent of Sector sub-ACL	Total potential catch (*de minimis* + total ACL)	Percent of total ACL	Percent of ABC
Georges Bank (GB) Atlantic cod	3,570	2,506	1,867	1,776	18	1,885	101.0	75.2
Gulf of Maine (GOM) Atlantic cod	1,917	1,550	1,470	812	8	1,478	100.6	95.4
GB Haddock	46,268	35,699	18,312	17,116	171	18,483	100.9	51.8
GOM Haddock	440	341	323	218	2	325	100.7	95.4
S. New England (SNE) yellowtail flounder	1,042	700	665	469	5	670	100.7	95.7
Cape Cod/GOM yellowtail flounder	936	548	523	466	5	528	100.9	96.3
American Plaice	1,981	1,515	1,442	1,357	14	1,456	100.9	96.1
Witch Flounder	1,512	783	751	599	6	757	100.8	96.7
GB Winter Flounder	4,626	3,598	3,493	3,364	34	3,527	101.0	98.0
GOM Winter Flounder	1,458	1,078	1,040	688	7	1,047	100.7	97.1
SNE/Mid-Atlantic Winter Flounder	3,372	1,676	1,612	1,074	11	1,623	100.7	96.8
Acadian Redfish	16,130	11,465	10,909	10,523	105	11,014	101.0	96.1
White Hake	6,237	4,713	4,417	4,247	42	4,459	101.0	94.6
Pollock	20,554	16,000	15,304	13,131	131	15,435	100.9	96.5

All stocks are expected to continue use of a 5 percent uncertainty buffer between ABC and ACL in FY 2014 except for GB winter flounder (3 percent).

Corrections to the Code of Federal Regulations

NMFS modifies the text at § 648.14(k)(11)(iv)(A) to clarify the reporting requirements by removing the word ''landings'' from the paragraph.

NMFS modifies the text at § 648.85(a)(3)(v) in order to clarify that the authority granted to the NMFS Regional Administrator to remove the daily reporting requirements for special management programs is separate and distinct from the regulatory requirement. This modification moves the language explaining the Regional Administrator's authority to a new subsection (§ 648.85(a)(3)(v)(B)) with a further clarification that the Regional Administrator's authority also includes modification of reporting requirements.

Summary of Comments Received on the Proposed Rule

On March 17, 2014, we proposed this rule and requested public comments (79 FR 14635). We received two comments, one relating to the Eastern U.S./Canada Area daily catch reporting, and the other relating to the *de minimis* carryover.

Comment 1: The Cape Cod Commercial Fishermen's Alliance (CCCFA) expressed continued concern for the potential for misreporting of GB cod caught in the Eastern Area as Western Area GB cod. CCCFA stated that, although daily reporting for trips declared into the Eastern Area will help, it is insufficient to prevent the misreporting on unobserved trips catching cod.

Response: The intent of this rule is to increase accuracy of reporting, and is based on a recommendation made by the Council. We agree with the Council that daily reporting should increase the accuracy and timeliness of Eastern U.S./Canada area catch reporting for quota monitoring. However, NMFS agrees that misreporting still has the potential to occur, and welcomes suggestions that would further reduce the potential for misreporting.

Comment 2: The Council disagreed that it was within our authority under MSA section 305(d) to clarify the existing Amendment 16 carryover program. Similar comments were submitted by the Council in conjunction with Framework 50 rulemaking where we implemented carryover accounting clarification and introduced the *de minimis* concept.

Response: NMFS clarified in Framework 50 how carryover will be accounted for purposes of accountability measures, in order to ensure that NMFS can discharge its responsibility to implement the carryover provisions in a manner consistent with the Magnuson-Stevens Act, particularly provisions requiring the prevention of overfishing. Such clarification is well within the agency's authority and is wholly consistent with the intent of section 305(d) of the Magnuson-Stevenson Act. None of the pre-existing carryover regulations implemented by Amendment 16 were changed by this clarification: Sectors may continue to carryover up to 10 percent of unused ACE from the previous fishing year.

However, the 2014 approach allows fishermen to rely on some guarantee of a *de minimis* amount of carryover without consequences to promote safety at sea and management predictability.

Changes From the Proposed Rule

NMFS makes one change from the proposed rule in this action, in that it clarifies the manner in which a sector vessel using an annually approved sector exemption to flex into either the Closed Area II Yellowtail Flounder/Haddock SAP or the Eastern U.S./Canada Haddock SAP from the dock will submit a trip and daily reports indicating their catch.

Classification

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

Pursuant to the procedures established to implement section 6 of Executive Order (E.O.) 12866, the Office of Management and Budget has determined that this final rule is not significant.

This final rule does not contain policies with federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. We received no comments on that certification. As a result, a regulatory flexibility analysis is not required, and was not prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: May 22, 2014

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.14, revise paragraph (k)(11)(iv)(A) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(k) * * *

(11) * * *

(iv) * * * (A) If fishing under a NE multispecies DAS or on a sector trip in the Western U.S./Canada Area or Eastern U.S./Canada Area specified in § 648.85(a)(1), fail to report in accordance with § 648.85(a)(3)(v).

* * * * *

■ 3. In § 648.85, revise paragraph (a)(3)(v) to read as follows:

§ 648.85 Special management programs.

(a) * * *

(3) * * *

(v) *Reporting.* (A) The owner or operator of a common pool vessel must submit reports via VMS, in accordance with instructions provided by the Regional Administrator, for each day of the fishing trip when declared into either of the U.S./Canada Management Areas. The owner or operator of a sector vessel must submit daily reports via VMS, in accordance with instructions provided by the Regional Administrator, for each day of the fishing trip when declared into the Eastern U.S./Canada Area. Vessels subject to the daily reporting requirement must report daily for the entire fishing trip, regardless of what areas are fished. The reports must be submitted in 24-hr intervals for each day, beginning at 0000 hr and ending at 2359 hr, and must be submitted by 0900 hr of the following day, or as instructed by the Regional Administrator. The reports must include at least the following information:

(*1*) VTR serial number or other universal ID specified by the Regional Administrator;

(*2*) Date fish were caught and statistical area in which fish were caught; and

(*3*) Total pounds of cod, haddock, yellowtail flounder, winter flounder, witch flounder, pollock, American plaice, redfish, Atlantic halibut, ocean pout, Atlantic wolffish, and white hake kept (in pounds, live weight) in each broad stock area, specified in § 648.10(k)(3), as instructed by the Regional Administrator.

(B) The Regional Administrator may remove or modify the reporting requirement for sector vessels in § 648.85(a)(3)(v) in a manner consistent with the Administrative Procedure Act.

* * * * *

[FR Doc. 2014–12538 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 104
Friday, May 30, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 101 and 113

[Docket No. APHIS–2013–0034]

RIN 0579–AD86

Viruses, Serums, Toxins, and Analogous Products; Standard Requirements; Addition of Terminology To Define Veterinary Biologics Test Results

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the veterinary biological product regulations by defining the terms used for reporting the results of tests performed on veterinary biological products. Licensees and permittees of veterinary biological products must conduct these tests and report the results to the Animal and Plant Health Inspection Service so that the Agency can determine if the products are eligible for release. Defining these terms would clarify the circumstances under which the results of a prescribed test can be reported as satisfactory, unsatisfactory, inconclusive, or a No Test. We are also proposing to remove several obsolete testing standard requirements from part 113. These changes would update our regulations and improve communication between regulators and product licensees and permittees with respect to reporting test results.

DATES: We will consider all comments that we receive on or before July 29, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0034.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0034, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0034* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Operational Support Section, Center for Veterinary Biologics Policy, Evaluation, and Licensing, VS, APHIS, 4700 River Road, Unit 148, Riverdale, MD 20737–1231; (301) 851–3426.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) administers and enforces the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*). Under the Virus-Serum-Toxin Act, a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. The regulations in 9 CFR part 113, ''Standard Requirements'' (referred to below as the regulations), prohibit the release of biological products prior to the completion of tests identified in the regulations and in the Outline of Production, a document submitted by the licensee that explains how a serial of product is formulated, tested, packaged, dated, and recommended for use.

The results of these tests must be reported in accordance with 9 CFR part 116. Specifically, § 116.7 requires veterinary biologics licensees to submit summaries of all tests conducted on each serial and subserial of product using APHIS Form 2008 or an acceptable equivalent form prior to release of each serial or subserial. This form lists four terms to designate test results: ''Satisfactory,'' ''unsatisfactory,'' ''inconclusive,'' and ''No Test.'' The terms ''satisfactory,'' ''unsatisfactory,'' and ''inconclusive'' are not defined in the regulations. Section 101.5(l) of the regulations currently defines the term ''No Test'' as a test that produces inconclusive or invalid results and, therefore, cannot be used to evaluate a biological product. Section 113.5(d) of the regulations indicates that when an initial or subsequent test is declared a No Test, the reasons must be reported in the test records, the results will not be considered as final, and the test may be repeated.

We are proposing to add definitions of the terms used to designate test results, ''satisfactory,'' ''unsatisfactory,'' and ''inconclusive,'' to § 101.5(l) and to revise the definition of ''No Test'' currently in that section. Defining these testing terms will align the regulations in 9 CFR part 113 with current industry standards and practices.

We propose to revise paragraph (l) in section 101.5 to define the testing terms in new subparagraphs (1) through (4). Paragraph (l)(1) will provide a revised definition of ''No Test.'' The term ''No Test'' would now be defined as the test designation used when a deficiency in the test system has rendered a test unsuitable for drawing a valid conclusion. For example, the deficiency can be the result of a failure to meet the test's internal validity requirements established in the filed Outline of Production or standard requirements, or be caused by an uncontrollable occurrence such as a power outage affecting incubators or other equipment. A No Test is considered an intermediate designation and cannot be used to evaluate a biological product. A further process is then required to determine a final test conclusion of satisfactory or unsatisfactory, which will be based on the filed Outline of Production or standard requirements.

Paragraph (l)(2) would define the term ''satisfactory'' as the final, conclusive designation given to a valid test with results that meet the release criteria stated in the filed Outline of Production or Standard Requirement.

Paragraph (l)(3) would define the term ''unsatisfactory'' as the final, conclusive designation given to a valid test with results that do not meet the release criteria stated in the filed Outline of Production or Standard Requirement.

Paragraph (l)(4) would define the term ''inconclusive'' as the test designation used for an initial test when a sequential test design established in the filed Outline of Production or Standard

Requirement allows further testing if a valid initial test is not satisfactory.

We are also proposing to revise § 113.5(d), which indicates that, when the initial or any subsequent test is declared a No Test, the reasons must be reported in the test records, the results will not be considered as final, and the test may be repeated. We would explain to licensees and permittees what the status of the product serial or subserial would be when the result of the test is designated as satisfactory, unsatisfactory, or inconclusive. When a test is declared satisfactory or unsatisfactory, the test designation would be considered a final conclusion. When the initial or any subsequent test is declared inconclusive, the reasons would have to be reported in the test records, the result would not be considered as a final conclusion, and the test could be repeated. If a test designated inconclusive is not performed again, it would be considered concluded and the final result reported as unsatisfactory.

The definitions we propose are intended to clarify the circumstances under which the results of prescribed tests can be reported as satisfactory, unsatisfactory, inconclusive, or No Test. In some cases, the proposed definitions would change how the test results are reported by licensees and permittees on APHIS Form 2008. We have identified more than 50 specific instances of tests in the regulations in which results designated as inconclusive would be redesignated as No Test based on the proposed definition. As one example, § 113.44(b) outlines the swine safety test procedure and interpretation of the test results:

(b) *Interpretation.* If unfavorable reactions attributable to the product occur in either of the swine during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided,* That, if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

As a result of our proposed changes to this and other tests in part 113, the term ''inconclusive'' in the paragraph above would be replaced by the term ''No Test.'' The procedural steps in many part 113 tests differ depending on whether the test is initially reported as a No Test or is inconclusive. A No Test indicates an invalid test that can be repeated without regard to the initial test. On the other hand, an inconclusive initial test result cannot be disregarded. The interpretation of any subsequent testing outcomes takes into account the initial inconclusive test result, for example by averaging its results with subsequent tests and using the average to complete subsequent tests.

For a list of instances where we are proposing to redesignate test outcomes from inconclusive to No Test, please see the proposed amendatory text below.

We are also proposing to remove §§ 113.201, 113.202, 113.203, 113.211, 113.213, and 113.214 from the regulations. These standards, which involve testing on live animals, are no longer used by the industry because newer testing methods are available.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

APHIS is proposing to amend the regulations in order to better define the terminology used when reporting the results of tests performed on veterinary biological products, thereby bringing the regulations up to date with current industry standards.

The proposed changes would clarify when the results of a prescribed test can be reported as satisfactory, unsatisfactory, inconclusive, or can be designated as a No Test. The definitional changes would improve communication between APHIS and the regulated industry, and enable APHIS to more efficiently process the release of a tested product using current industry standards for reporting of test results.

There are about 330 firms in the United States that manufacture biological products. It is not known how many of these firms are engaged in manufacturing biologic products specifically for veterinary purposes. The Small Business Administration (SBA) standard for a small business in this industry is a firm with not more than 500 employees; the average firm in this industry has 93 employees. While most firms that would be affected by this rule are small, the proposed changes would not impose a financial burden on them, but rather help make the product approval process timelier.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies where they are necessary to address local disease conditions or eradication programs. However, where safety, efficacy, purity, and potency of biological products are concerned, it is the Agency's intent to occupy the field. This includes, but is not limited to, the regulation of labeling. Under the Act, Congress clearly intended that there be national uniformity in the regulation of these products. There are no administrative proceedings which must be exhausted prior to a judicial challenge to the regulations under this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR parts 101 and 113 as follows:

PART 101—DEFINITIONS

■ 1. The authority citation for part 101 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 101.5, paragraph (l) is revised to read as follows:

§ 101.5 Testing terminology.

* * * * *

(l) *Test results.* Terms used to designate testing results are as follows:

(1) *No Test.* Designation used when a deficiency in the test system has rendered a test unsuitable for drawing a valid conclusion.

(2) *Satisfactory.* Designation is a final conclusion given to a valid test with results that meet the release criteria stated in the filed Outline of Production or Standard Requirement.

(3) *Unsatisfactory.* Designation is a final conclusion given to a valid test with results that do not meet the release criteria stated in the filed Outline of Production or Standard Requirement.

(4) *Inconclusive.* Designation used for an initial test when a sequential test design established in the filed Outline of Production or Standard Requirement allows further testing if a valid initial test is not satisfactory.

* * * * *

PART 113—STANDARD REQUIREMENTS

■ 3. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

■ 4. In § 113.5, paragraph (d) is revised to read as follows:

§ 113.5 General testing.

* * * * *

(d) When the initial or any subsequent test is declared a No Test, the reasons shall be reported in the test records, the results shall not be considered as final, and the test may be repeated. When a test is declared satisfactory, the test designation is considered to be a final conclusion. When a test is declared unsatisfactory, the test designation is considered to be a final conclusion. When the initial or any subsequent test is declared inconclusive, the reasons shall be reported in the test records, the result shall not be considered as final, and the test may be repeated as established in the filed Outline of Production or Standard Requirement. If a test is designated inconclusive or No Test and the biological product is not further tested, the test designation of unsatisfactory is the final conclusion.

* * * * *

§§ 113.33, 113.36, 113.38, 113.39, 113.40, 113.41, 113.44, 113.45, 113.47, 113.67, 113.70, 113.71, 113.108, 113.109, 113.111, 113.112, 113.116, 113.117, 113.118, 113.204, 113.205, 113.207, 113.208, 113.215, 113.216, 113.301, 113.302, 113.303, 113.304, 113.305, 113.306, 113.310, 113.311, 113.313, 113.314, 113.315, 113.316, 113.317, 113.318, 113.326, 113.327, 113.328, 113.329, 113.330, 113.331, 113.332, 113.406, 113.450, 113.454, and 113.455 [Amended]

■ 5. Sections 113.33, 113.36, 113.38, 113.39, 113.40, 113.41, 113.44, 113.45, 113.47, 113.67, 113.70, 113.71, 113.108, 113.109, 113.111, 113.112, 113.116, 113.117, 113.118, 113.204, 113.205, 113.207, 113.208, 113.215, 113.216, 113.301, 113.302, 113.303, 113.304, 113.305, 113.306, 113.310, 113.311, 113.313, 113.314, 113.315, 113.316, 113.317, 113.318, 113.326, 113.327, 113.328, 113.329, 113.330, 113.331, 113.332, 113.406, 113.450, 113.454, and 113.455 are amended by removing the word ''inconclusive'' each time it occurs and by adding the words ''a No Test'' in its place.

§§ 113.109, 113.111, and 113.112 [Amended]

■ 6. Section 113.109, 113.111, and 113.112 are amended by removing the word ''invalid'' each time it occurs and adding the words ''a No Test'' in its place.

§§ 113.201, 113.202, 113.203, 113.210, 113.211, 113.213, and 113.214 [Removed and Reserved]

■ 7. Sections 113.201, 113.202, 113.203, 113.211, 113.213, and 113.214 are removed and reserved.

§ 113.210 [Amended]

■ 8. In § 113.210, paragraphs (d)(1) and (d)(2) are amended by removing the word ''inconclusive'' each time it occurs and replacing it with the words ''a No Test''.

§ 113.212 [Amended]

■ 9. Section 113.212 is amended as follows:

■ a. In paragraph (b), by removing the word ''inconclusive'' and replacing it with the words ''a No Test''; and

■ b. In paragraph (d)(1), by removing the word ''inconclusive'' and replacing it with the words ''a No Test''.

§ 113.325 [Amended]

■ 10. Section 113.325 is amended as follows:

■ a. By revising paragraph (b); and

■ b. In paragraphs (c)(4), (d)(1), and (d)(2)(ii), by removing the word ''inconclusive'' each time it occurs and replacing it with the words ''a No Test''.

The revision reads as follows:

§ 113.325 Avian Encephalomyelitis Vaccine.

* * * * *

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is a No Test because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

* * * * *

Done in Washington, DC, this 23rd day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–12551 Filed 5–29–14; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 612

RIN 3052–AC44

Standards of Conduct and Referral of Known or Suspected Criminal Violations; Standards of Conduct

AGENCY: Farm Credit Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Farm Credit Administration (FCA, we, or our) reopens the comment period on a proposed rule that would amend its regulations governing standards of conduct of directors, employees, and agents of Farm Credit System (System) institutions, excluding the Federal Agricultural Mortgage Corporation and clarify and strengthen reporting requirements and prohibitions, require institutions to establish a Code of Ethics, and enhance the role of the Standards of Conduct Official. Reopening the comment period will afford interested parties a new opportunity to comment on the proposed regulations.

DATES: Comments on the proposed rule must be submitted on or before June 20, 2014.

ADDRESSES: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *reg-comm@fca.gov.*
- *FCA Web site: http://www.fca.gov.* Select ''Public Commenters, '' then ''Public Comments'' and follow the directions for ''Submitting a Comment.''

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

• *Mail:* Barry F. Mardock, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

You may review copies of comments we receive at our office in McLean, Virginia, or from our Web site at *http://www.fca.gov.* Once you are in the Web site, select ''Public Commenters,'' then ''Public Comments'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted but, for technical reasons, we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT: Jacqueline R. Melvin, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4056, or Mary Alice Donner, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4056.

SUPPLEMENTARY INFORMATION: On February 20, 2014, the FCA published a proposed rule in the **Federal Register** seeking public comment on proposed changes to clarify and strengthen the standards of conduct regulations in part 612, subpart A. *See* 79 FR 9649. The FCA received numerous letters in response to the proposed rule requesting we extend the comment period. In a letter dated May 8, 2014, the Farm Credit Council (Council), on behalf of System institution banks, associations, and service organizations, requested that we extend the comment period for another 60 days to allow more time for boards of directors to study the rule and discuss their responses. Several System associations submitted separate letters supporting the Council's request for the extension of the comment period. Given that we have already given interested parties 90 days to comment on our proposed rule, we believe an additional 30 days is sufficient for submitting comments to FCA. As a result, we are reopening the comment period and granting an additional 30 days until June 20, 2014, to allow all interested parties an opportunity to comment.

Dated: May 22, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–12505 Filed 5–29–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0291; Directorate Identifier 2013–NM–137–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2004–03–19, which applies to certain Airbus Model A320–111, –211, and –231 series airplanes. AD 2004–03–19 requires repetitive inspections for cracking in the transition and pick-up angles in the lower part of the center fuselage area, and corrective action if necessary. AD 2004–03–19 also provides for an optional terminating modification for the repetitive inspection requirements. Since we issued AD 2004–03–19, we have determined that the modification must be accomplished in order to address the unsafe condition. This proposed AD would also require that modification by installing washers between the transition pick-up angle and the pin nuts, and doing related investigative and corrective actions if necessary. This proposed AD would also add airplanes to the applicability. We are proposing this AD to prevent fatigue cracking in the transition and pick-up angles of the lower part of the center fuselage, which could result in reduced structural integrity of the wing-fuselage support and fuselage pressure vessel.

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* by searching for and locating Docket No. FAA–2014–0291; 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–2014–0291; Directorate Identifier 2013–NM–137–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

On January 30, 2004, we issued AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004). AD 2004–03–19 requires actions intended to address an unsafe condition on certain Airbus Model A320–111, –211, and –231 series airplanes. (AD 2004–03–19 superseded AD 98–12–18, Amendment 39–10573 (63 FR 31345, June 9, 1998)).

Since we issued AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004), we have determined that the optional modification specified in AD 2004–03–19 must be accomplished in order to address the identified unsafe condition.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0137, dated July 9, 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:

During the A320 fatigue test campaign, it has been determined that fatigue damage could appear on the transition and pick-up angle between Frame (FR) 35 and FR36.

This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.

To address this potential unsafe condition, DGAC [Direction Générale de l'Aviation Civile] France issued AD 2002–183 [related to FAA AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004)], to require repetitive inspections of the center fuselage pick-up angle between FR35 and FR36, below stringer 30, left hand (LH) and right hand (RH) sides, and, depending on findings, accomplishment of applicable corrective action(s).

Since that [DGAC] AD [2002–183] was issued, a modification was developed, which has been published through Airbus Service Bulletin (SB) A320–53–1027 for in-service application, introducing additional washers below the riveting, which constitutes terminating action for the repetitive inspections.

For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD 2002–183, which is superseded, and requires modification of the transition and pick-up angle between FR35 and FR36.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0291.

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.

Change to Applicability

We have added Airbus Model A320–212 airplanes to the applicability, (paragraph (c) of this NPRM) because these airplanes are subject to the same unsafe condition identified on Airbus Model A320–111, A320–211, and A320–231 airplanes. We have also revised the applicability language used in AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004). This proposed AD applies to Airbus Model A320–111, –211, –212, and –231 airplanes, all manufacturer serial numbers. We have added new paragraph (n) in this proposed AD to specify that accomplishing Airbus Modification 21202 in production terminates the requirements of this AD.

Clarification of Modification Actions

The optional modification specified in paragraph (e) of AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004), is proposed to be required in paragraph (m) of this NPRM. The modification includes rotating probe inspections for cracking of certain fastener holes and, if any cracking is found, replacement or repair of certain parts. We have included these inspections, as well as the replacement of transition angles if cracking is found in the transition angles and repair if cracking is found in the pick-up angles, in the description of the modification in paragraph (m) of this NPRM.

Repair Approvals

In many FAA transport ADs, when the service information specifies to contact the manufacturer for further instructions if certain discrepancies are found, we typically include in the AD a requirement to accomplish the action using a method approved by either the FAA or the State of Design Authority (or its delegated agent).

We have recently been notified that certain laws in other countries do not allow such delegation of authority, but some countries do recognize design approval organizations. In addition, we have become aware that some U.S. operators have used repair instructions that were previously approved by a State of Design Authority or a Design Approval Holder (DAH) as a method of compliance with this provision in FAA ADs. Frequently, in these cases, the previously approved repair instructions come from the airplane structural repair manual or the DAH repair approval statements that were not specifically developed to address the unsafe condition corrected by the AD. Using repair instructions that were not specifically approved for a particular AD creates the potential for doing repairs that were not developed to address the unsafe condition identified by the MCAI AD, the FAA AD, or the applicable service information, which could result in the unsafe condition not being fully corrected.

To prevent the use of repairs that were not specifically developed to correct the unsafe condition, certain requirements of this proposed AD would require that the repair approval specifically refer to the FAA AD. This change is intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we use the phrase ''its delegated agent, or the DAH with State of Design Authority design organization approval, as applicable'' in this proposed AD to refer to a DAH authorized to approve certain required repairs for this proposed AD.

Costs of Compliance

We estimate that this proposed AD affects 482 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 [retained action from AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004)].	9 work-hours × $85 per hour = $765 per inspection cycle.	$0	$765 per inspection cycle	$18,360 per inspection cycle (24 airplanes).
Inspection for Model A320–212 airplanes [new proposed action].	9 work-hours × $85 per hour = $765 per inspection cycle.	0	$765 per inspection cycle	$32,130 per inspection cycle (42 airplanes).
Terminating modification [new proposed action].	28 work-hours × $85 per hour = $2,380.	1,837	$4,217	$2,032,594.

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) 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004), and adding the following new AD:

Airbus: Docket No. FAA–2014–0291; Directorate Identifier 2013–NM–137–AD.

(a) Comments Due Date

We must receive comments by July 14, 2014.

(b) Affected ADs

This AD supersedes AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004).

(c) Applicability

This AD applies to Airbus Model A320–111, –211, –212, and –231 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by the determination that the modification must be accomplished in order to address the unsafe condition. We are issuing this AD to prevent fatigue cracking in the transition and pick-up angles of the lower part of the center fuselage, which could result in reduced structural integrity of the wing-fuselage support and fuselage pressure vessel.

(f) Compliance

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

(g) Retained Detailed and Rotating Probe Inspections

This paragraph restates the requirements of paragraph (b) of AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004). For Model A320–111, –211, and –231 airplanes on which the modification specified in AD 98–12–18, Amendment 39–10573 (63 FR 31345, June 9, 1998), has not been done: Do the applicable inspections specified in paragraphs (g)(1) and (g)(2) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002.

(1) For airplanes on which the inspections required by AD 98–12–18, Amendment 39–10573 (63 FR 31345, June 9, 1998), have been done: Within 12,000 flight cycles after accomplishment of the last inspection required by AD 98–12–18, do a detailed inspection of the transition angle and a rotating probe inspection of the pick-up angle in the lower part of the center fuselage area for cracking.

(2) For airplanes on which the inspections required by AD 98–12–18, Amendment 39–10573 (63 FR 31345, June 9, 1998), have not been done: At the later of the times specified in paragraph (g)(2)(i) or (g)(2)(ii) of this AD, do a detailed inspection of the transition angle and a rotating probe inspection of the pick-up angle in the lower part of the center fuselage area for cracking.

(i) Before the accumulation of 10,400 total flight cycles, or 24,600 total flight hours, whichever is first.

(ii) Before the accumulation of 16,000 total flight cycles, or within 3,500 flight cycles after March 15, 2004 (the effective date of AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004), whichever is first.

(h) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (c) of AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004). For Model A320–111, –211, and –231 airplanes: Repeat the detailed and rotating probe inspections specified in paragraphs (g)(1) and (g)(2) of this AD at intervals not to exceed 10,400 flight cycles or 24,600 flight hours, whichever is first, until the modification specified in paragraph (m) of this AD has been done.

(i) Retained Corrective Action for Paragraphs (g) and (h) of This AD

This paragraph restates the requirements of paragraph (d) of AD 2004–03–19,

Amendment 39–13463 (69 FR 5922, February 9, 2004). For Model A320–111, –211, and –231 airplanes: If any cracking is found during any inspection required by paragraph (g) or (h) of this AD, prior to further flight, either repair the cracking per the Accomplishment Instructions of Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002; or do the modification specified in paragraph (m) of this AD. Where Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002, specifies to contact the manufacturer for repair instructions, prior to further flight, repair the cracking in accordance with a method approved by the Manager, International Branch, ANM–116 Transport Airplane Directorate, FAA; or European Aviation Safety Agency (EASA) or the Direction Générale de l'Aviation Civile (or its delegated agent). If the cracking is repaired, repeat the inspections as required by paragraph (h) of this AD.

(j) New Detailed and Rotating Probe Inspections for Model A320–212 Airplanes

For Model A320–212 airplanes on which the modification specified in Airbus Service Bulletin A320–53–1027, has not been done as of the effective date of this AD: Do the applicable inspections specified in paragraph (j)(1) or (j)(2) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002.

(1) For airplanes on which the inspections specified in Airbus Service Bulletin A320–53–1028 have been done as of the effective date of this AD: At the later of the times specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD, do a detailed inspection of the transition angle and a rotating probe inspection of the pick-up angle in the lower part of the center fuselage area for cracking.

(i) Within 10,400 flight cycles or 24,600 flight hours, whichever occurs first after accomplishing the most recent inspection specified in Airbus Service Bulletin A320–53–1028.

(ii) Within 90 days after the effective date of this AD.

(2) For airplanes on which the inspections specified in Airbus Service Bulletin A320–53–1028 have not been done as of the effective date of this AD: At the later of the times specified in paragraphs (j)(2)(i) and (j)(2)(ii) of this AD, do a detailed inspection of the transition angle and a rotating probe inspection of the pick-up angle in the lower part of the center fuselage area for cracking.

(i) Before the accumulation of 10,400 total flight cycles, or 24,600 total flight hours, whichever occurs first.

(ii) Within 90 days after the effective date of this AD.

(k) New Repetitive Inspections for Model A320–212 Airplanes

For Model A320–212 airplanes: Repeat the detailed and rotating probe inspections specified in paragraphs (j)(1) and (j)(2) of this AD at intervals not to exceed 10,400 flight cycles or 24,600 flight hours, whichever occurs first, until the modification specified in paragraph (m) of this AD has been done.

(l) New Corrective Action for Model A320–212 Airplanes

For Model A320–212 airplanes: If any cracking is found during any inspection required by paragraph (j) or (k) of this AD, before further flight, do the actions specified in either paragraph (l)(1) or (l)(2) of this AD.

(1) Repair the crack in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002, except where Airbus Service Bulletin A320–53–1028, Revision 01, dated February 12, 2002, specifies to contact the manufacturer, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or European Aviation Safety Agency (EASA), or its delegated agent, or the design approval holder (DAH) with EASA's design organization approval, as applicable. For a repair method to be approved, the repair approval must specifically refer to this AD. After the cracking is repaired, repeat the inspections required by paragraph (k) of this AD.

(2) Do the modification specified in paragraph (m) of this AD.

(m) New Terminating Modification for All Airplanes

For all airplanes: Before the accumulation of 40,000 flight cycles since first flight, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later, but not exceeding 48,000 flight cycles since first flight, modify by doing rotating probe inspections for cracking of certain fastener holes, replacing transition angles if any cracking is found in the transition angles, repairing if any pick-up angles cracking is found, and installing washers between the transition pick-up angle and the pin nuts; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1027, Revision 03, dated February 12, 2002, except where Airbus Service Bulletin A320–53–1027, Revision 03, dated February 12, 2001, specifies to contact Airbus, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA, or its delegated agent; or the DAH with EASA's design organization approval, as applicable. For a repair method to be approved, the repair approval must specifically refer to this AD. Accomplishment of this modification terminates the repetitive inspections required by paragraphs (h) and (k) of this AD.

(n) Terminating Modification

For airplanes on which Airbus Modification 21202 has been embodied in production: No actions are required by this AD.

(o) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1028, dated March 1, 1994.

(2) This paragraph provides credit for the action specified in paragraph (m) of this AD, if that action was performed before the effective date of this AD using Airbus Service Bulletin A320–53–1027, dated March 1, 1994; Revision 1, dated September 5, 1994; or Revision 2, dated June 8, 1995.

(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 in accordance with AD 2004–03–19, Amendment 39–13463 (69 FR 5922, February 9, 2004), are approved as AMOCs for the corresponding provisions of 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, as applicable). 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 2013–0137, dated July 9, 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 Docket No. FAA–2014–0291.

(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. 2014–12613 Filed 5–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM14–11–000]

Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this Notice of Proposed Rulemaking, the Federal Energy Regulatory Commission proposes to amend its regulations to waive the Open Access Transmission Tariff requirements, the Open Access Same-Time Information System requirements its regulations, and the Standards of Conduct requirements its regulations for any public utility that is subject to such requirements solely because it owns, controls, or operates Interconnection Customer's Interconnection Facilities, in whole or in part, and sells electric energy from its Generating Facility, as those terms are defined in the *pro forma* Large Generator Interconnection Procedures and the *pro forma* Large Generator Interconnection Agreement and adopted in Order No. 2003. The Commission proposes to find that requiring the filing of an Open Access Transmission Tariff is not necessary to prevent unjust or unreasonable rates or unduly discriminatory behavior with respect to Interconnection Customer's Interconnection Facilities over which interconnection and transmission services can be ordered pursuant to the Federal Power Act.

DATES: Comments are due July 29, 2014.

ADDRESSES: You may submit comments, identified by docket number and in accordance with the requirements posted on the Commission's Web site, *http://www.ferc.gov*. Comments may be submitted by any of the following methods:

- Agency Web site: Documents created electronically using word processing software should be filed in native applications or print-to-PDF format, and not in a scanned format, at *http://www.ferc.gov/docs-filing/efiling.asp*.
- Mail/Hand Delivery: Commenters unable to file comments electronically must mail or hand deliver an original copy of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

These requirements can be found on the Commission's Web site, see, e.g., the ''Quick Reference Guide for Paper Submissions,'' available at *http://www.ferc.gov/docs-filing/efiling.asp,* or via phone from FERC Online Support at (202) 502–6652 or toll-free at 1–866–208–3676.

FOR FURTHER INFORMATION CONTACT:

Becky Robinson (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8868, *Becky.Robinson@ferc.gov*.

Brian Gish (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8998, *Brian.Gish@ferc.gov*.

SUPPLEMENTARY INFORMATION:

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147 FERC ¶ 61,123.

Notice of Proposed Rulemaking

May 15, 2014.

I. Introduction

1. In this Notice of Proposed Rulemaking (Proposed Rule), the Federal Energy Regulatory Commission (FERC or Commission) proposes to amend its regulations to waive the Open Access Transmission Tariff (OATT) requirements of 18 CFR 35.28 (2013), the Open Access Same-Time Information System (OASIS) requirements of Part 37 of its regulations, 18 CFR 37 (2013), and the Standards of Conduct requirements of Part 358 of its regulations, 18 CFR 358 (2013), for any public utility that is subject to such requirements solely because it owns, controls, or operates Interconnection Customer's Interconnection Facilities (ICIF),[1] in whole or in part, and sells electric

[1] The term ''generator tie line'' has often been used in the past to refer to the facilities defined as ICIF. The Commission uses the term ICIF in this Proposed Rule.

energy from its Generating Facility, as those terms are defined in the *pro forma* Large Generator Interconnection Procedures (LGIP) and the *pro forma* Large Generator Interconnection Agreement (LGIA) [2] and adopted in Order No. 2003.[3] The Commission proposes to find that requiring the filing of an OATT is not necessary to prevent unjust or unreasonable rates or unduly discriminatory behavior with respect to ICIF over which interconnection and transmission services can be ordered pursuant to sections 210, 211, and 212 of the Federal Power Act (FPA).[4]

2. Accordingly, with the goal of reducing regulatory burdens and promoting development of generating facilities while continuing to ensure open access to transmission facilities, the Commission proposes to find that those seeking transmission service over ICIF that are subject to the proposed blanket waiver discussed below must follow procedures applicable to requests for interconnection and/or transmission service under sections 210, 211, and 212 of the FPA. This Proposed Rule also proposes a five-year safe harbor period during which an ICIF owner subject to the blanket waiver discussed herein, who initially has excess capacity on its ICIF because it intends to serve its own or its affiliates' future phased generator additions or expansions, may establish a rebuttable presumption for priority right over third parties to use that excess capacity.

3. Based on input received following a technical conference and a Notice of Inquiry (NOI) related to the treatment of ICIF, the Commission preliminarily concludes that its policies that require the ICIF owner to make excess capacity available to third parties unless it can justify its planned use of the line impose risks and burdens on ICIF owners and create regulatory inefficiencies that are not necessary given the goals that the Commission seeks to achieve through such policies. Specifically, the Commission's current policy has led ICIF owners to file petitions for declaratory orders demonstrating plans and milestones for future generation development to reserve for itself currently excess ICIF capacity that it built with the intention of using it for such purposes. In the vast majority of cases, the Commission has granted the petition, based on confidential documentation filed by the ICIF owner, with a limited description of the plans and milestones the Commission deemed dispositive. Further, the Commission's policy of treating ICIF the same as other transmission facilities for OATT purposes, including the requirement to file an OATT following a third-party request, creates undue burden for ICIF owners without a corresponding enhancement of access given the ICIF owner's typical ability to establish priority rights. We propose the aforementioned reforms to re-balance the burden on ICIF owners, while maintaining access to available capacity for third parties where appropriate.

II. Background

A. Development of ICIF Policies

4. Under section 201(b) of the FPA, the Commission has jurisdiction over all facilities used for the transmission of electric energy in interstate commerce.[5] Under section 201(e) of the FPA, any person who owns or operates facilities subject to the jurisdiction of the Commission is a public utility.[6] The Commission is charged with the responsibility under sections 205 and 206 of the FPA to ensure that a public utility's rates, charges, and classifications are just and reasonable and not unduly discriminatory or preferential.[7]

5. In Order No. 888, the Commission, relying upon its authority under sections 205 and 206 of the FPA, established nondiscriminatory open access to electric transmission service as the foundation necessary to develop competitive bulk power markets in the United States.[8] Order No. 888 requires that all public utilities that own, control, or operate transmission facilities must offer transmission service to all eligible customers under standard terms and conditions.

6. Order No. 888, codified in section 35.28 of the Commission's regulations, requires that any public utility that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce must file an OATT and comply with other related requirements. The Commission in Order No. 888 did not specifically address transmission facilities associated with the interconnection of electric generating units to the transmission grid.

7. In Order No. 2003, the Commission found that interconnection service plays a crucial role in bringing much-needed generation into the market to meet the growing needs of electricity customers and competitive electricity markets.[9] The Commission reiterated that ''[i]nterconnection is a critical component of open access transmission service,'' and that ''the Commission may order generic interconnection terms and procedures pursuant to its authority to remedy undue discrimination and preferences under Sections 205 and 206 of the Federal Power Act.'' [10] The Commission concluded that there was a pressing need for a uniformly applicable set of procedures and a *pro forma* agreement to form the basis of interconnection service for large generators, and thus promulgated the LGIP and the LGIA to be included in every public utility's OATT.[11]

8. The LGIA defines an Interconnection Customer as ''any entity, including the Transmission Provider, Transmission Owner or any of

[2] Throughout this Proposed Rule, the terms LGIP and LGIA refer to the *pro forma* versions of those documents. The LGIA defines ICIF as ''all facilities and equipment, as identified in Appendix A of the Standard Large Generator Interconnection Agreement, that are located between the Generating Facility and the Point of Change of Ownership, including any modification, addition, or upgrades to such facilities and equipment necessary to physically and electrically interconnect the Generating Facility to the Transmission Provider's Transmission System. Interconnection Customer's Interconnection Facilities are sole use facilities.'' LGIA Article 1. The LGIP, in Section 1, contains identical definitions to those in Article 1 of the LGIA.

[3] *Standardization of Generator Interconnection Agreements and Procedures,* Order No. 2003, 68 FR 49845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh'g,* Order No. 2003–A, 69 FR 15932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160, *order on reh'g,* Order No. 2003–B, 70 FR 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh'g,* Order No. 2003–C, 70 FR 37661 (Jun. 30, 2005), FERC Stats. & Regs. ¶ 31,190 (2005), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs* v. *FERC,* 475 F.3d 1277 (D.C. Cir. 2007).

[4] 16 U.S.C. 824i, 824j, and 824k (2012).

[5] 16 U.S.C. 824(b).

[6] Section 201(f) of the FPA exempts certain governmental entities and electric cooperatives from being a public utility.

[7] 16 U.S.C. 824d and 824e.

[8] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities,* Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g,* Order No. 888–A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048, *order on reh'g,* Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g,* Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[9] Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 11.

[10] *Id.* PP 12, 20.

[11] Order No. 2003 established rules for a Large Generating Facility, defined as a generating facility with a capacity of more than 20 MW. In Order No. 2006, the Commission established procedures and a *pro forma* Small Generator Interconnection Agreement for the interconnection of generation resources no larger than 20 MW. *Standardization of Small Generator Interconnection Agreements and Procedures,* Order No. 2006, 70 FR 34100 (Jun. 13, 2005), FERC Stats. & Regs. ¶ 31,180, *order on reh'g,* Order No. 2006–A, 70 FR 71760 (Nov. 30, 2005), FERC Stats. & Regs. ¶ 31,196 (2005), *order on clarification,* Order No. 2006–B, 71 FR 42587 (Jul. 27, 2006), FERC Stats. & Regs. ¶ 31,221 (2006).

the Affiliates or subsidiaries of either, that proposes to interconnect its Generating Facility with the Transmission Provider's Transmission System.'' Article 11.1 of the LGIA provides that the ''Interconnection Customer shall design, procure, construct, install, own and/or control Interconnection Customer Interconnection Facilities . . . at its sole expense.'' The LGIA defines ''Interconnection Facilities'' [12] as the:

> Transmission Provider's Interconnection Facilities and the Interconnection Customer's Interconnection Facilities. Collectively, Interconnection Facilities include all facilities and equipment between the Generating Facility and the Point of Interconnection, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the Generating Facility to the Transmission Provider's Transmission System. Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades.[13]

9. In general, Interconnection Facilities are constructed to enable a generation facility or multiple generation facilities to transmit power to the integrated transmission grid. Interconnection Facilities are typically radial in nature, with a single point of interconnection with the network grid, and over which power flows in one direction toward the transmission grid.[14] Depending on the circumstances, Interconnection Facilities can be relatively short,[15] or can span considerable distances and represent significant transmission capacity.[16]

10. Pursuant to the definitions in the LGIA and LGIP, those Interconnection Facilities that are located between the Point of Interconnection [17] with the grid and the Point of Change of Ownership,[18] and which are owned, controlled, or operated by the Transmission Provider, are the Transmission Provider's Interconnection Facilities. Article 11.2 of the LGIA specifies that the ''Transmission Provider or Transmission Owner shall design, procure, construct, install, own and/or control the Transmission Provider's Interconnection Facilities . . . at the sole expense of the Interconnection Customer.'' Third-party use of the Transmission Provider's Interconnection Facilities is governed by Article 9.9.2 of the LGIA.[19] This provision permits the parties to negotiate for a third party to use the Transmission Provider's Interconnection Facilities and entitles the Interconnection Customer to compensation, based on *pro rata* usage, for capital costs it incurred to construct those facilities and for the associated ongoing costs, including operation and maintenance costs. Neither the LGIP nor the LGIA contains provisions for third-party requests for use of ICIF.

11. In a series of cases since Order No. 2003 became effective, issues have been raised regarding the extent to which, if at all, third parties should be able to have open access for transmission on the facilities located between the Generating Facility and the point at which the Transmission Provider's Interconnection Facilities begin, i.e., ICIF. In these cases, the Commission has required the ICIF owner to provide open access transmission service over its facilities. In *Aero Energy, LLC,*[20] in response to an application under sections 210 and 211 of the FPA, the Commission ordered the Sagebrush Partnership (Sagebrush) to interconnect with and provide transmission service to a third party (Aero Energy, LLC) over Sagebrush's 46-mile, 230-kV ICIF that connects its partners' generation resources to the grid. The Commission ordered the parties to file an executed interconnection agreement and transmission service agreement setting forth the terms and conditions of service.[21]

12. In *Milford Wind Corridor, LLC,* the Commission noted that the fact that facilities only interconnect a generator to the grid does not eliminate the requirement to file an OATT and to provide open access transmission service.[22] However, the Commission recognized that, in such cases, it has granted waivers of the OATT requirements on a case-by-case basis for ICIF owners who demonstrate that their ICIF are limited and discrete and there is no outstanding request by a third party to access the ICIF. The Commission granted these waivers to Milford Wind Corridor, LLC with respect to its 88-mile 345-kV ''generator lead line.'' [23]

13. In *Sky River, LLC,* the Commission rejected the filing of an executed Common Facilities Agreement providing a third party the right to access and utilize Sky River, LLC's interest in a nine-mile 230-kV ''generator tie-line.'' Instead, the Commission required that any service by non-owners over the line must be made pursuant to an OATT.[24] The Commission viewed the Common Facilities Agreement as an attempt to govern transmission service for an unaffiliated third party outside the context of an OATT.

14. At issue in these cases was whether the entity that owns and/or controls ICIF to serve its or its affiliates' generation project or projects has any priority right over third-party requesters to use the capacity on its ICIF. Where an owner of ICIF has specific, pre-existing generator expansion plans with milestones for construction of

[12] Unless otherwise indicated, capitalized terms herein have the same definition as in the Commission's LGIA or in the OATT, as applicable.

[13] LGIA Article 1.

[14] In limited circumstances, power may flow from the grid to supply station power in the event no power is being produced at the generating facility.

[15] *See, e.g., Southern Company Serv., Inc.,* Docket No. ER12–554–000 (Jan. 6, 2012) (delegated letter order) (involving an approximately 2000 foot interconnection facility).

[16] *See, e.g., Bayonne Energy Center,* 136 FERC ¶ 61,019 (2011) (involving a 345-kV interconnection facility); *Terra-Gen Dixie Valley, LLC,* 132 FERC ¶ 61,215 (2010) (*Terra-Gen I*) (involving a 212-mile interconnection facility).

[17] The Point of Interconnection is defined in Article 1 of the LGIA as the point where the Interconnection Facilities connect to the Transmission Provider's Transmission System.

[18] The Point of Change of Ownership is defined in Article 1 of the LGIA as the point, as set forth in Appendix A to the LGIA, where the Interconnection Customer's Interconnection Facilities connect to the Transmission Provider's Interconnection Facilities. LGIP section 11.2 states that the Transmission Provider and Interconnection Customer shall negotiate the provisions of the appendices to the LGIA.

[19] Article 9.9.2 provides that:

> [I]f the Parties mutually agree, such agreement not to be unreasonably withheld, to allow one or more third parties to use Transmission Provider's Interconnection Facilities, or any part thereof, Interconnection Customer will be entitled to compensation for the capital expenses it incurred in connection with the Interconnection Facilities based upon the *pro rata* use of the Interconnection Facilities by the Transmission Provider, all third-party users and the Interconnection Customer.

[20] 115 FERC ¶ 61,128 (2006) (*Aero* Proposed Order), *order granting modification,* 116 FERC ¶ 61,149 (2006) (*Aero* Modification Order), *final order directing interconnection and transmission service,* 118 FERC ¶ 61,204 (2007), *order denying reh'g,* 120 FERC ¶ 61,188 (2007) (*Aero* Rehearing Order) (collectively, *Aero*).

[21] Subsequently, the Commission granted market-based rates to several Sagebrush affiliates on the condition that Sagebrush file an OATT for its line if any third party filed a request for service on the line. *EDFD Handsome-Lake,* 127 FERC ¶ 61,243, at P 15 (2009). Such a request was made, and Sagebrush filed an OATT for its interconnection facility. *Sagebrush, a California Partnership,* 130 FERC ¶ 61,093, *order on reh'g,* 132 FERC ¶ 61,234 (2010). Similarly, in *Peetz Logan,* the generation owner filed an OATT in response to a request for third-party interconnection and transmission services over its existing 78.2-mile, 230-kV ICIF that had been used to connect three affiliated wind generation projects to the grid. *Peetz Logan Interconnect, LLC,* 136 FERC ¶ 61,075 (2011) (*Peetz Logan*). Also, in *Terra-Gen,* the generator owner of a 214-mile, 230-kV radial interconnection facility was ordered by the Commission to file an OATT in response to a request for third-party transmission service. *Terra-Gen Dixie Valley, LLC,* 134 FERC ¶ 61,027, *order on reh'g* 135 FERC ¶ 61,134 (2011) (*Terra Gen II*).

[22] 129 FERC ¶ 61,149, at P 24 (2009) (*Milford*).

[23] *Id.* PP 1, 27.

[24] 134 FERC ¶ 61,064 (2011) (*Sky River*).

generation facilities and can demonstrate that it has made material progress toward meeting those milestones, the Commission may grant priority rights for excess capacity on the ICIF for those future generation projects.[25] In *Aero,* before ordering service over the Sagebrush line, the Commission provided the opportunity for the ICIF owner to demonstrate that it had pre-existing contractual obligations or other specific plans that would prevent it from providing the requested firm transmission service to the third party.[26] As a result, the Commission found that one of the Sagebrush partners had shown that it had pre-existing expansion plans that, at some future date, would require firm transmission capacity, and that two other Sagebrush partners had not shown that they had pre-existing expansion plans that will require additional transmission capacity.[27] Subsequently, the Commission has considered, on a case-by-case basis, petitions for declaratory order requesting that an ICIF owner be granted priority over third-parties to use capacity on its ICIF.[28] In *Milford,* the Commission granted such priority, finding that Milford had shown that it had specific plans for phased development of its generation. The Commission in *Milford* summarized the *Aero* precedent as providing that:

> A transmission owner that filed specific expansion plans with definite dates and milestones for construction, and had made material progress toward meeting its milestones, had priority over later transmission requests.[29]

This required demonstration necessary to claim priority rights has sometimes been referred to as the ''specific plans and milestones'' showing. In the past, some combination of the following types of criteria has proven acceptable to demonstrate that an ICIF owner has specific expansion plans with definite dates and milestones for construction, and has made material progress toward meeting its milestones: requesting interconnection and progressing with studies to interconnect to the integrated transmission grid, demonstrating site control, signing a power purchase agreement, pursuing financing options, and researching and/or purchasing equipment.[30]

15. The Commission has also found that an affiliate of the ICIF owner that is developing its own generator projects also may obtain priority rights to the capacity on the ICIF by meeting the ''specific plans and milestones'' standard with respect to future use.[31] This granting of priority rights preserves the ability of the generation developer to deliver its future output to the point of interconnection with the integrated transmission grid, so long as it can make the relevant showing to the Commission sufficient to justify priority.

B. Notice of Inquiry

16. On April 19, 2012, the Commission issued a NOI seeking comment on whether and, if so, how it should revise its current policy concerning open access and priority rights for capacity on ICIF.[32] Specifically, the Commission sought comments on two alternative approaches to govern third-party requests for service and priority rights: (1) Continued use of an OATT framework with potential modification and clarification, including the creation of a *pro forma* tailored OATT and a case-by-case determination on the generation developer's priority rights; and (2) use of an LGIA/LGIP framework in which the existing LGIA provisions that govern third-party use of a Transmission Provider's Interconnection Facilities would be extended to ICIF (i.e., allowing parties to mutually agree to the use of and compensation for the facilities, with disagreements coming to the Commission for resolution).

17. These two options were intended to capture the policy debate of whether, given the changes in industry (e.g., the development of variable energy resources), and concerns over land-use, the Commission should require ICIF owners to provide comparable service under known rates, terms, and condition (i.e., an OATT) in response to a request of a third party, or whether such third-party access should be obtained by negotiation with the owner of the ICIF subject to the processes and requirements of Order No. 2003, including Commission resolution of disputes.

C. Comments on the Notice of Inquiry

18. Twenty-five entities submitted comments in response to the NOI.[33] Most commenters raised concerns regarding the Commission's current policy and agreed that the Commission should change it. For example, commenters expressed concerns that: (1) The Commission's current policy creates regulatory disincentives for the development of more efficient, high voltage ICIF to access new generation by dramatically expanding the potential costs and responsibilities of generation owners and increasing uncertainty regarding planned future generation phases;[34] (2) subjecting ICIF to open access requirements places overly burdensome transmission owner-type requirements on generators who are not in the business of providing transmission service to third parties;[35] (3) the Commission's *pro forma* OATT is not well-suited to addressing a third-party request for access to ICIF because ICIF do not serve the same purpose, and cannot provide many of the same services, as network transmission facilities;[36] (4) treating these facilities under the OATT framework blurs the historical distinction between integrated networked transmission facilities and radial ICIF;[37] and (5) having third-party access governed under separate OATTs would complicate the third party's development because prospective interconnecting generators would need to make separate requests to seek

[25] *Alta Wind,* 134 FERC ¶ 61,109, at PP 16–17 (2011); *Milford,* 129 FERC ¶ 61,149 at P 22; *Aero* Modification Order, 116 FERC ¶ 61,149 at P 28. Such plans and initial progress also must pre-date a valid request for service. *Terra-Gen I,* 132 FERC ¶ 61,215 at P 53.

[26] *Aero* Modification Order, 116 FERC ¶ 61,149 at P 28.

[27] Specifically, one partner relied on a power purchase agreement for 10 MW more than the nameplate capacity of its existing project, but the Commission did not grant priority rights, ruling that a power purchase agreement was not evidence of an expansion obligation and that the partner had not presented evidence of milestones having been met. Another partner argued that it had expansion plans for one of its projects and had been working to transfer transmission capacity from one of its affiliated projects to another to accommodate its currently unused wind turbines; however, the Commission ruled that because this was a transfer of transmission capacity between partners, the required transmission capacity was accounted for and included in the original allocation of transmission capacity amongst the Sagebrush partners, and that this possible expansion would not need additional transmission.

[28] *See Milford,* 129 FERC ¶ 61,149 at P 24; *Terra-Gen I,* 132 FERC ¶ 61,215 at P 49.

[29] *Milford,* 129 FERC ¶ 61,149 at P 22.

[30] The *Aero* precedent cited above is the only instance where the Commission has not granted priority rights upon an attempted plans and milestones demonstration.

[31] *See NextEra Energy Resources, LLC,* 142 FERC ¶ 61,043, at P 26 (2013).

[32] *Open Access and Priority Rights on Interconnection Facilities,* 139 FERC ¶ 61,051 (2012). The Commission also held a technical conference in March 2011 to explore, among other things, the application of the Commission's open access policies to ''generator lead lines'' in the instance when affiliated or unaffiliated third-party generators seek to use these facilities. *Priority Rights to New Participant-Funded Transmission,* March 15, 2011 Technical Conference, AD11–11–000.

[33] Appendix A provides a list of commenters and name abbreviations used herein.

[34] BP Wind at 6; E.ON at 20; EEI at 2, 8–9; EPSA at 3, 16; LADWP at 3; NextEra at 10; NRG at 1–3; Tenaska at 4–7.

[35] BP Wind at 14; Duke at 3–5; EPSA at 7; First Wind at 2; Invenergy at 20–21; NextEra at 10; NJBPU at 4–5, 8; NRG at 1–3.

[36] APPA at 7; AWEA at 5; Duke at 5, 13; EEI at 7–8; Invenergy at 7–8; NextEra at 9–10; Puget at 6; SEIA at 2; TGP at 28.

[37] LADWP at 3, 10.

interconnection and transmission service from the ICIF owner and then further transmission service from the Transmission Provider to transmit energy on the transmission system.[38]

19. Commenters differed, however, in their recommendations for specific changes to Commission policy. Some commenters supported the option of creating a *pro forma* tailored OATT suited to the use of ICIF for the provision of open access transmission service, noting that it: (1) Would reduce the bureaucratic and financial burdens associated with filing a *pro forma* OATT, while preserving the spirit of the Commission's open access requirements; [39] and (2) would ensure that third-party requests for service on ICIF provide for adequate transmission planning and study and appropriate contractual relationships between Transmission Providers and interconnection customers.[40]

20. Other commenters argued against requiring any OATT for ICIF. They argued, among other things, that: (1) Mandating generator owners to assume the role of Transmission Providers when faced with third-party interconnection requests creates regulatory disincentives for the development of more efficient, high voltage lead lines to access new generation; [41] and (2) the current policy of requiring an OATT is not legally necessary [42] or it is beyond the Commission's statutory authority to impose a blanket OATT approach on independent generators that do not voluntarily submit to the Commission's transmission service jurisdiction under section 205.[43]

21. Other commenters supported an LGIA/LGIP approach for ICIF access, in which the existing LGIA provisions that govern third-party use of a Transmission Provider's Interconnection Facilities would be extended to ICIF. They argued that: (1) A third party's access to the grid cannot be evaluated solely by evaluating its use of the ICIF but must also evaluate the third party's ability to interconnect with the networked transmission system; (2) the networked Transmission Provider has a more holistic view of the transmission system; (3) the Transmission Provider has the necessary information and tools to evaluate ICIF uses that are tied to the networked Transmission Provider's administration of its interconnection queue and its preparation of required system studies; [44] (4) applying an LGIA/LGIP framework to ICIF is administratively easy to implement and removes the current uncertainty surrounding the Commission's OATT waiver process; [45] (5) using the LGIA/LGIP approach will avoid placing the overly burdensome requirements of an OATT or tailored OATT framework on ICIF owners; [46] (6) this approach will not require the substantial staffing and monetary resources that would be necessary to establish an OATT, and ensures that balancing authority and Transmission Provider functions remain with the most appropriate entity; [47] and (7) the LGIA/LGIP framework provides a more efficient method because it will integrate any expanded use of the ICIF with the existing Transmission Provider's planning process.[48]

22. Other commenters, however, opposed the use of an LGIA/LGIP framework for ICIF, arguing that: (1) It would place the network Transmission Provider in control of determining access to the generator lead line, when that utility may be a competitor, and leave to the ICIF owner only a determination of the rates it could charge; [49] (2) the network Transmission Provider is in no position to grant or facilitate access to or over facilities that it does not control or operate; [50] (3) the Commission would have to address cost recovery (for the increased burden of managing interconnection requests), cost allocation (between the ICIF owner and third party), and the Transmission Provider's level of operational control and the scope of responsibilities; [51] and (4) the LGIA/LGIP approach would inappropriately favor the ICIF owner's generation vis-à-vis a third-party generator because it would expand the ICIF owner's priority rights to the full amount of the original interconnection request.[52]

III. The Need for Reform

23. The Commission preliminarily finds that the Commission's current OATT requirements as applied to ICIF may impose risks and burdens on generators and create regulatory inefficiencies that are not necessary to achieve the Commission's open access goals. As such, the Commission preliminarily finds that the Commission requirements for achieving nondiscriminatory access over ICIF should be reformed to not discourage competitive generation development with unnecessary burdens, while ensuring nondiscriminatory access by eligible transmission customers. Through this Proposed Rule, the Commission seeks to reduce regulatory burdens and promote development of generation facilities while continuing to ensure open access to transmission facilities.

24. Through the technical conference and NOI comments, as well as other outreach efforts, the Commission has identified concerns with respect to the Commission's current policy of applying OATT requirements to ICIF. The Commission recognizes that filing and maintaining an OATT can be seen as burdensome by ICIF owners who do not see themselves, and do not want to be, in the business of providing transmission service. Adding an OATT obligation to a generation project can introduce an additional element of risk for the developer and its lenders that they would not have if the project were not subject to the potential obligation to file and maintain a transmission tariff.

25. The Commission also recognizes that the *pro forma* OATT is not a very good fit for the limited services that could be provided over ICIF. A number of sections of the *pro forma* OATT, such as the provisions regarding network service, ancillary services, and planning requirements, are arguably inapplicable to most or all ICIF owners. Although ICIF owners may propose deviations from the *pro forma* OATT, the Commission's existing process of handling these proposed deviations on a case-by-case basis could result in a time-consuming proceeding with an uncertain outcome.

26. An ICIF owner that has obtained a waiver of the OATT is still required to file an OATT within 60 days of a request for service by a third party and must begin interconnection studies. That obligation can be triggered with a minimal effort by a requester, which may not sufficiently distinguish customers who have a specific and substantiated request for service from those whose request is not as well supported. The Commission is aware of situations where the ICIF owner received a request for service triggering the requirement that the owner file an OATT, but the requester then failed to pursue any further development. This is an additional risk for the ICIF owner.

27. Interconnecting with ICIF often involves unique circumstances that would benefit from negotiation of individual access agreements. However,

[38] AWEA at 25; MISO at 5–6; Puget at 2–3.

[39] APPA at 2–4; TAPS at 2.

[40] ITC at 7–9.

[41] LADWP at 3.

[42] EPSA at 2–4; First Wind at 2, 11; NRG at 5–6; Tenaska at 2–3.

[43] TGP at 1–2.

[44] First Wind at 6–7.

[45] BPA at 4; NRG at 14–17; Puget at 14–15.

[46] EPSA at 9.

[47] Puget at 14–15; E.ON at 2–3.

[48] BPA at 1–5; MISO at 6.

[49] Invenergy 9–12; TGP at 5.

[50] ITC at 6–7.

[51] CAISO at 2–3.

[52] TAPS at 11.

the current policy limits an ICIF owner's contractual flexibility if it chooses to provide third-party access by mutual agreement. Specifically, the Commission's current policy requires non-affiliated parties to enter into a transmission service agreement, rather than a common facilities agreement, which can limit the form of rates, terms, and conditions in important ways. For instance, the third party would pay average losses rather than incremental losses. In addition, an ICIF owner is required to openly offer third-party service if it grants third-party use by mutual agreement. This inflexibility may limit the willingness of an ICIF owner to enter into third-party use agreements.

28. With respect to market-based rate filings (initial filings, triennial updates, and change of status filings), there is often a lack of clarity under existing policies as to whether applicants that own ICIF or have affiliates that own ICIF must file an OATT or seek a waiver from OATT requirements in order to show a lack of vertical market power before the market-based rate order can be processed.[53]

29. In addition, the Commission has identified concerns with the *pro forma* OATT's requirement, in the absence of native load, to award priority to use available capacity on transmission facilities based on the timing (i.e., first-come-first-served) of the transmission request. It is common for an ICIF owner to initially have excess capacity on its ICIF because it plans to bring generation into commercial service in stages or because transmission losses increase dramatically when a transmission line becomes fully loaded. Under the Commission's current policy, such ICIF owners face the risk of losing that capacity to a competing developer who makes a request for service before the ICIF owner is ready to use that capacity for its own future phases.

30. The Commission has developed a process for granting priority rights to the ICIF owner for such excess capacity on a case-by-case basis when the ICIF owner files a petition for declaratory order to establish such priority rights. However, filing a petition for declaratory order to establish priority rights can be a significant burden for the ICIF owner. The Commission's current policy of requiring a demonstration of ''specific plans and milestones'' to establish priority rights can require substantial effort and resources on the part of the ICIF owner to make the necessary showings. In addition, the criteria the Commission uses to establish priority rights may appear as vague to the public due to the reliance on documentation filed as confidential.

31. Even with priority established through a request for declaratory order, under current policy, the ICIF owner must still file an OATT if a transmission request is filed. In other words, the priority rights do not diminish the risk that the ICIF owner may have to file an OATT within 60 days of a request for service.

32. The burdens and risks described above fall on all ICIF owners, despite the fact that it is unlikely that any third party would request OATT service on most ICIF. The Commission has issued numerous individual orders granting waivers of OATT, OASIS, and Standards of Conduct to ICIF owners, but in only four instances did a third party request access on ICIF necessitating the filing of an OATT.[54] Although only a small percentage of ICIF owners have actually had to file an OATT, all ICIF owners are subject to the additional risks and regulatory burdens discussed above, including possibly having to file an OATT on 60 days' notice in response to a request for service, and possibly losing some of the ICIF capacity planned for future use to a requesting third party. The Commission preliminarily finds that reforming its open access transmission requirements in this narrow set of circumstances is appropriate due to the infrequency of third-party requests to use ICIF. The Commission seeks comments on whether and how the burden for eligible ICIF owners of potential OATT compliance bears on the need to reform existing Commission policies with respect to ICIF access.

IV. Proposed Reform

A. Proposed New Processes for ICIF Access

33. The Commission proposes the following approach for non-discriminatory open access to ICIF to replace the current case-by-case approach for granting waivers of the OATT and priority rights declarations. The Commission believes this approach will reduce regulatory burdens and promote development of generation facilities while continuing to ensure open access to transmission facilities. The elements of this proposal are as described below.

1. Grant Blanket Waivers to Eligible ICIF Owners

34. The Commission's current policy is that, because ICIF are facilities used for the transmission of electric energy in interstate commerce, those who own, control, or operate ICIF must either have an OATT on file or receive a waiver of the OATT requirement.[55] Section 35.28(d) provides that any public utility subject to OATT, OASIS, and Standards of Conduct requirements may file a request for a waiver for good cause shown.[56] The Commission has granted such requests for waiver where the public utility owns only limited and discrete facilities or is a small utility.[57] Even if a waiver of the OATT is granted for ICIF, it is subject to the requirement that, if a request for transmission service over the facilities is made, the ICIF owner would have to file an OATT within 60 days of the request[58] and comply with any additional requirements then in effect for compliance with Order Nos. 888 and 890.[59] The ICIF owner would thus become subject to all of the relevant *pro forma* OATT requirements, unless it successfully seeks and receives approval for deviations from the *pro forma* OATT.

35. The Commission proposes to add sub-paragraph (d)(2) to 18 CFR 35.28 to grant a blanket ICIF waiver of all OATT, OASIS, and Standards of Conduct

[53] To demonstrate the absence of vertical market power in a market power analysis, a seller or its affiliate that owns, operates, or controls transmission facilities must have an OATT on file unless waived. *See* 18 CFR 35.37(d) (2013).

[54] Between January 1, 2009, and January 1, 2014, the Commission issued approximately 80 orders granting waiver of OATT, OASIS, and Standards of Conduct requirements to ICIF owners.

[55] *See Milford,* 129 FERC ¶ 61,149 at P 24 (noting that the fact that the facilities merely tie a generator to the grid does not render a line exempt from the Commission's regulation of transmission facilities). *See also Evergreen Wind Power III, LLC,* 135 FERC ¶ 61,030, at P 15 n.18 (2011) (granting request for waiver of the OATT requirement in the context of a request for market-based rate authority).

[56] The Commission has the general statutory authority to waive its regulations as it may find necessary or appropriate. *UtiliCorp United, Inc.* 99 FERC ¶ 61,280, at P 12 (2002); *see also Pacific Gas and Electric Co.,* 99 FERC ¶ 61,045, at P 5 (2002) (''It is however well established that, with or without an explicit provision to that effect, an agency may waive its regulations in appropriate cases.'').

[57] *See, e.g., Prairie Breeze Wind Energy LLC,* 145 FERC ¶ 61,290, at P 26 (2013); *Ebensburg Power Company,* 145 FERC ¶ 61,265, at P 27 (2013); *CSOLAR IV South, LLC,* 143 FERC ¶ 61,275, at P 16 (2013).

[58] *Milford,* 129 FERC ¶ 61,149 at P 27. *See Termoelectrica U.S., LLC,* 105 FERC ¶ 61,087, at P 11 (2003); *Black Creek Hydro, Inc.,* 77 FERC ¶ 61,232, at 61,941 (1996).

[59] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, 72 FR 12266 (Mar. 15, 2007), FERC Stats. & Regs. ¶ 31,241, *order on reh'g,* Order No. 890–A, 73 FR 2984 (Jan. 16, 2008), FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g and clarification,* Order No. 890–B, 73 FR 39092 (July 8, 2008), 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 74 FR 12540 (Mar. 25, 2009), 126 FERC ¶ 61,228 (2009), *order on clarification,* Order No. 890–D, 74 FR 61511 (Nov. 25, 2009), 129 FERC ¶ 61,126 (2009).

requirements to any public utility that is subject to such requirements solely because it owns, controls, or operates ICIF, in whole or in part, and sells electric energy from its Generating Facility, as those terms are defined in the LGIP and LGIA.[60] The waiver would apply to all eligible existing and future ICIF owners. The Commission's proposal to limit the waiver to ICIF owners who sell electric energy is intended to ensure that any public utility with an OATT blanket waiver would be subject to both an interconnection order under FPA section 210 and a transmission order under FPA section 211, as discussed further below.

36. The Commission preliminarily finds that a blanket ICIF waiver in these circumstances is justified because the usually limited and discrete nature of ICIF and ICIF's dedicated interconnection purpose mean that such facilities do not typically present all of the concerns about discriminatory conduct that the Commission's OATT, OASIS and Standards of Conduct requirements were intended to address. Because third-party requests to use ICIF have been relatively rare, it is more efficient to address such situations as they arise on an individual basis.

37. Further, the ICIF waiver would remove regulatory burdens on competitive generation resources without sacrificing the Commission's ability to require open access in appropriate circumstances. Specifically, we take this step to address concerns that our current policy creates an undue burden on ICIF owners to file an OATT upon energizing the ICIF or seek a waiver that would be revoked upon a third-party request for service. As discussed above, ICIF owners are focused on developing new generation resources. The time, effort and cost of complying with the requirements of a public utility transmission provider unduly hinder generation development efforts to the detriment of competition. In addition, we agree with commenters to the NOI and the technical conference that the current policy creates too low a bar for third-party requests for service. Specifically, an existing waiver of the OATT is revoked as soon as the ICIF owner receives a third-party request for service, even if that request meets few of the information and other requirements for transmission service under the *pro forma* OATT. Finally, we believe that providing an up-front waiver of the OATT for ICIF will clarify the manner by which owners of these facilities can address concerns about vertical market power when they seek market-based rate authority.

38. Unlike the current waivers for ''limited and discrete'' facilities, this blanket waiver of the OATT would not be automatically revoked if transmission service is requested by a third party, but could be revoked in a Commission order if the Commission determines that it is in the public interest to do so. The waiver would also be deemed to be revoked as of the date the public utility ceases to satisfy the qualifications for such waiver, e.g., it owns, controls, or operates transmission facilities that are not ICIF, or the corporate structure changes such that the ICIF owner is no longer the entity that sells electric energy from its Generating Facility. Thus, if material circumstances change so that the ICIF owner no longer satisfies the waiver qualifications, it may no longer rely on this waiver. For example, providing transmission service not related to interconnecting a generator to the grid, or the acquisition of transmission facilities that are not ICIF, would be indicators that there has been a change in circumstances that would make reliance on an ICIF waiver of the OATT inappropriate.[61] Determining whether the function of an ICIF has evolved, and thus whether an ICIF owner may continue to rely on its ICIF waiver, may require case-by-case assessment. We seek comment on the circumstances under which and the mechanism by which the Commission should revoke the proposed waiver.

39. If the OATT waiver is revoked because of such a change in circumstances, the waivers of OASIS and Standards of Conduct will also be revoked, without prejudice to the ICIF owner filing a request to continue its waivers of OASIS and Standards of Conduct pursuant to the waiver criteria then in place.[62] In the instance where the Commission revokes the ICIF waiver by order, it may determine whether the OASIS and Standards of Conduct waivers should be continued based on the criteria then in place.

40. The grant of a blanket ICIF waiver under the Proposed Rule would have no automatic impact on an OATT already on file or on service already being taken under it, but the Commission might on a case-by-case basis consider requests to withdraw an OATT on file for ICIF if no third party is taking service under it. With regard to entities that already have received a waiver of the OATT, the blanket ICIF waiver would supersede an existing waiver.

2. Provide Open Access and Establish Priority Rights to ICIF Through Sections 210 and 211

41. Under this Proposed Rule and subject to the safe harbor presumption proposed below, if a third party seeks to use the ICIF that are subject to the blanket ICIF waiver, an eligible entity seeking interconnection and transmission service on ICIF would need to follow the rules and regulations applicable to requests for service under sections 210 and 211.

a. Procedures Under Sections 210 and 211

42. Sections 210 and 211 of the FPA describe the process for granting interconnection and transmission service in the absence of an OATT governing these services. Section 210 of the FPA provides, in relevant part, ''Upon application of any electric utility . . . the Commission may issue an order requiring (A) the physical connection of . . . the transmission facilities of any electric utility, with the facilities of such applicant.''[63] An ''electric utility'' is defined as ''a person or Federal or State agency . . . that sells electric energy.''[64] Section 211 provides that ''any electric utility, Federal power marketing agency, or any other person generating electric energy for sale or resale'' may apply to the Commission for an order requiring a ''transmitting utility'' to provide transmission services, including enlargement of facilities if necessary.[65] The term ''transmitting utility'' is defined as an entity that ''owns, operates, or controls facilities used for the transmission of electric energy . . . in interstate commerce . . . for the sale of electric

[60] The Commission also proposes to make non-substantive revisions to what is currently 18 CFR 35.28(d) in order to update certain cross-references in that paragraph.

[61] *Cf. Golden Spread Electric Cooperative, Inc.,* 139 FERC ¶ 61,067, at PP 3–5 (2012) (explaining that the Commission several times granted continued waiver of Order Nos. 888 and 889 to Golden Spread Electric Cooperative, Inc. in response to system changes). Specifically, in 2004, Golden Spread acquired approximately 110 miles of radial transmission facilities; in 2008, Golden Spread acquired approximately 54.5 miles of radial transmission facilities and constructed an approximately 18.4 mile radial line; and in 2011, Golden Spread acquired Golden Panhandle Wind Ranch, LLC. Each time, the Commission granted Golden Spread's waiver requests based on the representation that the transmission facilities were limited and discrete and did not constitute an integrated transmission system. In doing so, the Commission noted its reliance on Golden Spread's representation that the transmission lines were only used to provide bundled wholesale service to the affected Golden Spread members and that the power flowed in only one direction. *Id.* P 6.

[62] Waivers of the standards of conduct may be granted for good cause pursuant to 18 CFR 358.1(d).

[63] 16 U.S.C. 824i(a)(1)(A).

[64] 16 U.S.C. 796(22).

[65] 16 U.S.C. 824j.

energy at wholesale.'' [66] For a third party to obtain interconnection services and transmission services, an application must be made under both sections 210 and 211.[67] An applicant may consolidate the applications for the Commission's consideration.[68]

43. As discussed above, under the various provisions of the LGIA, ICIF connect the Interconnection Customer's Generating Facility to the Point of Interconnection. Consistent with these definitions, to be eligible for the ICIF waiver, the Interconnection Customer that owns a Generating Facility must also sell electric energy, and thus be subject to section 210 of the FPA. Further, that Interconnection Customer must also own, control, or operate ICIF, in whole or in part, used for transmission for the sale of electric energy at wholesale, and thus be subject to section 211 of the FPA. To be eligible for the blanket waiver discussed herein, the ICIF owner must be subject to the Commission's authority under both sections 210 and section 211.

44. An application under section 210 must: (1) Show that the interconnection is in the public interest; (2) would either encourage conservation of energy or capital, optimize efficient use of facilities and resources, or improve reliability; and (3) meet the requirements of section 212.[69] The requirements of section 212 are discussed further below.

45. An application under section 211 requires that the third party seeking transmission first make a good faith request for service, complying with 18 CFR 2.20, specifying details as to how much capacity is requested and for what period, at least 60 days before making an application to the Commission for an order requiring transmission service.[70] The Commission may grant an application under section 211 if the application is in the public interest and otherwise meets the requirements under section 212.

46. Section 212 further requires that, before issuing a final order under either section 210 or 211, the Commission must issue a proposed order setting a reasonable time for the parties to agree to terms and conditions for carrying out the order, including allocation of costs. If parties can agree to terms within that time, the Commission may issue a final order approving those terms. If parties do not agree, the Commission will weigh the positions of the parties and issue a final order establishing the terms of costs, compensation, and other terms of interconnection and transmission and directing service.[71]

b. Application of Sections 210 and 211 to Requests for Service on ICIF

47. As discussed above, the Commission's current practice of addressing third-party requests for service is to allow the ICIF owner to demonstrate ''specific plans and milestones'' for any planned future generation development of the ICIF owner or its affiliates. Consistent with that practice, the Commission proposes to find that, with respect to ICIF eligible for the blanket waiver discussed above, it is generally in the public interest under sections 210 and 211 to allow an ICIF owner to retain priority rights to the use of excess capacity on ICIF that it plans to use to interconnect its own or its affiliates' future generation projects to the extent the ICIF owner can demonstrate specific plans and milestones for its and/or its affiliates' future use of the ICIF. Thus, the Commission will be making priority determinations in the section 210 and 211 process. The Commission seeks comment on whether an ICIF owner's or affiliate's planned future use of the ICIF is an appropriate consideration to factor into a section 210 or 211 proceeding.

48. Any disputes as to the extent of excess capacity on ICIF or the ICIF owner's future plans to use such excess capacity would be resolved, subject to the safe harbor presumption discussed below, during the proceedings under sections 210 and 211, using an excess capacity analysis similar to that used in *Aero* and *Milford,* in which the ICIF owner must demonstrate specific plans and milestones for the future use of its ICIF. However, unlike *Aero* and *Milford,* the ICIF waiver proposed here would not carry the automatic obligation to file an OATT if transmission is requested; rather, use of the framework under sections 210 and 211 will allow third parties to access the transmission facilities after following the process set forth under those provisions. The Commission acknowledges that entities have expressed concern with the plans and milestones standard of *Aero/Milford* for demonstrating priority rights, but believes that use of the framework under sections 210 and 211 and the safe harbor presumption discussed below will reduce the need for ICIF owners to file petitions for declaratory order to pre-emptively seek priority rights.

49. Further, using sections 210 and 211 will protect the ICIF owner from non-serious requests for transmission service by requiring the entity requesting service to pursue processes under sections 210 and 211, rather than requiring an ICIF owner to file an OATT upon a request for service. This framework will assure eligible ICIF owners that they will have specified procedural rights as set forth in sections 210, 211, and 212 of the FPA. This framework will also provide the contractual flexibility that some commenters suggest is not available under our current policy so that contractual arrangements (e.g., transmission service agreements, interconnection agreements, and/or shared facilities agreements) can be tailored to the special situations for ICIF. In addition, this framework will provide for some flexibility in determining the appropriate terms and conditions of service, as many of the *pro forma* OATT provisions are not applicable to service over ICIF.

50. Under this proposal, the Commission could order the eligible ICIF owner to expand its facilities to provide interconnection and transmission service under sections 210 and 211 if no excess capacity is available.[72] Section 212 requires that the eligible ICIF owners would be fully compensated for any required expansion.[73] This is similar to the rights

[66] 16 U.S.C. 796(23).

[67] *Tres Amigas LLC,* 130 FERC ¶ 61,205, at P 43, *reh'g denied,* 132 FERC ¶ 61,232 (2010). In *Laguna Irrigation District,* the Commission explained that ''[n]othing in our [section 210] interconnection order requires transmission service. Rather, transmission service will be obtained by Laguna pursuant to other transmission tariffs or agreements.'' 95 FERC ¶ 61,305, at 62,038 (2001), *aff'd sub. nom., Pacific Gas & Electric Co.* v. *FERC,* 44 Fed. Appx. 170 (9th Cir. 2002) (unpublished); *see also City of Corona, California* v. *Southern California Edison Co.,* 104 FERC ¶ 61,085, at PP 7–10 (2003) (Corona's application under section 210 did not constitute a request for transmission under section 211).

[68] *See Aero* Proposed Order, 115 FERC ¶ 61,128.

[69] 16 U.S.C. 824i(c); *Aero* Proposed Order, 115 FERC ¶ 61,128 at PP 15–16.

[70] *See* 16 U.S.C. 824j(a) (''No order may be issued under this subsection unless the applicant has made a request for transmission services to the transmitting utility that would be the subject of such order at least 60 days prior to its filing of an application for such order.''); 18 CFR 2.20.

[71] 16 U.S.C. 824k(c)(2); *Aero* Proposed Order, 115 FERC ¶ 61,128 at PP 17–18 (providing parties 28 days to negotiate and provide briefing on issues of disagreement).

[72] 16 U.S.C. 824i(a)(1)(D) (''The Commission may issue an order requiring . . . such increase in transmission capacity as may be necessary . . ..''); 16 U.S.C. 824j(a) (''Any electric utility . . . may apply to the Commission for an order under this subsection requiring a transmitting utility to provide transmission services (including any enlargement of transmission capacity necessary to provide such services) to the applicant.'').

[73] Section 212(a) provides that:

An order under section 211 shall require the transmitting utility subject to the order to provide wholesale transmission services at rates, charges, terms, and conditions which permit the recovery by such utility of all the costs incurred in connection with the transmission services and necessary associated services, including, but not limited to, an

and obligations under the *pro forma* OATT,[74] so under the Proposed Rule third parties will have substantively similar rights, compared to the Commission's current policy, with regard to situations where providing interconnection and transmission service entails expanding ICIF.

51. The Commission believes that the section 210/211 process for requesting service over ICIF protects the rights of potential third-party requesters. The proposed blanket waiver only applies in situations where sections 210 and 211 would provide interconnection and transmission access to a customer that seeks service over the ICIF. To the extent that either the third-party requester or ICIF owner does not meet applicable requirements for purposes of sections 210 and 211, but where the third-party requester would be eligible for OATT service, the ICIF waiver would not apply. The Commission believes that there would be a relatively small number of ICIF owners who could not be subject to section 210 and 211 orders. The Commission seeks comment on whether this limitation on which public utilities can take advantage of the blanket ICIF waiver is appropriate.

52. The Commission notes that an ICIF owner that is not an electric utility continues to have the option to seek waiver of the OATT, OASIS, and Standards of Conduct requirements on a case-by-case basis. The Commission seeks comment on what would be the appropriate criteria and procedures for granting such entities a waiver, and whether and under what procedures the safe harbor provision discussed below could be extended to such entities. The Commission also seeks comment on whether a case-by-case process is effective for addressing waivers to such entities, or whether there are alternative, more general structures by which the Commission could appropriately apply the blanket waiver to entities with a broader set of ownership structures.

53. We note that a section 210 and/or 211 proceeding would not necessarily revoke the blanket ICIF waiver, and that the Commission might direct service to be provided under an interconnection and/or transmission service agreement without directing that the ICIF owner file an OATT. However, the Commission reserves the right to revoke the blanket ICIF waiver and require the filing of an OATT to ensure open access in appropriate circumstances.

3. Safe Harbor for Early Years After ICIF Energization

54. To reduce risks to ICIF owners eligible for the blanket waiver discussed above during the critical early years of their projects, the Commission proposes a safe harbor period of five years during which there would be a rebuttable presumption that: (1) The eligible ICIF owner has definitive plans to use its capacity without having to make a demonstration through a specific plans and milestones showing; and (2) the eligible ICIF owner should not be required to expand its facilities. A third-party requester[75] for service on ICIF during the safe harbor period could attempt to rebut these presumptions, but it would have the burden of proof to show that the owner and/or operator does not have definitive plans to use its capacity and the public interest under sections 210 and 211 is better served by granting access to the third party than by allowing the eligible ICIF owner to reserve its ICIF capacity for its own future use.

55. We believe a safe harbor period will address several concerns with our current policy. Creating a safe harbor period will reduce the risks of developing phased generation projects, as it will preserve the eligible ICIF owner's priority use of its ICIF capacity during the safe harbor period when the third-party requester fails to meet its burden of proof and will allow the eligible ICIF owner to demonstrate its plans and milestones in the proceedings under section 210 and 211. Creating the safe harbor period will require greater specificity for third-party requests for service, so the eligible ICIF owner would only be required to respond to requests for service that are fully developed and appropriate to the circumstances. Doing so will allow an eligible ICIF owner to focus on building generation and achieving commercial operation during the safe harbor period.

56. The Commission proposes that the safe harbor period begin on the ICIF energization date. Because the energization date is not always publicly available, we propose that any eligible ICIF owner seeking to take advantage of the safe harbor must file an informational filing with the Commission (requiring no Commission action) documenting: (1) The ICIF energization date; (2) details sufficient to identify the ICIF at issue, such as location and Point of Interconnection; and (3) identification of the ICIF owner. For generators that are already operating as of the effective date of the Final Rule adopted in this proceeding, we propose to allow them to seek safe harbor status by filing at the Commission to document the information listed above, and that the safe harbor would expire five years after the initial energization of their ICIF. The Commission proposes that eligible ICIF owners making such an informational filing will be assigned an ''AD'' docket prefix for these filings, so that any interested third party will be able to easily identify the relevant filing and determine when a safe harbor is applicable.

57. Where an application under sections 210 and 211 is filed during a safe harbor period and the Commission determines that the applicant has not successfully rebutted the presumption, the Commission could dismiss the application without prejudice to it being refiled if circumstances change or after the safe harbor period expires.

58. The Commission seeks comments on whether a safe harbor period is appropriate, and about the structure and length of the safe harbor policy, including how the ICIF energization date should be reported. The Commission also seeks comment on whether ICIF owners that are not eligible for the blanket waiver, but that seek waiver on an individual basis of the OATT, OASIS, and Standards of Conduct, should be eligible for the safe harbor.

B. Affiliate Concerns

59. The Commission seeks comment as to the set of entities to which it is appropriate to extend these reforms. As mentioned above, the target of these reforms is intended to be those generators whose ownership/operation of transmission facilities is limited to ICIF. Should entities that meet this description, but who are affiliated with a public utility transmission provider, be eligible for the blanket ICIF waiver within or adjacent to a public utility's footprint? A potential concern is that the availability of the blanket ICIF waiver to affiliated generation could incent vertically-integrated utilities to structure their generation and Interconnection Facilities developments in such a way that inappropriately limits access to certain facilities. If such

appropriate share, if any, of legitimate, verifiable and economic costs, including taking into account any benefits to the transmission system of providing the transmission service, and the costs of any enlargement of transmission facilities.

[74] Section 15.4 of the *pro forma* OATT states:

If the Transmission Provider determines that it cannot accommodate a Completed Application for Firm Point-To-Point Transmission Service because of insufficient capability on its Transmission System, the Transmission Provider will use due diligence to expand or modify its Transmission System to provide the requested Firm Transmission Service, consistent with its planning obligations in Attachment K, provided the Transmission Customer agrees to compensate the Transmission Provider for such costs pursuant to the terms of Section 27.

[75] Such third-party requests for service could include requests for firm, nonfirm, conditional, or interim service. *See, e.g.,* 18 CFR 2.20(b)(9).

concerns warrant limiting the blanket ICIF waiver only to nonaffiliates of public utility transmission providers (within or adjacent to a public utility's footprint), the Commission is also interested as to what would be the appropriate mechanics of third-party interest on affiliates' ICIF (e.g., treatment of the facilities under the vertically-integrated utility's OATT or a separate OATT).[76]

V. Information Collection Statement

60. The following collections of information contained in this Proposed Rule are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.[77] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[78] The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

61. The proposed regulations give a blanket waiver of OATT, OASIS, and Standards of Conduct filing requirements, and thus avoid both individual filings to request waiver as well as OATT filings. The Commission also believes that the proposed regulations will reduce the need for eligible ICIF owners to file petitions for declaratory order to pre-emptively seek priority rights. Based upon a review of the filings made over the past five years, the Commission estimates a reduction of eighteen filings per year, as shown in the table below.

62. The Commission also recognizes that, in order to avail themselves of the safe harbor period described in the Proposed Rule, most ICIF owners will likely file a brief notification filing documenting: (1) The energization date; (2) details sufficient to identify the ICIF at issue, such as location and Point of Interconnection; and (3) identification of the ICIF owner. The estimated public reporting burdens for this proposed reporting requirement are also in the table below.

RM14–11 (Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities)

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response[79] (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Average cost per respondent ($) (5) ÷ (1)
Individual Requests for Waiver (FERC–917)	16	−1	−16	10 $910	−160 −$14,560	−$910
OATT Filings (FERC–917)	1	−1	−1	100 $9,100	−100 −$9,100	−$9,100
Petitions for Declaratory Order requesting priority rights (FERC–582)	1	−1	−1	30 $2,730	−30 −$2,730	−$2,730
Safe Harbor Energize Date Filing (average of first three years)[80] (FERC–917)	39	1	39	1 $91	39 $3,549	$91
Total			21		−251 −$22,841	−$12,649

Cost to Comply: The Commission has projected the cost of compliance with the safe harbor energization date filing to be $7,280 in the initial year and $1,638 in subsequent years, as new ICIF owners make safe harbor filings for their newly energized projects. This is offset by the reduction in burden associated with the waiver of filing requirements of $26,390 per year. As an average for the first three years, this amounts to a net reduction in burden of $22,841.

Total Annual Hours for Collection in initial year (80 hours) @ $91 an hour = $7,280

Total Annual Hours for Collection in subsequent years (18 hours) @ $91 an hour = $1,638.

Total Annual Hours for Reduced Collection per year (290 hours) @ $91 an hour = $26,390.

Title: FERC–917, Non-Discriminatory Open Access Transmission Tariff

Action: Proposed Collection.

OMB Control No. 1902–0233

Respondents for this Rulemaking: Businesses or other for profit and/or not-for-profit institutions.

Frequency of Information: As indicated in the table.

Necessity of Information: The Federal Energy Regulatory Commission is proposing changes to its regulations related to which entities must file the *pro forma* OATT, establish and maintain an OASIS, and abide by its

[76] *See Termoelectrica U.S., LLC,* 102 FERC ¶ 61,024, at P 28 (finding that Termoelectrica's line should be covered under the OATT of its adjacent, affiliated public utility), *order granting reh'g on other grounds,* 105 FERC ¶ 61,087 (2003) (granting rehearing to waive OATT filing requirements for Termoelectrica).

[77] 44 U.S.C. 3507(d).

[78] 5 CFR 1320.11 (2013).

[79] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $91 per Hour = Average Cost per Response. The hourly cost figure represents a combined hourly rate of an attorney ($128.39), economist ($70.96), engineer ($59.87), and administrative staff ($29.93), with a 50 percent weighting on the attorney's rate. The estimated hourly costs (salary) are based on Bureau of Labor and Statistics information (*available at http://www.bls.gov/oes/current/naics2_22.htm,* and are adjusted to include benefits by assuming that salary accounts for 70.1 percent of total compensation). *See http://www.bls.gov/news.release/ecec.nr0.htm.*

[80] The average number of filings for the first three years is computed as follows. The Commission expects approximately 80 safe harbor filings in the first year, which represents the number of waiver filings over a historical five year period and thus the approximate number of existing entities which will be able to take advantage of the five year safe harbor period as of the effective date of the Final Rule in this proceeding. In the subsequent two years, the Commission expects approximately 18 safe harbor filings per year, which represents the historical number of OATT waiver filings (16), OATT filings (1), and petitions for declaratory order (1) per year. Going forward, we would expect the Proposed Rule would avoid these filings and that the relevant entities would instead avail themselves of the proposed safe harbor period. The average of the three year period then is (80 + 18 + 18)/3 = 39.

Standards of Conduct in order to eliminate unnecessary filings and increase certainty for entities that develop generation. The purpose of this Proposed Rule is to reduce regulatory burdens and promote development while continuing to ensure open access to transmission facilities. The safe harbor energization date filing is necessary to ensure transparency as to the applicability of the safe harbor period.

Internal Review: The Commission has reviewed the proposed changes and has determined that the changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

63. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], email: *DataClearance@ferc.gov,* Phone: (202) 502–8663, fax: (202) 273–0873.

64. Comments on the collections of information and the associated burden estimates in the proposed rule should be sent to the Commission in this docket and may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission], at the following email address: *oira_submission@omb.eop.gov.* Please reference OMB Control No. 1902–0096 and the docket number of this proposed rulemaking in your submission.

VI. Environmental Analysis

65. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[81] The Commission concludes that neither an Environmental Assessment nor an Environmental Impact Statement is required for this Proposed Rule under section 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts, and regulations that affect rates, charges, classifications, and services.[82]

VII. Regulatory Flexibility Act Analysis

66. The Regulatory Flexibility Act of 1980 (RFA) generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and that minimize any significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA's) Office of Size Standards develops the numerical definition of a small business.[83] The SBA recently revised its size standard for electric utilities (effective January 22, 2014) to a standard based on the number of employees, including affiliates (from a standard based on megawatt hours).[84] Under SBA's new size standards, ICIF owners likely come under one of the following categories and associated size thresholds: [85]

- Hydroelectric power generation, at 500 employees
- Fossil fuel electric power generation, at 750 employees
- Other electric power generation (e.g. solar, wind, geothermal, and others), at 250 employees

67. According to US economic census data,[86] over half of the firms in the categories above are small. However, currently FERC does not have information on how the economic census data compares with entities registered with NERC and is unable to estimate the number of small ICIF owners using the new SBA definitions. Regardless, FERC recognizes that the rule will likely impact small ICIF owners and estimates the economic impact on each entity below.

68. This Proposed Rule applies to public utilities whose ownership, control, or operation of transmission facilities is limited to ICIF, as defined in the standard generator interconnection procedures and agreements referenced in 18 CFR 35.28(f). Of these public utilities, we conservatively estimate that all will qualify as small. The Commission estimates that each of the small entities to whom the Proposed Rule applies will incur one-time costs of $91 [87] to document its energization date and thus avail itself of the safe harbor provision. This is true for those existing entities that have already received waiver of the OATT prior to the issuance of a Final Rule, as well as for new entities. This cost will be offset for new entities by a cost reduction, on average, of $1,269.[88] As the Commission has previously explained, in determining whether a regulatory flexibility analysis is required, the Commission is required to examine only direct compliance costs that a rulemaking imposes on small business.[89] It is not required to examine indirect economic consequences, nor is it required to consider costs that an entity incurs voluntarily. The Commission does not consider the estimated costs per small entity to have a significant economic impact on a substantial number of small entities. Accordingly, the Commission certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

VIII. Comment Procedures

69. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due July 29, 2014. Comments must refer to Docket No. RM14–11–000, and must include the commenter's name, the organization represented, if applicable, and its address in its comments.

70. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

71. Commenters that are not able to file comments electronically must send

[81] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[82] 18 CFR 380.4(a)(15) (2013).

[83] 13 CFR 121.101 (2013).

[84] SBA Final Rule on ''Small Business Size Standards: Utilities,'' 78 FR 77343 (12/23/2013).

[85] 13 CFR 121.201, Sector 22, Utilities.

[86] Data and further information is available from SBA at *http://www.sba.gov/advocacy/849/12162.*

[87] $91 is calculated here as one hour of work at an hourly rate of $91.

[88] This reduced burden amount is calculated by taking the total estimated burden reduction per year, $22,841, and dividing by 18, the estimated number of filings avoided because of the proposed regulations.

[89] *Credit Reforms in Organized Wholesale Electric Markets,* 133 FERC ¶ 61,060, at P 184 (2010).

an original copy of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

72. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IX. Document Availability

73. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

74. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

75. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov*, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 35

Electric power rates; Electric utilities; Reporting and recordkeeping requirements.

By direction of the Commission.

Kimberly D. Bose,

Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 35, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Amend § 35.28 by revising paragraph (d) to read as follows:

§ 35.28 Non-discriminatory open access transmission tariff.

* * * * *

(d) *Waivers.* (1) A public utility subject to the requirements of this section and 18 CFR parts 37 (Open Access Same-Time Information System) and 358 (Standards of Conduct for Transmission Providers) for good cause shown. Except as provided in paragraph (f) of this section, an application for waiver must be filed no later than 60 days prior to the time the public utility would have to comply with the requirement.

(2) The requirements of this section, 18 CFR parts 37 (Open Access Same-Time Information System) and 358 (Standards of Conduct for Transmission Providers) are waived for any public utility that is or becomes subject to such requirements solely because it owns, controls, or operates Interconnection Customer's Interconnection Facilities, in whole or in part, and sells electric energy from its Generating Facility, as those terms are defined in the standard generator interconnection procedures and agreements referenced in paragraph (f) of this section.

(i) The waivers referenced in this paragraph (d)(2) shall be deemed to be revoked as of the date the public utility ceases to satisfy the qualifications of this paragraph (d)(2), and may be revoked by the Commission if the Commission determines that it is in the public interest to do so. After revocation of its waivers, the public utility must comply with the requirements that had been waived within 60 days of revocation.

(ii) Any eligible entity that seeks interconnection or transmission services with respect to Interconnection Customer's Interconnection Facilities for which a waiver is in effect pursuant to this paragraph (d)(2) shall follow the procedures in sections 210, 211, and 212 of the Federal Power Act and 18 CFR 2.20 and 18 CFR part 36. In any proceeding pursuant to this paragraph (d)(2)(ii):

(A) The Commission will consider it to be in the public interest to grant priority rights to the owner and/or operator of Interconnection Customer's Interconnection Facilities to use capacity thereon when such owner and/or operator can demonstrate that it has specific plans with milestones to use such capacity to interconnect its or its affiliate's future generation projects.

(B) For the first five years after the Interconnection Customer's Interconnection Facilities are energized, the Commission will apply rebuttable presumptions that:

(*1*) The owner and/or operator of such facilities has definitive plans to use the capacity thereon, and it is thus in the public interest to grant priority rights to the owner and/or operator of such facilities to use capacity thereon; and

(*2*) The owner and/or operator of such facilities should not be required to expand its facilities.

Note: The following appendices will not appear in the *Code of Federal Regulations.*

Appendix A: List of Short Names of Commenters on the Federal Energy Regulatory Commission's Notice of Inquiry on Open Access and Priority Rights on Interconnection Facilities—Docket No. AD12–14–000, April 2012

Commenter (Short Name or Acronym)

American Public Power Association (APPA)
American Wind Energy Association (AWEA)
Bonneville Power Administration (BPA)
BP Wind Energy North America Inc. (BP Wind)
California Independent System Operator Corporation (CAISO)
Duke Energy Corporation (Duke)
Edison Electric Institute (EEI)
E.ON Climate & Renewables North America (E.ON)
Electric Power Supply Association (EPSA)
First Wind Holdings, LLC (First Wind)
Invenergy Wind Development LLC and Invenergy Thermal Development LLC (Invenergy)
ITC Holdings Corp. (ITC)
Los Angeles Department of Water and Power (LADWP)
Midwest Independent Transmission System Operator, Inc. (MISO)
NextEra Energy Resources, LLC (NextEra)
New Jersey Board of Public Utilities (NJBPU)
The NRG Companies (NRG)
Puget Sound Energy, Inc. (Puget)
Recurrent Energy
San Diego Gas & Electric Company
Solar Energy Industries Association (SEIA)
Southwest Power Pool, Inc.
Tenaska Energy, Inc. (Tenaska)
TGP Development Company, LLC (TGP)
Transmission Access Policy Study Group (TAPS)

[FR Doc. 2014–11946 Filed 5–29–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745

[EPA–HQ–OPPT–2010–0173; FRL–9910–44]

RIN 2070–AJ56

Lead; Framework for Identifying and Evaluating Lead-Based Paint Hazards From Renovation, Repair, and Painting Activities in Public and Commercial Buildings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advanced notice of proposed rulemaking; availability and request for comment on Framework.

SUMMARY: EPA is making the following document available for public review and comment: ''Framework for Identifying and Evaluating Lead-Based Paint Hazards From Renovation, Repair, and Painting Activities in Public and Commercial Buildings'' (Framework). The Framework describes an approach for identifying and evaluating hazards created by renovations of public and commercial buildings (P&CBs). The Framework also describes how the analyses under this approach would be performed, and presents results of some preliminary analyses that evaluated the impact of different variables on exposure estimates for young children. EPA will consider these comments as the Agency determines whether hazards are created by P&CB renovations and, if appropriate, develops proposed requirements.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0173, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Hans Scheifele, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3122; email address: *scheifele.hans@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This document is directed to the public in general. However, you may be potentially affected by this action if you perform renovations, repairs, or painting activities on the exterior or interior of P&CBs. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Building construction (NAICS code 236).
- Specialty trade contractors (NAICS code 238).
- Real estate (NAICS code 531).
- Other general governmental support (NAICS code 921).

Full descriptions of these NAICS codes and related establishments are maintained by the U.S. Census Bureau online at *https://www.census.gov/eos/www/naics/index.html.* If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Authority

Title IV of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2681 *et seq.,* was enacted to assist the Federal Government in reducing lead exposures, particularly those resulting from lead-based paint. Section 403 of TSCA directs EPA to identify lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. ''Lead-based paint hazard'' is defined at TSCA section 401(10).

Section 402(c)(3) of TCSA directs EPA to revise its lead-based paint activities regulations (commonly referred to as lead abatement activities), promulgated under TSCA section 402(a), to apply the regulations to renovation or remodeling activities in target housing, public buildings constructed before 1978, and commercial buildings that create lead-based paint hazards.

III. Overview of the Framework

The Framework (Ref. 1) describes an approach for identifying and evaluating hazards created by renovations of P&CBs. The Framework also describes how the analyses under this approach would be performed, and presents results of some preliminary analyses that evaluated the impact of different variables on exposure estimates for young children.

The Framework also reviews the approach used in 2008 to identify and evaluate hazards in residences and in child-occupied facilities (COFs)—a subset of P&CBs, such as day care centers. This approach is predicated upon defining a hazard as a condition of paint (e.g., peeling, cracking, chipping, or otherwise damaged), or a lead level in dust, soil, paint, etc., that EPA would consider to be a hazard. In the 2008 final Renovation, Repair, and

Painting (RRP) rule (Ref. 2) EPA compared the observed dust-lead levels from the renovations tested in the Revised Final Report on Characterization of Dust Lead Levels After Renovation, Repair, and Painting Activities (Ref. 3) to the dust-lead hazard standards promulgated in 2001 (Ref. 4). This approach formed the basis for EPA's determination that all renovation activities that disturb lead-based paint in target housing and COFs—a subset of P&CBs, such as day care centers—create lead-based paint hazards.

Under the approach being considered for the P&CB analysis, however, hazards would be identified as exposures created by P&CB renovations that result in adverse health effects. EPA would model specific interior and exterior P&CB renovation scenarios that represent the broad range of exposure that can occur in P&CBs in order to evaluate whether adverse health effects could occur. These scenarios would take into account the variability in exposure times as well as in building sizes and configurations when evaluating hazards. For children, EPA would likely evaluate Intelligence Quotient (IQ) decrements. For adults, EPA would consider appropriate health effects and their associated concentration-response functions, such as renal effects, cardiovascular effects and others. EPA is reviewing currently available scientific literature to determine if appropriate adverse health effects for adults can be selected and analyzed.

The Framework discusses possible considerations of using the approach for evaluating risk inside P&CBs from renovation activities, including: Ability to target risks associated with renovations, quantification of adult health effects and applicability of modeling results.

Additionally, the Framework describes how the full analyses might be done if this approach were to be selected, and presents the results of preliminary analyses that EPA performed to determine the impact of different variables on predictions of IQ and blood lead level changes for young children. The preliminary analysis was deterministic while any full analysis conducted for the approach would be probabilistic. Thus, preliminary analysis results are not representative of all scenarios that could be analyzed. EPA will determine whether these preliminary results are reproducible once more robust analyses are performed. Therefore, the preliminary findings reported in the Framework should not be construed as final and may change.

Because EPA is providing the information contained in the Framework and an opportunity for public comment prior to issuing any proposed rule, the information contained in the Framework is limited. For instance, the document does not provide significant detail regarding modeling inputs and results, how EPA might apply the results of any analyses, or a discussion regarding what magnitude of deleterious health effect would be considered to be adverse. Further details and the results of such analyses would be provided for review and comment in any future proposal. In addition, EPA plans to make public, and provide for peer review of any such analyses.

IV. Request for Comment

EPA is requesting public review and comment on all aspects of the Framework, and particularly related to the following:

- The utility of the approach discussed in the Framework to assessing risk to human health inside P&CBs as a result of P&CB renovations.
- Making a hazard finding inside nearby homes and COFs as a result of P&CB renovations.
- The overview of an analysis approach outlined in the Framework.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Framework for Identifying and Evaluating Lead-Based Paint Hazards from Renovation, Repair, and Painting Activities in Public and Commercial Buildings. May 2014.
2. EPA. Lead; Renovation, Repair, and Painting Program; Final Rule. **Federal Register** (73 FR 21692, April 22, 2008) (FRL–8355–7).
3. EPA. Revised Final Report on Characterization of Dust Lead Levels After Renovation, Repair, and Painting Activities. November 11, 2007. Document ID number EPA–HQ–OPPT–2005–0049–0857.
4. EPA. Lead; Identification of Dangerous Levels of Lead; Final Rule. **Federal Register** (66 FR 1206, January 5, 2001) (FRL–6763–5).

List of Subjects in 40 CFR Part 745

Environmental protection, Buildings and facilities, Business and industry, Hazardous substances, Lead-based paint, Public and commercial buildings, Renovation, Repair, and Painting Program (RRP), Safety.

Dated: May 22, 2014.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2014–12605 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140417346–4346–01]

RIN 0648–XD252

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to implement an annual catch limit (ACL), and associated annual reference points for Pacific sardine in the U.S. exclusive economic zone (EEZ) off the Pacific coast for the fishing season of July 1, 2014, through June 30, 2015. This rule is proposed according to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The proposed 2014–2015 ACL for Pacific sardine is 23,293 metric tons (mt). The proposed initial overall commercial fishing target, that is to be allocated across the three allocation periods for sardine management, is 19,293 mt. This amount would be divided across the three seasonal allocation periods for the directed fishery the following way: July 1–September 14—7,718 mt; September 15–December 31—4,823 mt; and January 1–June 30—6,752 mt, with an incidental set-aside of 500 mt for each of the three periods. This proposed rule is intended to conserve and manage the Pacific sardine stock off the U.S. West Coast.

DATES: Comments must be received by June 30, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0061, by any of the following methods:

• Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0061,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• Mail: Submit written comments to William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; Attn: Joshua Lindsay.

• Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of the report ''Assessment of Pacific Sardine Resource in 2014 for U.S.A. Management in 2014–2015'' may be obtained from the West Coast Regional Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: During public meetings each year, the estimated biomass for Pacific sardine is presented to the Pacific Fishery Management Council's (Council) CPS Management Team (Team), the Council's CPS Advisory Subpanel (Subpanel) and the Council's Scientific and Statistical Committee (SSC), and the biomass and the status of the fishery are reviewed and discussed. The biomass estimate is then presented to the Council along with the calculated overfishing limit (OFL), available biological catch (ABC), and harvest guideline (HG), along with recommendations and comments from the Team, Subpanel, and SSC. Following review by the Council and after hearing public comment, the Council adopts a biomass estimate and makes its catch level recommendations to NMFS.

The purpose of this proposed rule is to implement the ACL and other annual catch reference points for 2014–2015, including the OFL and an ABC that takes into consideration uncertainty surrounding the current estimate of biomass for Pacific sardine in the U.S. EEZ off the Pacific coast. The CPS FMP and its implementing regulations require NMFS to set these annual catch levels for the Pacific sardine fishery based on the annual specification framework in the FMP. According to the FMP, an ACL must be equal to or below the ABC and an annual catch target (ACT) is then set equal to either the FMP-specified HG formula (HG = [(Biomass − Cutoff) * Fraction * Distribution]), or the ACL, whichever value is less. For the 2014–2015 fishing season, the result of the HG formula was 28,646 mt; the ACT is therefore set equal to the ACL (23,293 mt), because it is less than the HG calculation. For the 2014–2015 fishing season, the Council chose to calculate the ACL using the HG formula, but applied a different temperature index for determining the Fraction parameter than is currently prescribed in the FMP for computing the HG. The rationale for this application is that this new temperature index is a better predictor of Pacific sardine recruitment and productivity.

The HG formula in the CPS FMP is HG = [(Biomass − CUTOFF) * FRACTION * DISTRIBUTION] with the parameters described as follows:

1. *Biomass.* The estimated stock biomass of Pacific sardine age one and above for the 2014/2015 management season is 369,506 mt.

2. *CUTOFF.* This is the biomass level below which no commercial fishery is allowed. The FMP established this level at 150,000 mt.

3. *DISTRIBUTION.* The average portion of the Pacific sardine biomass estimated in the EEZ off the Pacific coast is 87 percent.

4. *FRACTION.* The harvest fraction is the percentage of the biomass above 150,000 mt that may be harvested. The fraction varies as a result of current ocean temperatures measured at Scripps Pier, California.

Because the annual biomass estimates are an explicit part of the various harvest control rules for Pacific sardine, including the HG formula described above, as the estimated biomass decreases or increases from one year to the next, the resulting allowable catch levels similarly trend.

On February 28, 2014, NMFS published a final rule to change the Pacific sardine fishing season from the calendar year to a fishing year that begins on July 1 and extends until the following June 30th (79 FR 11343). As a result of this change the Council will now develop annual fishing recommendations at their annual April meeting. The purpose of this change was to better align the timing of the research and science that is used in the annual stock assessments with the annual management schedule. The proposed specifications for the Pacific Sardine fishery are for the fishing season with the new start date of July 1, 2014, and ending June 30, 2015.

At the April 2014 Council meeting, the Council adopted the *Assessment of the Pacific Sardine Resource in 2014 for U.S.A. Management in 2014–2015* completed by NMFS Southwest Fisheries Science Center and the resulting Pacific sardine biomass estimate of 369,506 mt. Based on recommendations from its SSC and other advisory bodies, the Council recommended and NMFS is proposing, an OFL of 39,210 mt, ABC of 35,792 mt, an ACL of 23,293 mt, and an ACT of 23,293 mt (equal to the ACL) for the 2014–2015 Pacific sardine fishing year. These catch specifications are based on the most recent stock assessment and the control rules established in the CPS FMP.

The Council also recommended, and NMFS is proposing, that the 23,293 mt ACT be reduced by 4,000 mt to account for potential harvest by the Quinault Indian Nation resulting in a final amount of 19,293 mt as the primary directed commercial fishing level to be allocated across the three seasonal allocation periods. The Council also recommended and NMFS is proposing that incidental catch set asides be put in place for each allocation. The purpose of the incidental set-aside allotments and allowance of an incidental catch-only fishery is to allow for the restricted incidental landings of Pacific sardine in other fisheries, particularly other CPS fisheries, when a seasonal directed fishery is closed to reduce bycatch and allow for continued prosecution of other important CPS fisheries. These incidental set asides are allocated as shown in the following table, which also shows the adjusted directed harvest levels for each period in metric tons:

	July 1–September 14	September 15–December 31	January 1–June 30	Total
Total Seasonal Allocation	7,718 (40%)	4,823 (25%)	6,752 (35%)	19,293
Incidental Set Aside	500	500	500	1,500
Adjusted Directed Harvest Allocation	7,218	4,323	6,252	17,793

Additional inseason accountability measures (AM) are in place to ensure the fishery stays within the ACL. If during any of the seasonal allocation periods the applicable adjusted directed harvest allocation is projected to be taken, fishing would be closed to directed harvest and only incidental harvest would be allowed. For the remainder of the period, any incidental Pacific sardine landings would be counted against that period's incidental set-aside. As an additional AM the proposed incidental fishery would also be constrained to a 45 percent by weight incidental catch rate when Pacific sardine are landed with other CPS so as to minimize the targeting of Pacific sardine and reduce potential discard of sardine. In the event that an incidental set-aside is projected to be attained, the incidental fishery will be closed for the remainder of the period. If the set-aside is not fully attained or is exceeded in a given seasonal period, the directed harvest allocation in the following seasonal period would automatically be adjusted upward or downward accordingly to account for the discrepancy. Additionally, if during any seasonal period the directed harvest allocation is not fully attained or is exceeded, then the following period's directed harvest total would be adjusted to account for the discrepancy, as well.

If the total ACL or these apportionment levels for Pacific sardine are reached or are expected to be reached, the Pacific sardine fishery would be closed until it re-opens either per the allocation scheme or at the beginning of the next fishing season. The NMFS West Coast Regional Administrator would publish a notice in the **Federal Register** announcing the date of any closure to either directed or incidental fishing. Additionally, to ensure the regulated community is informed of any closure, NMFS will also make announcements through other means available, including fax, email, and mail to fishermen, processors, and state fishery management agencies.

In 2012 and 2013, the Quinault Indian Nation requested, and NMFS approved, set-asides for the exclusive right to harvest Pacific sardine in the Quinault Usual and Accustomed Fishing Area off the coast of Washington State, pursuant to the 1856 Treaty of Olympia (Treaty with the Quinault). For the 2014–2015 fishing season the Quinault Indian Nation has again requested that NMFS provide the Quinault with a tribal set-aside. The Quinault Indian Nation has requested a 4,000 mt set-aside (2,000 mt less than was requested and approved in 2013) and NMFS is considering the request. If a set-aside is approved NMFS will likely consult with Quinault Department of Fisheries staff and Quinault Fisheries Policy representatives twice during the fishing year to determine whether any part of the 2014 Quinault Indian Nation Pacific sardine set-aside can be moved into the non-tribal allocation as occurred in 2012 and 2013.

Detailed information on the fishery and the stock assessment are found in the report ''Assessment of the Pacific Sardine Resource in 2014 for U.S.A. Management in 2014–2015'' (see **ADDRESSES**).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the CPS FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law, subject to further consideration after public comment.

These proposed specifications are exempt from review under Executive Order 12866.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared, as required by section 3 of the Regulatory Flexibility Act, 5 U.S.C.-603. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. The results of the analysis are stated below. For copies of the IRFA, and instructions on how to send comments on the IRFA, please see the **ADDRESSES** section above.

The purpose of this proposed rule is to implement the 2014–2015 annual specifications for Pacific sardine in the U.S. EEZ off the Pacific coast including an ACT which is the primary commercial fishing target. If the total ACT or any of the seasonal apportionment levels for Pacific sardine are reached at any time, the Pacific sardine fishery will close until either it re-opens per the allocation scheme or the beginning of the next fishing season. There is no limit on the amount of catch that any single vessel can take during an allocation period or the year; the ACL and seasonal allocations are available until fully utilized by the entire CPS fleet.

On June 20, 2013, the U.S. Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for finfish fishing from $4.0 million to $19.0 million, shellfish fishing from $4.0 million to $5.0 million, and other marine fishing from $4.0 million to $7.0 million. NMFS conducted its analysis for this action using the new size standards.

As stated above, the U.S. Small Business Administration now defines small businesses engaged in finfish fishing as those vessels with annual revenues of or below $19 million. Under the former, lower standards, all entities subject to this action in previous years were considered small entities, and under the new standards they continue to be considered small. The small entities that would be affected by the proposed action are the vessels that compose the West Coast CPS small purse seine fleet. In 2013, there were approximately 81 vessels permitted to operate in the directed sardine fishery component of the CPS fishery off the U.S. West Coast; 58 vessels in the Federal CPS limited entry fishery off California (south of 39 N. lat.), and a combined 23 vessels in Oregon and Washington's state Pacific sardine fisheries. The average annual per vessel revenue in 2013 for the West Coast CPS finfish fleet was well below $19 million; therefore, all of these vessels therefore are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule has an equal effect on all of these small entities and therefore will impact a substantial number of these small entities in the same manner. Therefore,

this rule would not create disproportionate costs between small and large vessels/businesses.

The profitability of these vessels as a result of this proposed rule is based on the average Pacific sardine ex-vessel price per mt. NMFS used average Pacific sardine ex-vessel price per mt to conduct a profitability analysis because cost data for the harvesting operations of CPS finfish vessels was unavailable.

For the 2013 fishing year, approximately 64,000 mt were available for harvest by the directed fishery. Approximately 63,000 mt (approximately 7,100 mt in California and 56,000 mt in Oregon and Washington) of this allocation was harvested during the 2013 fishing season, for an estimated ex-vessel value of $14 million. Using these figures, the average 2013 ex-vessel price per mt of Pacific sardines was approximately $229 during that time period.

The proposed initial non-tribal commercial fishing quota for the 2014–2015 Pacific sardine fishing season (July 1, 2014 through June 30, 2015) is 19,293 metric tons (mt). This is approximately 38,000 mt less than the equivalent allocation for 2013 and approximately 27,000 mt lower than the previous lowest level set in 2011. If the fleet were to take the entire 2014–2015 quota, and assuming a coastwide average ex-vessel price per mt of $218 (average of 2012 and 2013 ex-vessel), the potential revenue to the fleet would be approximately $3.87 million. Therefore the proposed rule will decrease small entities' potential profitability compared to last season, due to the lower quota this fishing season. The release of any unused portion of the 4,000 mt set-aside for the Quinault Indian Nation might be used to supplement the amount available to the directed fishery as occurred in 2012 and 2013, thereby increasing the potential revenue to the fleet. Additionally, revenue derived from harvesting Pacific sardine is typically only one factor determining the overall revenue for a majority of the vessels that harvest Pacific sardine; as a result, the economic impact to the fleet from the proposed action cannot be viewed in isolation. From year to year, depending on market conditions and availability of fish, most CPS/sardine vessels supplement their income by harvesting other species. Many vessels in California also harvest anchovy, mackerel, and in particular squid, making Pacific sardine only one component of a multi-species CPS fishery. For example, market squid have been readily available to the fishery in California over the last three years with total annual ex-vessel revenue averaging approximately $66 million over that time, compared to an annual average ex-vessel from sardine of $16 million over that same time period. Additionally, many sardine vessels that operate off of Oregon and Washington also fish for salmon in Alaska or squid in California during times of the year when sardine are not available.

These vessels typically rely on multiple species for profitability because abundance of sardine, like the other CPS stocks, is highly associated with ocean conditions and different times of the year, and therefore are harvested at various times and areas throughout the year. Because each species responds to ocean conditions in its own way, not all CPS stocks are likely to be abundant at the same time; therefore, as abundance levels and markets fluctuate, it has necessitated that the CPS fishery as a whole rely on a group of species for its annual revenues. Therefore, although there will be a potential reduction in sardine revenue for the small entities affected by this proposed action as compared to the previous season, it is difficult to predict exactly how this reduction will impact overall annual revenue for the fleet.

No significant alternatives to this proposed rule exist that would accomplish the stated objectives of the applicable statutes and which would minimize any significant economic impact of this proposed rule on the affected small entities. The CPS FMP and its implementing regulations require NMFS to calculate annual harvest levels by applying the harvest control rule formulas to the current stock biomass estimate. Therefore, if the estimated biomass decreases or increases from one year to the next, so do the applicable quotas. Determining the annual harvest levels merely implements the established procedures of the FMP with the goal of continuing to provide expected net benefits to the nation, regardless of what the specific annual allowable harvest of Pacific sardine is determined to be.

There are no reporting, record-keeping, or other compliance requirements required by this proposed rule. Additionally, no other Federal rules duplicate, overlap or conflict with this proposed rule.

This action does not contain a collection-of-information requirement for purposes of the Paper Reduction Act.

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

Dated: May 21, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–12461 Filed 5–30–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 104
Friday, May 30, 2014

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0037]

Notice of Request for Extension of Approval of an Information Collection; Karnal Bunt; Importation of Wheat and Related Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of wheat and related articles from regions affected with Karnal bunt.

DATES: We will consider all comments that we receive on or before July 29, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0037*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0037, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0037* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of wheat and related articles from regions affected with Karnal bunt, contact Mr. William Aley, Senior Regulatory Policy Specialist, PPIP, RPM, PHP, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2130. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Karnal Bunt; Importation of Wheat and Related Articles.

OMB Number: 0579–0240.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized, among other things, to prohibit or restrict the importation, entry, or interstate movement of plants, plant products, biological control organism, noxious weeds, means of conveyances, and other articles to prevent the introduction of plant pests or noxious weeds into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

Karnal bunt is a fungal disease of wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), and triticale (*Triticum aestivum* X *Secale cereale*), a hybrid of wheat and rye. Karnal bunt is caused by the smut fungus *Tilletia indica* (Mitra) Mundkhur and is spread by spores, primarily through movement of infected seed. Karnal bunt is found in Afghanistan, India, Iraq, Pakistan, and portions of Mexico and the United States.

To prevent the introduction and spread of various wheat diseases, including Karnal bunt, APHIS' regulations in ''Subpart—Wheat Diseases'' (7 CFR 319.59–1 through 319.59–4) prohibit the importation of wheat seed, plants, straw, and other products into the United States from regions affected with Karnal bunt.

The regulations require that certain regulated articles imported from Karnal bunt-free areas within regions regulated for Karnal bunt be accompanied by a phytosanitary certificate that must be completed by an official of the national plant protection organization of the region of origin. The certificate must include a declaration stating that the regulated articles originated in areas where Karnal bunt is not known to occur, as attested to either by survey results or by testing for bunted kernels or spores.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.2 hours per response.

Respondents: U.S. importers/exporters of wheat and the national plant protection organization of the region of origin.

Estimated annual number of respondents: 500.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 500.

Estimated total annual burden on respondents: 600 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request

for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–12549 Filed 5–29–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0090]

Syngenta Seeds, Inc., and Bayer CropScience AG; Availability of Plant Pest Risk Assessment, Environmental Assessment, Preliminary Finding of No Significant Impact, and Preliminary Determination of Nonregulated Status of Soybean Genetically Engineered for Herbicide Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a preliminary determination regarding a request from Syngenta Seeds, Inc., and Bayer CropScience AG seeking a determination of nonregulated status of soybean designated as SYHTOH2, which has been genetically engineered for resistance to the herbicide glufosinate and *p*-hydroxyphenylpyruvate dioxygenase inhibiting herbicides such as isoxaflutole and mesotrione. We are also making available for public review our plant pest risk assessment, environmental assessment, and preliminary finding of no significant impact for the preliminary determination of nonregulated status.

DATES: We will consider any information that we receive on or before June 30, 2014.

ADDRESSES: You may submit any information by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0090.*
- *Postal Mail/Commercial Delivery:* Send your information to Docket No. APHIS–2012–0090, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents for this petition and any other information we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0090* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents for this petition are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 12–215–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 12–215–01p) from Syngenta Seeds, Inc., (Syngenta) and Bayer CropScience AG (BCS) of Research Triangle Park, NC, seeking a determination of nonregulated status of soybean (*Glycine max*) designated as event SYHTOH2, which has been genetically engineered to withstand exposure to the herbicide glufosinate and *p*-hydroxyphenylpyruvate dioxygenase inhibiting herbicides such as isoxaflutole and mesotrione. The petition states that this soybean is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public input when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on February 27, 2013, (78 FR 13305–13307, Docket No. APHIS–2012–0090), APHIS announced the availability of the Syngenta/BCS petition for public comment. APHIS solicited comments on the petition for 60 days ending on April 29, 2013, in order to help identify potential environmental and interrelated economic impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 28 comments on the petition. Several of these comments included electronic attachments consisting of many identical or nearly identical letters, for a total of 584 comments. Issues raised during the comment period include concerns regarding the development of herbicide-resistant weeds, potential impacts on organic farmers, and health concerns. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion of these issues in our environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decisionmaking process. According to our public input process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0090.*

APHIS' preliminary regulatory determination along with its EA, preliminary finding of no significant impact (FONSI), and its plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period. For this petition, we are using Approach 1.

Alternatively, if APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a new crop-trait GE organism or raises substantive new issues, APHIS will follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and a PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and the PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement).

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS prepares a PPRA to assess the plant pest risk of the article. APHIS also prepares the appropriate environmental documentation—either an EA or an environmental impact statement—in accordance with NEPA, to provide the Agency and the public with a review and analysis of any potential environmental impacts that may result if the petition request is approved.

APHIS has prepared a PPRA and has concluded that soybean event SYHTOH2 is unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has prepared an EA in which we present two alternatives based on our analysis of data submitted by Syngenta/BCS, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, i.e., APHIS would not change the regulatory status of soybean event SYHTOH2 and it would continue to be a regulated article, or (2) make a determination of nonregulated status of soybean event SYHTOH2. APHIS' preferred alternative is to make a determination of nonregulated status of soybean event SYHTOH2.

The EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our EA and other pertinent scientific data, APHIS has reached a preliminary FONSI with regard to the preferred alternative identified in the EA.

Based on APHIS' analysis of field and laboratory data submitted by Syngenta/BCS, references provided in the petition, peer-reviewed publications, information analyzed in the EA, the PPRA, comments provided by the public on the petition, and discussion of issues in the EA, APHIS has determined that soybean event SYHTOH2 is unlikely to pose a plant pest risk. We have therefore reached a preliminary decision to make a determination of nonregulated status of soybean event SYHTOH2, whereby soybean event SYHTOH2 would no longer be subject to our regulations governing the introduction of certain GE organisms.

We are making available for a 30-day review period APHIS' preliminary regulatory determination of soybean event SYHTOH2, along with our PPRA, EA, and preliminary FONSI for the preliminary determination of nonregulated status. The PPRA, EA, preliminary FONSI, and our preliminary determination for soybean event SYHTOH2, as well as the Syngenta/BCS petition and the comments received on the petition, are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the 30-day review period closes, APHIS will review and evaluate any information received during the 30-day review period. If, after evaluating the information received, APHIS determines that we have not received substantive new information that would warrant APHIS altering our preliminary regulatory determination or FONSI, substantially changing the proposed action identified in the EA, or substantially changing the analysis of impacts in the EA, APHIS will notify the public through an announcement on our Web site of our final regulatory determination. If, however, APHIS determines that we have received substantive new information that would warrant APHIS altering our preliminary regulatory determination or FONSI, substantially changing the proposed action identified in the EA, or substantially changing the analysis of impacts in the EA, then APHIS will notify the public of our intent to conduct additional analysis and to prepare an amended EA, a new FONSI, and/or a revised PPRA, which would be made available for public review through the publication of a notice of availability in the **Federal Register**. APHIS will also notify the petitioner.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–12554 Filed 5–29–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0067]

J.R. Simplot Co.; Availability of Plant Pest Risk Assessment and Environmental Assessment for Determination of Nonregulated Status of Potato Genetically Engineered for Low Acrylamide Potential and Reduced Black Spot Bruise

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is making available for public comment our plant pest risk assessment and our draft environmental assessment regarding a request from the J.R. Simplot Company seeking a determination of nonregulated status of potatoes designated as Innate™ potatoes (events E12, E24, F10, F37, J3, J55, J78, G11, H37, and H50), which have been genetically engineered for low acrylamide potential (acrylamide is a human neurotoxicant and potential carcinogen that may form in potatoes and other starchy foods under certain cooking conditions) and reduced black spot bruise. We are soliciting comments

on whether this genetically engineered potato is likely to pose a plant pest risk.

DATES: We will consider any information that we receive on or before June 30, 2014.

ADDRESSES: You may submit any information by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0067.*
- *Postal Mail/Commercial Delivery:* Send your information to Docket No. APHIS–2012–0067, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents for this petition and any other information we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0067* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 7997039 before coming.

Supporting documents for this petition are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 13–022–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS has received a petition (APHIS Petition Number 13–022–01p) from the J.R. Simplot Company (Simplot) of Boise, ID, seeking a determination of nonregulated status of potatoes (*Solanum tuberosum*) designated as Innate™ potatoes (events E12, E24, F10, F37, J3, J55, J78, G11, H37, and H50), which have been genetically engineered for low acrylamide potential and reduced black spot bruise. Acrylamide is a human neurotoxicant and potential carcinogen that may form in potatoes and other starchy foods under certain cooking conditions. The petition states that these potatoes are unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public input when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on May 3, 2013 (78 FR 25942–25943, Docket No. APHIS–2012–0067), APHIS announced the availability of the Simplot petition for public comment. APHIS solicited comments on the petition for 60 days ending on July 2, 2013, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 308 comments on the petition; one of these comments included electronic attachments consisting of a consolidated document of many identical or nearly identical letters, for a total of 41,475 comments. Some comments expressed support of a determination of nonregulated status because of potential health benefits and improvements to the potato industry. Issues raised during the comment period include concerns regarding effects on conventional potato production, export markets, and plant fitness. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion of these issues in our environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decisionmaking process. According to our public input process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of APHIS' preliminary regulatory determination along with its EA, preliminary finding of no significant impact (FONSI), and its plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a new crop-trait GE organism or raises substantive new issues, APHIS will follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and a PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and the PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). For this petition, we are using Approach 2.

APHIS has prepared a PPRA to determine if Innate™ potatoes are unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0067.*

any article similar to or allied with any of the foregoing.

APHIS has also prepared a draft EA in which we present two alternatives based on our analysis of data submitted by Simplot, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, i.e., APHIS would not change the regulatory status of Innate™ potatoes and they would continue to be a regulated article, or (2) make a determination of nonregulated status of Innate™ potatoes. APHIS' preferred alternative is to make a determination of nonregulated status of Innate™ potatoes.

The EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In accordance with our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments on our draft EA and our PPRA regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 30 days from the date of this notice. Copies of the draft EA and the PPRA, as well as the previously published petition, are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. After reviewing and evaluating the comments on the draft EA and the PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–12555 Filed 5–29–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0013]

Monsanto Company and Forage Genetics International; Availability of a Plant Pest Risk Assessment and Environmental Assessment for Determination of Nonregulated Status of Genetically Engineered Alfalfa

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is making available for public comment our plant pest risk assessment and our draft environmental assessment regarding a request from the Monsanto Company and Forage Genetics International seeking a determination of nonregulated status of alfalfa designated as event KK179, which has been genetically engineered to express reduced levels of guaiacyl lignin. We are soliciting comments on whether this genetically engineered alfalfa is likely to pose a plant pest risk.

DATES: We will consider all comments that we receive on or before June 30, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0013.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0013, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0013* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 12–321–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS has received a petition (APHIS Petition Number 12–321–01p) from the Monsanto Company and Forage Genetics International seeking a determination of nonregulated status of alfalfa designated as event KK179, which has been genetically engineered to express reduced levels of guaiacyl lignin, a major subunit component of total lignin that slows the digestion of cellulose in livestock, as compared to conventional alfalfa at the same stage of growth. The petition states that this alfalfa event is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public input when

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No.

considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on April 22, 2013, (78 FR 23738–23740, Docket No. APHIS–2013–0013), APHIS announced the availability of the Monsanto Company and Forage Genetics International petition for public comment. APHIS solicited comments on the petition for 60 days ending on June 21, 2013, in order to help identify potential environmental and interrelated economic impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 55 comments on the petition. Issues raised during the comment period included concerns regarding potential impacts on human and animal health and nontarget organisms, herbicide use changes, and herbicide-resistant weeds. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion of those issues in our draft environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decision-making process. According to our public input process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of APHIS' preliminary regulatory determination along with its EA, preliminary finding of no significant impact (FONSI), and its plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period.

Alternatively, if APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a new crop-trait GE organism or raises substantive new issues, APHIS will follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and a PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and the PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). For this petition, we are using Approach 2.

APHIS has prepared a PPRA to determine if alfalfa event KK179 is unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has also prepared a draft EA in which we present two alternatives based on our analysis of data submitted by the Monsanto Company and Forage Genetics International, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, i.e., APHIS would not change the regulatory status of alfalfa event KK179 and it would continue to be a regulated article, or (2) make a determination of nonregulated status of alfalfa event KK179. APHIS' preferred alternative is to make a determination of nonregulatory status of alfalfa event KK179.

The EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In accordance with our process for soliciting public input when considering petitions for determinations of nonregulated status of GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments on our draft EA and our PPRA regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 30 days from the date of this notice. Copies of the draft EA and the PPRA, as well as the previously published petition, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

As indicated previously, after the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. After reviewing and evaluating the comments on the draft EA and the PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 23rd day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–12553 Filed 5–29–14; 8:45 am]

BILLING CODE 3410–34–P

APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0013.*

DEPARTMENT OF AGRICULTURE

Forest Service

Revision of the Land Management Plans for the Helena and Lewis and Clark National Forests

AGENCY: Forest Service, USDA.

ACTION: Notice of initiation of the assessment phase of the land management plan revision process for the Helena and Lewis and Clark National Forests.

SUMMARY: The Helena and Lewis and Clark National Forests, located in Montana, are initiating the forest

planning process pursuant to the 2012 Forest Planning Rule. One assessment and one plan will be developed for both Forests. This process results in a Forest Land Management Plan which describes the strategic direction for management of forest resources for the next ten to fifteen years on the Helena and Lewis and Clark National Forests. The first phase of the process, the assessment phase, is beginning and interested parties will be invited to contribute in the development of the assessment (36 CFR 219.6). The Forests will host open houses, exact dates and times will be posted on the listed below. The assessment is expected to be completed in December 2014. The trends and conditions identified in the assessment will help inform the need for change. With this notice, the Forests invite other governments, non-governmental parties, and the public to help us identify new information on exisiting forest conditions for consideration in the assessement.

DATES: The assessment for the Helena and Lewis and Clark National Forests is expected to be completed by December 31, 2014 and will be posted on the following Web site at *www.fs.usda.gov/goto/hlc/forestplanrevision.*

From May 2014 through August 2014, the public is invited to provide existing resource information to the Forests to include in the assessment. In early 2015, the public will be invited to engage in a collaborative process to develop a proposed action. The Forests will then initiate procedures pursuant to the NEPA and prepare a revised a forest plan.

ADDRESSES: Written comments or questions concerning this notice should be addressed to Helena and Lewis and Clark National Forests, Attn.: Plan Revision, 2880 Skyway Dr., Helena, Montana 59602.

FOR FURTHER INFORMATION CONTACT: Erin Swiader, Forest Plan Revision Team Leader, 406–495–3774. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

More information on the planning process can also be found on the following Web site at *www.fs.usda.gov/goto/hlc/forestplanrevision.*

SUPPLEMENTARY INFORMATION: The National Forest Management Act (NFMA) of 1976 requires that every National Forest System (NFS) unit develop a land management plan. On April 9, 2012, the Forest Service finalized its land management planning rule (2012 Planning Rule), which provides broad programmatic direction to National Forests and National Grasslands for developing and implementing their land management plans. Forest plans describe the strategic direction for management of forest resources for ten to fifteen years, and are adaptive and amendable as conditions change over time.

The first phase of the planning process is the assessment phase. Under the 2012 Planning Rule, the assessment rapidly evaluates existing information about relevant ecological, social, and economic trends and conditions. The second stage is guided, in part, by the National Environment Policy Act (NEPA) and includes the preparation of an environmental impact statement and revised Forest Plan for public review and comment. The third stage of the process is monitoring and feedback, which is ongoing over the life of the revised forest plans.

As public meetings, other opportunities for public engagement, and public comment opportunities are identified, notifications will be posted on the Forest Plan Revision Web site at *www.fs.usda.gov/goto/hlc/forestplanrevision* and information will be sent out to the Forest's mailing list. If anyone is interested in being on the Forests' mailing list to receive these notifications, please contact Erin Swiader, Forest Plan Revision Team Leader, at the mailing address identified above, by sending an email to *hlcplanrevision@fs.fed.us*, or by telephone 406–495–3774.

The responsible official for the revision of the land management plan for the Helena and Lewis and Clark National Forests is William Avey, Forest Supervisor, Helena and Lewis and Clark National Forests, 2880 Skyway Dr., Helena, Montana 59602.

Dated: May 23, 2014.

William Avey,

Forest Supervisor.

[FR Doc. 2014–12515 Filed 5–29–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

El Dorado County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The El Dorado County Resource Advisory Committee (RAC) will meet in Placerville, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meetings are open to the public. The purpose of the meeting is to review operational procedures, evaluate project proposals, prioritize a list of projects for funding in FY 2014, and vote to recommend projects for funding.

DATES: The meetings will be held at 6 p.m. on the following dates:

- June 16, 2014
- June 23, 2014

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

ADDRESSES: The meeting will be held at the El Dorado Center of Folsom Lake College, Community Room, 6699 Campus Drive, Placerville, California.

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

FOR FURTHER INFORMATION CONTACT: Kristi Schroeder, RAC Coordinator, by phone at 530–295–5610 or via email at *kschroeder@fs.fed.us*.

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

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *www.fs.usda.gov/eldorado*. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 11,

2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Kristi Schroeder, RAC Coordinator, Eldorado NF Supervisor's Office, 100 Forni Road, Placerville, California 95667; or by email to *kschroeder@fs.fed.us*, or via facsimile to 530–621–5297.

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 20, 2014.

Laurence Crabtree,

Forest Supervisor.

[FR Doc. 2014–12516 Filed 5–29–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Basin Electric Power Cooperative, Inc.: Notice of Availability of a Final Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Availability of a Final Environmental Impact Statement.

SUMMARY: The Rural Utilities Service (RUS), an agency within the U.S. Department of Agriculture (USDA), has prepared a Final Environmental Impact Statement (FEIS) to meet its responsibilities under the National Environmental Policy Act (NEPA), RUS's implementing regulations, 7 CFR part 1794, and other applicable environmental requirements related to providing financial assistance for Basin Electric Power Cooperative's (Basin Electric) proposed Antelope Valley Station (AVS) to Neset 345-kV Transmission Project (Project) in North Dakota. RUS will also use the FEIS to meet its responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470, and its implementing regulations, ''Protection of Historic Properties'' (36 CFR part 800).

The FEIS addresses the construction, operation, and maintenance of approximately 278 miles of new 345-kV single pole transmission line, a 230-kV single pole transmission line, and a double circuit 345/115-kV transmission line, 4 new substations and a switchyard, modifications to 4 existing substations, maintenance access roads, temporary construction roads, river crossings, temporary construction staging sites, and other facilities described previously in the Draft Environmental Impact Statement (DEIS) and Supplemental Draft Environmental Impact Statement (SDEIS). It also addresses comments received during the comment periods for the DEIS and the SDEIS. The overall project area encompasses parts of Dunn, McKenzie, Mercer, Mountrail, and Williams Counties in western North Dakota.

DATES: Written comments on the FEIS will be accepted 30 days following the publication of the Environmental Protection Agency's environmental impact statement receipt notice in the **Federal Register**. Notices of Availability of FEIS will be published in the local newspapers. After a 30-day public review period on the FEIS, RUS will prepare a Record of Decision for its respective action. The environmental review process is expected to conclude in the summer of 2014.

FOR FURTHER INFORMATION CONTACT: To receive copies of the FEIS or request information on the proposed Project, the FEIS process, and RUS financing, contact Mr. Dennis Rankin, Engineering and Environmental Staff, Rural Utilities Service, 1400 Independence Avenue SW., Stop 1571, Washington, DC 20250–1571, Telephone: (202) 720–1953, or email: *dennis.rankin@wdc.usda.gov.* Copies of the FEIS will be available for review in local libraries in the project area. Library locations will be published in the local papers.

SUPPLEMENTARY INFORMATION: Basin Electric is a regional wholesale electric generation and transmission cooperative owned and controlled by its member cooperatives. Basin Electric serves approximately 2.5 million customers covering 430,000 square miles in portions of nine states, including Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. Basin Electric has identified the need for additional electric transmission capacity in northwestern North Dakota to meet reliability and system stability requirements for the region resulting from increases in demand and load forecasts. Investigations and analyses conducted for the overall power delivery systems found that without improvements, the flow of power along existing lines may result in local line overloads, especially in the vicinity of Williston, North Dakota.

Basin Electric is proposing to construct, own and operate a new 345-kV transmission line and associated supporting infrastructure. The entire proposed Project will consist of constructing approximately 278 miles of new single circuit 345-kV, 230-kV and a double circuit 345/115-kV transmission line, the construction of 4 new substations and a switchyard, modifications to 4 existing substations, maintenance access roads, temporary construction roads, river crossings, temporary construction staging sites, and other facilities. The proposed Project would connect to the Integrated System, the high-voltage transmission grid in the upper Great Plains managed by Western, at several locations, including Western's Williston Substation.

The new 345-kV transmission line would start at the AVS Electric Generation Station located near Beulah, North Dakota, and extend west where it would connect with Basin Electric's existing Charlie Creek 345-kV Substation located near Grassy Butte. The line would then extend north where it would connect with Basin Electric's proposed Judson Substation near Williston and terminate at Basin Electric's newly proposed Tande Substation (Alternative C). Additional 230-kV transmission lines would be constructed between the new Judson 345-kV Substation and Western's existing Williston Substation, between a new 345/230/115-kV substation referred to as the Blue Substation and Western's existing 230-kV transmission line, and also between the Tande 345-kV Substation and Basin Electric's existing Neset 230-kV Substation located near Tioga, North Dakota.

Three transmission line alternatives, two transmission line variations in the Little Missouri National Grasslands (LMNG), and the No Action alternative were evaluated. Alternative C is described above; Alternative D is similar to Alternative C with the primary difference being the construction of a double-circuit 345 kV line north of Killdeer for 63 miles to the Blue Substation. Alternative E is similar to Alternative D with the primary difference being the construction of two parallel 345-kV transmission lines north of Killdeer rather than a double-circuit line. The variations across the LMNG include double-circuiting the 345-kV line with Western's existing 230 kV transmission Line. RUS has identified Alternative C as its preferred alternative because it best meets the purpose and

need and minimizes or mitigates potential impacts.

RUS is authorized to make loans and loan guarantees that finance the construction of electric distribution, transmission, and generation facilities, including system improvements and replacements required to furnish and improve electric service in rural areas, as well as demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. RUS is responsible for completing the environmental review process in processing Basin Electric's application. RUS is serving as the lead Federal agency, as defined at 40 CFR 1501.5, for preparation of the FEIS. Based on an interconnection with the Western Area Power Administration's (Western) transmission system, Western has, in accordance with 40 CFR 1501.6, is serving as a cooperating agency for the environmental review of the proposed Project. Western is also serving as the lead Federal agency, in accordance with 36 CFR 800.2(a)(2), for the Section 106 review of cultural resources and the Endangered Species Act (ESA), Section 7 review for threatened and endangered species. The U.S. Forest Service (USFS) may issue a special use permit under the Federal Land Policy Management Act and is also serving as a cooperating agency. Separate Records of Decision (RODs) will be issued by Western and the USFS for their respective actions. It is anticipated that the RODS will be issued in July 2014.

The proposed Project is subject to the jurisdiction of the North Dakota Public Service Commission (NDPSC), which has regulatory authority for siting electrical transmission facilities within the State. Basin Electric has submitted applications to the NDPSC for Transmission Corridor and Route Permits. The NDPSC Permits would authorize Basin Electric to construct the proposed Project under North Dakota rules and regulations.

RUS has prepared the FEIS to analyze the impacts of its respective Federal actions and the proposed Project in accordance with the NEPA, as amended, Council on Environmental Quality (CEQ) Regulation for Implementing the Procedural Provisions of the NEPA (40 CFR parts 1500–1508), Department of Energy's NEPA Implementing Procedures (10 CFR part 1021), and RUS Environmental Policies and Procedures (7 CFR part 1794). RUS has already prepared and published a DEIS and a SDEIS which can both be found on the internet at *http://www.rurdev.usda.gov/UWP-AVS-Neset.html.*

Because the Project covers a large land area and access in some cases has been restricted, Section 106 review will be phased in accordance with 36 CFR 800.4(b)(2) and 800.5(a)(3). Accordingly, Western will complete Section 106 review using a Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b)(1)(ii). RUS, at the request of Western, will manage the development and execution of the PA. RUS may issue the Record of Decision for the proposed Project once the PA has been executed.

This Notice of Availability also serves as a notice of proposed floodplain or wetland action. It is anticipated that there will be no effect on floodplains and wetlands by the proposed Project. The majority of the floodplains/wetlands crossed are associated with river and stream crossings and can be spanned. Some structures may be located in the floodplain of the Little Missouri River; however, no effects to the floodplain are anticipated.

James F. Elliott,

Acting Assistant Administrator, Electric Programs, USDA, Rural Utilities Service.

[FR Doc. 2014–12316 Filed 5–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Funding Availability and Grant Application Deadlines

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funds availability; correction.

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), published a notice of funds availability concerning the Distance Learning and Telemedicine (DLT) Grant Program for the Fiscal Year (FY) 2014 competition. The document contained incorrect information with regard to the deadline for electronic submissions.

FOR FURTHER INFORMATION CONTACT: Sam Morgan, Program Management Analyst, Advanced Services Division, Telecommunications Program, Rural Utilities Service, email: *sam.morgan@wdc.usda.gov,* telephone: (202) 690–4493, fax: (202) 720–1051. Additional point of contact: Norberto Esteves, Acting Director, Advanced Services Division at *norberto.esteves@wdc.usda.gov* or at same phone numbers previously listed.

Correction

In the **Federal Register** of May 22, 2014, in FR Doc. 2014–11700, on page 29403, in the second column, under the ''F. Deadline caption'', correct ''2.'' to read:

2. Electronic grant applications must be received by July 7, 2014 to be eligible for FY 2014 funding. Late or incomplete applications will not be eligible for FY 2014 grant funding.

Dated: May 23, 2014.

John Charles Padalino,

Administrator, Rural Utilities Service.

[FR Doc. 2014–12548 Filed 5–29–14; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee for a Meeting on Discussing the Project Proposal on Hate Crimes in Illinois and a Briefing on Religious Discrimination in Prisons

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: 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 that the Illinois Advisory Committee (Committee) will hold a meeting on Thursday, June 12, 2014, for the purpose of discussing and voting on a project proposal regarding hate crimes in Illinois and for gathering information and hearing statements regarding religious discrimination in Illinois prisons. The Committee will have the proposal presented by the Commission's two Midwestern Regional Office interns and discuss the proposal afterward. The Committee also will hear testimony from the chief chaplain of the state's Department of Corrections to update information the Committee had obtained on the topic in 2007. The testimony presented at this meeting will provide in part a basis for the Committee's final recommendations on the topic.

Members of the public are invited and welcomed to make statements into the record at the meeting starting at 3:30 p.m. Members of the public who cannot attend in person can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–438–5535, conference ID: 9306519. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no

charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by July 12, 2014. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8311, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov*. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Midwestern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via www.facadatabase.gov under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov*, or may contact the Midwestern Regional Office at the above email or street address.

Agenda:

Welcome and Introductions

12:00 p.m. to 12:10 p.m.
Barbara Abrajano, Chairman, Illinois Advisory Committee

Discussion of Hate Crime Project Proposal

12:10 p.m. to 2:00 p.m.
Changho Kim, USCCR intern
Mrinalini Penumaka, USCCR intern
Illinois Advisory Committee

Briefing on Religious Discrimination in Prisons

2:00 p.m. to 3:00 p.m.
IL Department of Correction Chief Chaplain Stephen Keim

Business Meeting

3:00 p.m. to 3:30 p.m.

Open Session

3:30 p.m. to 4:00 p.m.

Adjournment

4:00 p.m.

DATES: The meeting will be held on Thursday, June 12, 2014, at 12:00 p.m.

ADDRESSES: The meeting will be held at the University of Chicago Law School, 1111 E. 60th St., Classroom VI, Chicago, IL 60637.

Dated: May 23, 2014.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–12532 Filed 5–29–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; 2014 Business R&D and Innovation Survey

AGENCY: U.S. Census Bureau, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written or on-line comments must be submitted on or before July 29, 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(s) and instructions should be directed to Mary Potter, U.S. Census Bureau, MCD HQ–7K157, 4600 Silver Hill Rd., Suitland, MD 20746, (301) 763–4207 (or via the internet at *mary.c.potter@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau, with support from the National Science Foundation (NSF), plans to conduct the Business R&D and Innovation Survey (BRDIS). The BRDIS covers all domestic for-profit businesses that have 5 or more paid employees and are classified in certain industries. The BRDIS provides the only comprehensive data on R&D costs and detailed expenses by type and industry.

The Census Bureau has conducted an R&D survey since 1957 (the Survey of Industrial Research and Development (SIRD) from 1957–2007 and BRDIS from 2008–present), collecting primarily financial information on the systematic work companies were undertaking with the goal of discovering new knowledge or using existing knowledge to develop new or improved goods and services. The 2014 BRDIS will continue to collect the following types of information:

- R&D expense based on accounting standards.
- Worldwide R&D of domestic companies.
- Business segment detail.
- R&D related capital expenditures.
- Detailed data about the R&D workforce.
- R&D strategy and data on the potential impact of R&D on the market.
- R&D directed to application areas of particular national interest.
- Data measuring innovation, intellectual property protection activities and technology transfer.

The BRDIS utilizes a booklet instrument that facilitates the obtaining of information from various contacts within each company that have the best understanding of the concepts and definitions being presented as well as access to the information necessary to provide the most accurate response. The sections of the booklet have been defined by grouping questions based on subject matter areas within the company and currently include: A company information section that includes detailed innovation questions; a financial section focused on company R&D expenses; a human resources section; an R&D strategy and management section; an IP and technology transfer section; and a section focused on R&D that is funded or paid for by third parties. A web instrument is also available to the companies. The web instrument incorporates the use of Excel spreadsheets that are provided to facilitate the electronic collection of information within the companies. Companies have the capability to download the spreadsheets from the Census Bureau's Web site; Census Bureau also provides a spreadsheet that is programmed to consolidate the information for the companies so the company can simply upload this

information into the web instrument for both form types.

II. Method of Collection

The Census Bureau implements a dual-mode collection methodology that utilizes both web based and paper instruments. The BRDI–1 respondents will receive a letter at the initial mail out that instructs them to go to the Census Bureau's Business Help Site. Once the respondents are at the Web site they can print a copy of the form, download a PDF version, download Excel versions of each section of the form or they can request that the booklet be mailed to them. They can also access the web-based instrument to submit their data on-line using the username and password that are supplied in the letter. The BRDI–1 is the more detailed collection instrument. This form or booklet is 48 pages in length; it is mailed to companies with known R&D activity greater than $1 mil. The BRD–1(S) respondents receive the booklet instrument at the initial mail out. They also receive an informational flyer that provides instructions on how to use the web based instrument. The BRD–1(S) is a much shorter version (8 pages). It is mailed to the majority of the sampled companies where the Census Bureau has no information about the companies' R&D activity. Companies are asked to respond within 60 days of the initial mail out.

III. Data

OMB Control Number: 0607–0912.

Form Number(s): BRDI–1 & BRD–1(S).

Type of Review: Regular submission.

Affected Public: For-profit (public or private), domestic businesses that have 5 or more paid employees and are classified in certain industries.

Estimated Number of Respondents:

BRDI–1—(Long Form)	7,000
BRD–1(S)—(Short Form)	38,000
Total	45,000

Estimated Time per Response:

BRDI–1—(Long Form)	14.85 hrs.
BRD–1(S)—(Short Form)	1.015 hrs.

Estimated Total Annual Burden Hours: 142,540.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. 182, 224, and 225.

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 23, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12513 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–999]

Countervailing Duty Investigation of 1,1,1,2-Tetrafluoroethane From the People's Republic of China: Amended Affirmative Preliminary Determination

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

SUMMARY: The purpose of this amended affirmative preliminary determination is to correct a significant ministerial error in the preliminary determination, published on April 18, 2014, that countervailable subsidies are being provided to producers and exporters of 1,1,1,2 tetrafluoroethane (''tetrafluoroethane'') from the People's Republic of China (''PRC'').

DATES: *Effective Date:* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry and Alexis Polovina, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202.482.7906 or 202.482.3927, respectively.

SUPPLEMENTARY INFORMATION: On April 18, 2014, we published our preliminary determination stating that countervailable subsidies are being provided to producers and exporters of tetrafluoroethane from the PRC.[1] On April 21, 2014, T.T. International Co., Ltd. (''T.T. International'') and Zhejiang Quhua Fluor-Chemistry Co., Ltd., a Chinese exporter of subject merchandise, and its cross-owned affiliates (collectively ''JUHUA'') (''respondents''), and Weitron International Refrigeration Equipment (Kunshan) Co., Ltd., an exporter of subject merchandise, and its affiliated U.S. reseller, Weitron, Inc. (collectively ''Weitron'') filed timely allegations of significant ministerial errors contained in the Department's *Preliminary Determination.* After reviewing the allegations, we determine that the *Preliminary Determination* included a significant error. Therefore, we made changes, as described below, to the *Preliminary Determination.*

Scope of the Investigation

The product subject to this investigation is 1,1,1,2-Tetrafluoroethane, R–134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-tetrafluoroethane is CF_3-CH_2F, and the Chemical Abstracts Service (''CAS'') registry number is CAS 811–97–2.

1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Suva 134a, Dymel 134a, and Dymel P134a (DuPont); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-tetrafluoroethane has been sold as Fluorocarbon 134a, R–134a, HFC–134a, HF A–134a, Refrigerant 134a, and UN3159.

Merchandise covered by the scope of this investigation is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Analysis of Alleged Significant Ministerial Error Allegation

A ministerial error is defined in 19 CFR 351.224(f) as ''an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of

[1] *See Countervailing Duty Investigation of 1,1,1,2 Tetrafluoroethane from the People's Republic of China: Preliminary Determination and Alignment of Final Determination with Final Antidumping Determination,* 79 FR 21895 (April 18, 2014) (''*Preliminary Determination*'').

unintentional error which the Secretary considers ministerial.'' With respect to preliminary determinations, 19 CFR 351.224(e) provides that the Department ''will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination. . .'' A significant ministerial error is defined as an error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the countervailable subsidy rate calculated in the original (erroneous) preliminary determination; or (2) a difference between a countervailable subsidy rate of zero (or *de minimis*) and a countervailable subsidy rate of greater than *de minimis* or vice versa.[2]

As explained further in the Ministerial Error Memorandum issued concurrently with this Notice,[3] we determine that the *Preliminary Determination* contained an error with respect to our calculation of ''tier two'' world market benchmark prices for measuring the adequacy of remuneration for the provision of acidspar to respondents pursuant to 19 CFR 351.511(a)(2)(ii). Correction of this error results in a change to the preliminary subsidy rate for T.T. International of more than five absolute points and not less than 25 percent of the originally calculated margin. Thus, the error is significant for T.T. International within the meaning of 19 CFR 351.224(g).[4]

Amended Preliminary Determination

The Department determines that there was a significant ministerial error in the subsidy rate calculated for T.T. International in the *Preliminary Determination.* Consequently, we are amending the preliminary countervailing duty rate calculation for T.T. International pursuant to 19 CFR 351.224(e). In addition, the preliminary ''All Others'' rate was based on the simple average of the subsidy rates calculated for T.T. International and Zhejiang Quhua Fluor-Chemistry Co., Ltd., and its cross-owned affiliates (collectively ''JUHUA''). Thus, we are also amending the ''All Others'' rate to account for the change in T.T. International's subsidy rate. Specifically, we are calculating the simple average of the corrected subsidy rate for T.T. International and the subsidy rate for JUHUA, unchanged from the *Preliminary Determination.* The rate for Jiangsu Bluestar Green Technology Co., Ltd. remains unchanged.

As a result, the amended preliminary net countervailable subsidy rates are as follows:

Company	Subsidy rate (percent)
T.T. International Co., Ltd	16.18
JUHUA (including Zhejiang Quhua Fluor-Chemistry Co., Ltd., and other Juhua Stock Companies)	4.04
Jiangsu Bluestar Green Technology Co., Ltd	1.35
All Others	10.11

Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised, in accordance with section 703(d) and (f) of the Tariff Act of 1930, as amended (the ''Act''). Specifically, we will instruct U.S. Customs and Border Protection (''CBP'') to continue to suspend liquidation and to require a cash deposit in the amounts indicated above, on all entries of tetrafluoroethane from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the International Trade Commission (''ITC'') of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Enforcement and Compliance.

This determination is issued and published pursuant to sections 703(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: May 22, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12590 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See* 19 CFR 351.224(g).

[3] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from James C. Doyle, Director, Office V, through Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled, ''Allegation of a Significant Ministerial Error in the Preliminary Determination,'' dated concurrently with this notice for the analysis performed (''Ministerial Error Memorandum''). This memorandum 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 Department's Central Records Unit in Room 7046 of the Department of Commerce building.

[4] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

The Association of Universities for Research in Astronomy, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Comments: None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, that was being manufactured in the United States at the time of its order.

Docket Number: 13–052. *Applicant:* The Association of Universities for Research in Astronomy, Tucson, AZ 85719. *Instrument:* Enclosure control system for the Advanced Technology Solar Telescope. *Manufacturer:* AEC Engineering, part of the IDOM Group, Spain. *Intended Use:* See notice at 79 FR 6888, February 5, 2014. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to understand the nature of transient solar events which affect life on Earth by employing techniques such as augmenting pointing control of the Telescope at the Sun and augmenting control over the thermal environment during operational use. During normal sun-tracking operations, the Enclosure accessory shall provide complete protection of the Telescope (except for the M1 Assembly) from incoming solar radiation (insolation), the Enclosure accessory shall provide an unobstructed

optical path from the Sun to the M1 Assembly when the carousel and shutters are in any position within their allowable ranges of travel, and the Enclosure accessory skin shall be insulated to the extent required to ensure that the interior surface temperature can be maintained at +0 ^{0}F/ − 3.5^{0} relative to ambient temperature while the exterior skin temperature is at ambient minus 7.2 ^{0}F in all operational conditions.

Docket Number: 13–054. *Applicant:* Regents of the University of Minnesota, School of Physics and Astronomy, Minneapolis, MN 55455–0149. *Instrument:* Yanus IV Laser Scan Head. *Manufacturer:* Till Photonics, Germany. *Intended Use:* See notice at 79 FR 6888, February 5, 2014. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to study the oligomeric state of EGFP tagged Retenoid X Receptor (RXR–EGFP) in the absence and presence of its ligand by PCH analysis, as well as follow its binding to DNA and other nuclear factors by conventional and scanning fluorescence correlation spectroscopy (FCS). The laser beam is continuously scanned in a circular fashion, which shows peaks and valleys which add contrast and give information about the scan radius, diffusion coefficient and particle concentrations that would be absent in conventional FCS. Conventional scan heads for laser microscopy have a finite distance between their scan axes, which introduces aberrations and vignetting into the scan. These distortions in the point spread function prohibit the quantitative imaging experiments. The Yanus IV scan head has been engineered with an effective zero optical distance between the scan axes, which maintains diffraction-limited performance across the entire scan field. This is the only instrument with zero effective optical distance between the scan axes.

Dated: May 22, 2014.

Supriya Kumar,

Acting Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2014–12594 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–815]

Welded Stainless Pressure Pipe From Malaysia: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part; 2012–2013

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

SUMMARY: The Department of Commerce (''Department'') determines that welded stainless pressure pipe (''WSPP'') from Malaysia is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). The final weighted-average dumping margins of sales at LTFV are shown in the ''Final Determination'' section of this notice.

DATES: *Effective Date:* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Erin Kearney, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0650 or (202) 482–0167, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published its *Preliminary Determination* on January 7, 2014.[1] On January 28, 2014, we received a case brief from Bristol Metals, LLC, Felker Brothers Corp., and Outokumpu Stainless Pipe, Inc. (''Petitioners'').[2] We did not receive case or rebuttal briefs from any other interested party.

Period of Investigation

The period of investigation (''POI'') is April 1, 2012, through March 31, 2013.

Scope of the Investigation

The merchandise covered by this investigation is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. For purposes of this investigation, references to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Verification

The Department did not verify any of the three mandatory respondents in this investigation because all of the mandatory respondents ceased participating in the investigation prior to issuance of the *Preliminary Determination.*

Analysis of Comments Received

All issues raised in the case brief for this investigation are addressed in the Issues and Decision Memorandum.[3] A list of the issues which parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

[1] *See Welded Stainless Pressure Pipe from Malaysia: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, in Part, and Postponement of Final Determination,* 79 FR 808 (January 7, 2014) (''*Preliminary Determination*'').

[2] *See* submission from Petitioners, ''Welded Stainless Pressure Pipe from Malaysia: Petitioners' Case Brief,'' dated January 28, 2014.

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Welded Stainless Pressure Pipe from Malaysia,'' dated May 22, 2014 (''Issues and Decision Memorandum'').

Electronic Service System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Final Determination

For the final determination, we made no changes to the *Preliminary Determination.* Therefore, we continue to determine that the following margins exist for the following entities for the POI:

Exporter or producer	Weighted-average dumping margin (percent)
Superinox Pipe Industry Sdn. Bhd./Superinox International Sdn. Bhd	167.11
Kanzen Tetsu Sdn. Bhd	167.11
Pantech Stainless & Alloy Industries Sdn. Bhd	167.11
All Others	22.70

Critical Circumstances

We made no changes to our critical circumstances analysis announced in the *Preliminary Determination.*[4] Thus, pursuant to section 735(a)(3) of the Act, we continue to find that critical circumstances exist with respect to imports of WSPP from Malaysia from mandatory respondents Kanzen Tetsu Sdn. Bhd. (''Kanzen''), Pantech Stainless & Alloy Industries Sdn. Bhd. (''Pantech''), and Superinox Pipe Industry Sdn. Bhd./Superinox International Sdn. Bhd. (''Superinox''). We continue to find that critical circumstances do not exist with respect to imports of WSPP from exporters or producers in the ''all others'' group.

Disclosure

We disclosed the calculations used to determine the adverse facts available rate in the *Preliminary Determination* to parties in this proceeding, and we made no changes since the *Preliminary Determination.* Thus, no additional disclosure of calculations is necessary.

Continuation of Suspension of Liquidation

As noted above, the Department found that critical circumstances exist with respect to imports of the merchandise under consideration from Superinox, Kanzen, and Pantech. Therefore, in accordance with section 735(c)(4) of the Act, we will instruct U.S. Customs and Border Protection (''CBP'') to continue to suspend liquidation of all entries of WSPP from Malaysia from Superinox, Kanzen, and Pantech that were entered, or withdrawn from warehouse, for consumption on or after the date 90 days prior to publication of the *Preliminary Determination* in the **Federal Register** and require a cash deposit for such entries as noted below. Because we did not find that critical circumstances exist with respect to exporters or producers in the ''all others'' group, in accordance with section 735(c)(1) of the Act, we will instruct CBP to continue to suspend liquidation of all other entries of WSPP from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication of the *Preliminary Determination* in the **Federal Register**. These suspension of liquidation instructions will remain in effect until further notice.

Pursuant to section 735(c)(1) of the Act and 19 CFR 351.210(d), the Department will instruct CBP to require cash deposits[5] equal to the weighted-average dumping margins indicated in the table above. These cash deposit instructions will remain in effect until further notice.

International Trade Commission (''ITC'') Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of WSPP from Malaysia no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the merchandise under investigation entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders (''APO'')

This notice also serves as a reminder to the parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: May 22, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Investigation
IV. Discussion of the Issues
Comment 1: Determination of the All Others Rate
V. Recommendation

[FR Doc. 2014–12586 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[4] *Preliminary Determination,* 79 FR at 810.

[5] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–816]

Welded Stainless Pressure Pipe From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (''Department'') determines that welded stainless pressure pipe (''WSPP'') from the Socialist Republic of Vietnam (''Vietnam'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). The final weighted-average dumping margins of sales at LTFV are shown in the ''Final Determination'' section of this notice.

DATES: *Effective Date:* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Erin Kearney, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6412 or (202) 482–0167, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published its *Preliminary Determination* on January 7, 2014.[1] On March 20, 2014, we issued a post-preliminary analysis on the Vietnam-wide entity rate.[2] On March 27, 2014, we received case briefs from Bristol Metals, LLC, Felker Brothers Corp., and Outokumpu Stainless Pipe, Inc. (''Petitioners'') and Sonha International Corporation (''Sonha'').[3] On March 31, 2014, we rejected Petitioners' case brief because it contained untimely filed new factual information. On April 1, 2014, we received a refiled case brief from Petitioners, as requested by the Department.[4] On April 3, 2014, we received rebuttal briefs from Petitioners and Sonha.[5] Based on an analysis of the comments received, the Department has made changes from the *Preliminary Determination.*

Period of Investigation

The period of investigation (''POI'') is October 1, 2012, through March 31, 2013.

Scope of the Investigation

The merchandise covered by this investigation is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. For purposes of this investigation, references to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

Verification

As provided in section 782(i) of the Act, the Department verified the information submitted by Sonha for use in the final determination. The Department used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by the respondent.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs for this investigation are addressed in the Issues and Decision Memorandum, which is dated concurrently with and hereby adopted by this notice.[7] A list of the issues which parties have raised and to which we have responded in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov;* the Issues and Decision Memorandum is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/enforcement.* The signed version and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

- We valued electricity using the electricity price data for large industries, as published by the Central Electricity Authority in its publication, ''Electricity Tariff & Duty and Average Rates of Electricity Supply in India.''[8]

[1] *See Welded Stainless Pressure Pipe from the Socialist Republic of Vietnam: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 806 (January 7, 2014) (''*Preliminary Determination*'').

[2] *See* Memorandum from Abdelali Elouaradia, Office Director, AD/CVD Operations, Office IV, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Welded Stainless Pressure Pipe from the Socialist Republic of Vietnam: Post-Preliminary Analysis on the Vietnam-Wide Entity Rate,'' dated March 20, 2014 (''Post-Preliminary Analysis'').

[3] *See* submission from Sonha, ''Sonha's Direct Case Brief: Antidumping Duty Investigation of Welded Stainless Pressure Pipe from Vietnam (A–552–816),'' dated March 27, 2014.

[4] *See* submission from Petitioners, ''Welded Stainless Pressure Pipe from Vietnam: Petitioners' Case Brief,'' dated April 1, 2014.

[5] *See* submission from Petitioners, ''Welded Stainless Pressure Pipe from Vietnam: Petitioners' Rebuttal Brief,'' dated April 3, 2014; *see also* submission from Sonha, ''Sonha's Rebuttal Case Brief: Antidumping Duty Investigation of Welded Stainless Pressure Pipe from Vietnam (A–552–816),'' dated April 3, 2014.

[6] *See* Memorandum to the File from Lilit Astvatsatrian and Erin Kearney, Senior International Trade Compliance Analysts, AD/CVD Operations, Office IV, ''Verification of the Sales and Factors Responses of Sonha International Corporation in the Antidumping Investigation of Welded Stainless Steel Pipe from the Socialist Republic of Vietnam,'' dated February 26, 2014 (''Verification Report'').

[7] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Welded Stainless Pressure Pipe from the Socialist Republic of Vietnam,'' dated May 22, 2014 (''Issues and Decision Memorandum'').

[8] *See* Memorandum to the File, ''Welded Stainless Pressure Pipe from the Socialist Republic of Vietnam: Analysis of the Final Determination

• We adjusted Sonha's brokerage and handling surrogate value by Sonha's own average shipment weight for a 20-foot container.[9]

• We used Sonha's revised factors of production (''FOP'') database which reflects changes in the consumption rates of certain packing materials and supplier distances as a result of minor corrections and findings at the verification.[10]

• We revised the market-economy purchase prices for certain FOPs as a result of minor corrections at the verification.[11]

• We revised the Vietnam-wide rate to be the same as Sonha's calculated margin.[12]

Final Determination

The Department determines that the following weighted-average dumping margins exist:

Exporter	Producer	Weighted-average dumping margin
Sonha International Corporation	Sonha International Corporation	16.25
Mejonson Industrial Vietnam Co., Ltd	Mejonson Industrial Vietnam Co., Ltd	16.25
Vietnam-Wide Entity		16.25

Disclosure

The Department intends to disclose calculations performed for this final determination to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (''CBP'') to continue to suspend liquidation of all appropriate entries of WSPP from Vietnam as described in the ''Scope of the Investigation'' section, which were entered, or withdrawn from warehouse, for consumption on or after January 7, 2014, the date of publication of the *Preliminary Determination* in the **Federal Register**. CBP shall require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as shown above. These instructions suspending liquidation will remain in effect until further notice.

International Trade Commission (''ITC'') Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of WSPP from Vietnam no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the merchandise under investigation entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders (''APO'')

This notice also serves as a final reminder to the parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: May 22, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary

Case Issues

Scope of the Investigation

Discussion of the Issues

Comment 1: Financial Ratios
Comment 2: Date of Sale
Comment 3: Electricity
Comment 4: Valuation of Argon and Hydrogen
Comment 5: Adjustment of Brokerage and Handling Charges
Comment 6: Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Less-Than-Fair-Value Investigations
Comment 7: Differential Pricing Analysis

Recommendation

Attachment: Acronym and Abbreviation Table

[FR Doc. 2014–12587 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–830]

Welded Stainless Pressure Pipe From Thailand: Final Determination of Sales at Less Than Fair Value

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

DATES: *Effective Date:* May 30, 2014.

SUMMARY: The Department of Commerce (''Department'') determines that welded

Margin Calculation for Sonha International Corporation, dated May 22, 2014 (''Final Analysis Memorandum''), at page 2 and Attachment 3; *see also* Issues and Decision Memorandum at Comment 3.

[9] *See* Final Analysis Memorandum at page 2 and Attachments 3–4 and *see also* Issues and Decision Memorandum at Comment 5.

[10] *See* Final Analysis Memorandum at page 1 and Attachment 1; *see also* Verification Report at pages 2–3.

[11] *See* Final Analysis Memorandum at page 2 and Attachment 3.

[12] *See* Post-Preliminary Analysis.

stainless pressure pipe (''WSPP'') from Thailand is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Tariff Act of 1930, as amended (the ''Act''). The final dumping margins for this investigation are listed in the ''Final Determination'' section below.

FOR FURTHER INFORMATION CONTACT: Brandon Farlander or Trisha Tran, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0182 or (202) 482–4852, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published its *Preliminary Determination* on January 7, 2014,[1] and its *Amended Preliminary Determination* on February 26, 2014.[2] On March 13, 2014, we received a case brief[3] from Bristol Metals, LLC, Felker Brothers Corp., and Outokumpu Stainless Pipe, Inc. (''Petitioners''). On March 18, 2014, we received a rebuttal brief[4] from Thai-German Products Public Company Limited (''TGP''). Based on an analysis of the comments received, the Department made changes from the *Preliminary Determination* and *Amended Preliminary Determination.*

Period of Investigation

The period of investigation (''POI'') is April 1, 2012, through March 31, 2013.

Scope of the Investigation

The merchandise covered by this investigation is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. For purposes of this investigation, references to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the investigation is dispositive.

Verification

As provided in section 782(i) of the Act, from January 20, 2014 through January 24, 2014, the Department attempted to verify the sales information submitted by TGP for use in the final determination. The Department used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by the respondent. At verification, the Department discovered that TGP did not report the vast majority of its home market sales.[5] In light of that, we cancelled TGP's cost verification.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum.[7] A list of the issues raised by the parties and to which the Department responded in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, which is in room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination and Amended Preliminary Determination

Based on our analysis of the comments received and our findings at verification:

- We applied total adverse facts available (''AFA'') to TGP and assigned to it the highest margin alleged in the petition, *i.e.,* 24.01 percent, as TGP's AFA rate.[8]
- We revised the ''All Others'' rate.[9]

''All Others'' Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* and margins based entirely under section 776 of the Act. Pursuant to sectin 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters. In the *Amended Preliminary Determination,* the Department calculated the ''All Others'' rate based

[1] *See Welded Stainless Pressure Pipe From Thailand: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 79 FR 812 (January 7, 2014) (''*Preliminary Determination*'').

[2] *See Welded Stainless Pressure Pipe From Thailand: Amended Preliminary Determination of Sales at Less Than Fair Value,* 79 FR 10772 (February 26, 2014) (''*Amended Preliminary Determination*'').

[3] *See* submission from Petitioners, ''Welded Stainless Pressure Pipe From Thailand: Petitioners' Case Brief,'' dated March 13, 2014 (''Petitioners' Case Brief'').

[4] *See* submission from TGP, ''Welded Stainless Steel Pressure Pipe From Thailand; Rebuttal Brief,'' dated March 18, 2014 (''TGP's Rebuttal Brief'').

[5] *See* Memorandum From Trisha Tran and Brandon Farlander, Senior International Trade Compliance Analysts, AD/CVD Operations, Office IV, to the File, ''Antidumping Duty Investigation of Welded Stainless Pressure Pipe From Thailand: Verification of the Questionnaire Responses of Thai-German Products Public Company Limited,'' (March 5, 2014) (''TGP Sales Verification Report'').

[6] *See* TGP's Sales Verification Report.

[7] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Welded Stainless Pressure Pipe (''WSPP'') From Thailand'' (May 22, 2014) (''Issues and Decision Memorandum'').

[8] *See* Issues and Decision Memorandum at Comments 1 and 2.

[9] *See* Issues and Decision Memorandum at Comment 4.

on TGP's rate from the *Preliminary Determination.* In light of the Department's assignment of total AFA to TGP (and, previously to Ametai Co., Ltd. and Thareus Co., Ltd (Ametai/Thareus), the other mandatory respondent in this investigation), TGP's rate is no longer appropriate for the all others rate. In cases where there are no weighted-average dumping margins besides zero or *de minimis,* or where the rates established for individually investigated entities have been determined entirely under section 776 of the Act, the Department averages the margins calculated in the petition and applies the result to all other entities not individually examined.[10] The average of the petition margins (*i.e.,* 23.77 percent and 24.01 percent) is 23.89 percent.[11] Therefore, the ''All Others'' rate applied to all other entities not individually examined is 23.89 percent.

Final Determination

The Department determines that the following final dumping margins exist for the POI:

Manufacturer/exporter	Dumping margin (percent)
Ametai Co., Ltd./Thareus Co., Ltd	*24.01
Thai-German Products Public Company Limited	24.01
All Others	23.89

*Unchanged from the *Amended Preliminary Determination.*

Disclosure

The Department intends to disclose calculations performed for this final determination to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (''CBP'') to continue to suspend liquidation of all appropriate entries of WSPP from Thailand as described in the ''Scope of the Investigation'' section, which were entered, or withdrawn from warehouse, for consumption on or after January 7, 2014, the date of publication of the *Preliminary Determination* in the **Federal Register**. CBP shall require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as follows: (1) The rates for Ametai/Thareus and TGP will be the rates we have determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 23.89 percent, as discussed in the ''All Others Rate'' section, above. These instructions suspending liquidation will remain in effect until further notice.

U.S. International Trade Commission (''ITC'') Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales for importation of WSPP from Thailand no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders (''APO'')

This notice also serves as a reminder to the parties subject to APO of their responsibility concerning the disposition of propriety information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: May 22, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

Issues for the Final Determination

I. Summary
II. Background
III. POI
IV. Scope
V. Adverse Facts Available
VI. Discussion of the Issues
Comment 1: Whether To Apply Total AFA With Respect to TGP
Comment 2: AFA Rate To Apply to TGP
Comment 3: Whether To Apply a Higher AFA Rate to Ametai/Thareus
Comment 4: Whether To Revise the ''All Others'' Rate and, If Yes, What Rate To Select Recommendation

[FR Doc. 2014–12588 Filed 5–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See Steel Threaded Rod From Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013) (''*Steel Threaded Rod From Thailand*''); *see also Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite From the Federal Republic of Germany,* 73 FR 21909 (April 23, 2008); unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite From the Federal Republic of Germany,* 73 FR 38986 (July 8, 2008).

[11] *See Welded Stainless Pressure Pipe From Thailand Investigation Initiation Checklist,* dated June 5, 2013, at 8, citing *Welded Stainless Pressure Pipe From Thailand: Correction to Supplemental Response,* dated May 30, 2013, at Exhibit III–8.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must be Received on or Before: 6/30/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

For Further Information or to Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 USC 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the

Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

NSN: 5340–00–NIB–0080—Desktop/Notebook Security Cable, Master-Coded Combination Lock Kit, 20 Lock Kits
NSN: 5340–00–NIB–0082—Desktop/Notebook Security Cable, Master-Keyed Lock Kit, 10 Lock Kits
NPA: Alphapointe, Kansas City, MO
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA
Coverage: A-List for the Total Government Requirement as aggregated by the Defense Logistics Agency Troop Support, Philadelphia, PA
NSN: 6230–00–NIB–0052—Flashlight, Tactical, Lithium-Ion Rechargeable, Multi-color LEDs
NSN: 6230–00–NIB–0053—Penlight, Tactical-Style, LED, 2 AAA, 5″ long
NSN: 6230–00–NIB–0054—Flashlight, Tactical-Style, LED, 2 AAA, 6″ long
NPA: Central Association for the Blind and Visually Impaired, Utica, NY
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA
Coverage: B-List for 100% of the Broad Government Requirement as aggregated by the Defense Logistics Agency Troop Support, Philadelphia, PA.

Socket Set

NSN: 5120–00–NIB–0111—¼ Drive Shallow, SAE 6 and 12 Point Fasteners, 10 Pieces
NSN: 5120–00–NIB–0112—¼ Drive Deep, SAE 6 and 12 Point Fasteners, 10 Pieces
NSN: 5120–00–NIB–0113—Combination, ¼ Drive Shallow, SAE 6 and 12 Point Fasteners, 14 Pieces
NSN: 5120–00–NIB–0114—⅜ Drive Shallow, SAE 12 Point Fasteners, 11 Pieces
NSN: 5120–00–NIB–0115—⅜ Drive Deep, SAE 12 Point Fasteners, 13 Pieces
NSN: 5120–00–NIB–0116—Combination, ⅜ Shallow, SAE 12 Point Fasteners, 18 Pieces
NSN: 5120–00–NIB–0117—½ Drive Shallow, SAE 6 and 12 Point Fasteners, 13 Pieces
NSN: 5120–00–NIB–0118—½ Drive Deep, SAE 12 Point Fasteners, 13 Pieces
NSN: 5120–00–NIB–0119—Combination, ½ Drive Shallow, SAE 12 Point Fasteners, 17 Pieces
NPA: Wiscraft, Inc., Milwaukee, WI
Contracting Activity: General Services Administration, Tools Acquisition Division I, Kansas City, MO
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration, Kansas City, MO.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–12547 Filed 5–29–14; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Friday, June 20, 2014.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates, or locations of this or any future meetings change, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov*.

CONTACT PERSON FOR MORE INFORMATION: Christopher J. Kirkpatrick, 202–418–5964.

Natise Allen,

Executive Assistant.

[FR Doc. 2014–12682 Filed 5–28–14; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Friday, June 27, 2014.

PLACE: 1155 21st St. NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, Enforcement Matters, and Examinations. In the event that the times, dates, or locations of this or any future meetings change, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov*.

CONTACT PERSON FOR MORE INFORMATION: Christopher J. Kirkpatrick, 202–418–5964.

Natise Allen,

Executive Assistant.

[FR Doc. 2014–12681 Filed 5–28–14; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–17]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 14–17 with attached transmittal, and policy justification.

Dated: May 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 16 2014

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-17, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Mexico for defense articles and services estimated to cost $556 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification

Transmittal No. 14–17

Notice of proposed Issuance of Letter of Offer Pursuant to Section 36(b) (1) Of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Mexico

(ii) *Total Estimated Value:*

Major Defense Equipment:*	$ 0 million
Other:	$556 million
TOTAL:	$556 million

(iii) *Description and Quantity of Articles or Services under Consideration for Purchase:* 3,335 M1152 High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs), spare and repair parts, support and test equipment, communication equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) *Military Department;* Army (UET).

(v) *Prior Related Cases, if Any:* None.

(vi) *Sales Commission, Fee, etc., Paid, Offered or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None.

(viii) *Date Report Delivered to Congress:* 16 May 2014.

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Mexico—M1152 High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs)

The Government of Mexico has requested a possible sale of 3,335 M1152 High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs), spare and repair parts, support and test equipment, communication equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $556 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a strategic partner. Mexico has been a strong partner in combating organized crime and drug trafficking organizations. The sale of these HMMWVs to Mexico will significantly increase and strengthen its capability to provide in-country troop mobility to provide security.

Mexico intends to use these defense articles and services to modernize its armed forces and expand its existing army architecture to combat drug trafficking organizations. This will contribute to the Mexican military's goal of updating its capabilities, while further enhancing interoperability between Mexico and the U.S. and among other allies. Mexico will have no difficulty absorbing these vehicles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be AM General in South Bend, Indiana. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require at least four U.S. Government or contractor representatives to travel to Mexico for a period of three years to provide operational and maintenance training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–12539 Filed 5–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number: DARS–2014–0029]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Occupational Safety and Drug-Free Work Force

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

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the 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 the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through October 31, 2014. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by July 29, 2014.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0272, using any of the following methods:

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

Email: osd.dfars@mail.mil. Include OMB Control Number 0704–0272 in the subject line of the message.

Fax: 571–372–6094.

Mail: Defense Acquisition Regulations System, Attn: Ms. Lee Renna, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Lee Renna, 571–372–6095. The information collection requirements addressed in this notice are available on the Internet at: *http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html.* Paper copies are available from Ms. Lee Renna, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) part 223, Occupational Safety and Drug-Free Work Force, and related clauses in DFARS 252.223; OMB Control Number 0704–0272.

Needs and Uses: This information collection requires that an offeror or contractor submit information to DoD in response to DFARS solicitation provisions and contract clauses relating to occupational safety and drug-free work force. DoD contracting officers use this information to—

- Verify compliance with requirements for labeling of hazardous materials;
- Ensure contractor compliance and monitor subcontractor compliance with DoD 4145.26–M, DoD Contractors' Safety Manual for Ammunition and Explosives, and minimize risk of mishaps;
- Identify the place of performance of all ammunition and explosives work; and
- Ensure contractor compliance and monitor subcontractor compliance with DoD 5100.76–M, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives.

In addition, this information collection requires DoD contractors to maintain records regarding drug-free work force programs provided to contractor employees. The information is used to ensure reasonable efforts to eliminate the unlawful use of controlled substances by contractor employees.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 675,079 (9,448 response hrs + 665,631 recordkeeping hrs).

Number of Respondents: 1,519.

Responses per Respondent: Approximately 9.

Annual Responses: 13,507.

Average Burden per Response: .7 hours.

Frequency: On occasion.

Number of recordkeepers: 12,255.

Average Annual Burden per Recordkeeper: 54.3 hours.

Summary of Information Collection

This information collection includes the following requirements:

1. *DFARS 252.223–7001, Hazard Warning Labels.* Paragraph (c) requires all offerors to list which hazardous materials will be labeled in accordance with certain statutory requirements instead of the Hazard Communication Standard. Paragraph (d) requires only the apparently successful offeror to submit, before award, a copy of the hazard warning label for all hazardous materials not listed in paragraph (c) of the clause.

2. *DFARS 252.223–7002, Safety Precautions for Ammunition and Explosives.* Paragraph (c)(2) requires the contractor, within 30 days of notification of noncompliance with DoD 4145.26–M, to notify the contracting officer of actions taken to correct the noncompliance. Paragraph (d)(1) requires the contractor to notify the contracting officer immediately of any mishaps involving ammunition or explosives. Paragraph (d)(3) requires the contractor to submit a written report of the investigation of the mishap to the contracting officer. Paragraph (g)(4) requires the contractor to notify the contracting officer before placing a subcontract for ammunition or explosives.

3. *DFARS 252.223–7003, Changes in Place of Performance—Ammunition and Explosives.* Paragraph (a) requires the offeror to identify, in the Place of Performance provision of the solicitation, the place of performance of all ammunition and explosives work covered by the Safety Precautions for Ammunition and Explosives clause of the solicitation. Paragraphs (b) and (c) require the offeror or contractor to obtain written permission from the contracting officer before changing the place of performance after the date set for receipt of offers or after contract award.

4. *DFARS 252.223–7007, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives.* Paragraph (e) requires the contractor to notify the cognizant Defense Security Service field office within 10 days after award of any subcontract involving sensitive conventional arms, ammunition, and explosives within the scope of DoD 5100.76–M.

5. DFARS section 223.570, Drug-free work force, and the associated clause at DFARS 252.223–7004, Drug-Free Work Force, require that DoD contractors institute and maintain programs for achieving the objective of a drug-free work force, but do not require contractors to submit information to the Government. This information collection reflects the public burden of maintaining records related to a drug-free work force program.

Manuel Quinones,

Deputy for Regulatory Analysis and Management.

[FR Doc. 2014–12598 Filed 5–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies Program and Foreign Language and Area Studies Fellowships Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information

National Resource Centers (NRC) Program for Foreign Language and Area Studies or Foreign Language and International Studies Program and Foreign Language and Area Studies Fellowships (FLAS) Program.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.015A and 84.015B.

Note: This notice invites applications for two separate competitions. For funding and other key information for the two competitions, see the *Award Information* section of this notice.

DATES: Applications Available: May 30, 2014.

Deadline for Transmittal of Applications: June 30, 2014.

Deadline for Intergovernmental Review: August 28, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Programs: The NRC Program provides grants to institutions of higher education and consortia of such institutions to establish, strengthen, and operate comprehensive and undergraduate foreign language and area or international studies centers to serve as national resources for (a) teaching of any modern foreign language; (b) instruction in fields needed to provide full understanding of areas, regions, or countries in which the modern foreign language is commonly used; (c) research and training in international studies and international and foreign language aspects of professional and other fields of study; and (d) instruction and research on issues in world affairs that concern one or more countries.

The FLAS Program allocates academic year and summer fellowships to institutions of higher education and consortia of institutions of higher education to assist meritorious undergraduate and graduate students undergoing training in modern foreign languages and related area or international studies.

Priorities: This notice contains one absolute priority, two competitive preference priorities, and one invitational priority for NRC Program applicants. The NRC absolute priority is from 34 CFR 656.23(a)(4). The NRC Competitive Preference Priorities 1 and 2 are from the notice of final priorities for the NRC program published elsewhere in this issue of the **Federal Register**.

This notice also contains two competitive preference priorities and one invitational priority for FLAS Program applicants. The FLAS Competitive Preference Priority 1 is from the notice of final priorities for the FLAS Program published elsewhere in this issue of the **Federal Register**. The FLAS Competitive Preference Priority 2 is from 34 CFR 657.22(a)(2).

NRC Program Priorities:

*Absolute Priorit*y: For FY 2014, this priority is an absolute priority for the NRC Program. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Applications that provide for teacher training activities on the language, languages, area studies, or thematic focus of the center.

Competitive Preference Priorities: For FY 2014, 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 NRC Competitive Preference Priority 1, and up to an additional five points to an application, depending on how well the application meets NRC Competitive Preference Priority 2. An applicant may receive a maximum of 10 points for its response to these competitive preference priorities.

These priorities are:

NRC Competitive Preference Priority 1 (0–5 points): Applications that propose significant and sustained collaborative activities with one or more Minority-Serving Institutions (MSIs) (as defined in this notice) or with one or more community colleges (as defined in this notice).

These activities must be designed to incorporate international, intercultural, or global dimensions into the

curriculum at the MSI(s) or community college(s), and to improve foreign language, area, and international studies or international business instruction at the MSI(s) or community college(s). If an applicant institution is an MSI or a community college (as defined in this notice), that institution may propose intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs or community colleges.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

You may view lists of Title III and Title V eligible institutions at the following links:

http://www.ed.gov/about/offices/list/ope/idues/t3t5-eligibles-2014.pdf
http://www2.ed.gov/programs/iduesaitcc/tribal-newgrantees2013.pdf
http://www.ed.gov/programs/iduesaitcc/tribal-f-nccgrantees2013.pdf.

Note: The eligibility status is still current for institutions listed at the links above. You may also view the list of Historically Black Colleges and Universities at 34 CFR 608.2.

NRC Competitive Preference Priority 2 (0–5 points): Applications that propose collaborative activities with units such as schools or colleges of education, schools of liberal arts and sciences, post-baccalaureate teacher education programs, and teacher preparation programs on or off the national resource center campus.

These collaborative activities are designed to support the integration of an international, intercultural, or global dimension and world languages into teacher education and/or to promote the preparation and credentialing of more foreign language teachers in less commonly taught languages (LCTLs) for which there is a demand for additional teachers to meet existing and expected future kindergarten through grade 12 language program needs.

Invitational Priority: For FY 2014, this priority is an invitational priority for the NRC Program. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Programs or projects that develop, maintain, or enhance linkages with overseas institutions of higher education or other educational organizations, especially by centers that focus on sub-Saharan Africa, South Asia, and Southeast Asia, in order to improve understanding of these societies and provide for greater engagement with institutions in these areas.

FLAS Program Priorities:

Competitive Preference Priorities: For FY 2014, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional five points to an application that meets FLAS Competitive Preference Priority 1, and an additional five points to an application that meets FLAS Competitive Preference Priority 2. An applicant may receive a maximum of 10 points for its response to these competitive preference priorities.

These priorities are:

FLAS Competitive Preference Priority 1: Applications that propose to give preference when awarding fellowships to undergraduate students, graduate students, or both, to students who demonstrate financial need as indicated by the students' expected family contribution, as determined under part F of title IV of the HEA. This need determination will be based on the students' financial circumstances and not on other aid. The applicant must describe how it will ensure that all fellows who receive such preference show potential for high academic achievement based on such indices as grade point average, class ranking, or similar measures that the institution may determine. For grants awarded with fiscal year 2014 funds, the preference applies to fellowships awarded for study during academic years 2015–16, 2016–17, and 2017–18.

FLAS Competitive Preference Priority 2: Applications that propose to make 25 percent or more of academic year FLAS fellowships in any of the 78 priority languages selected from the U.S. Department of Education's list of less commonly taught languages (LCTLs).

The list includes the following: Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandigo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukranian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Invitational Priority: For FY 2014, this priority is an invitational priority for the FLAS Program. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications that propose to award academic year fellowships in any of the priority languages used in sub-Saharan Africa, South Asia, and Southeast Asia.

Program Authority: 20 U.S.C. 1122.

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 regulations in 34 CFR part 655. (d) The regulations for the NRC Program in 34 CFR part 656. (e) The regulations for the FLAS Program in 34 CFR part 657.

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

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

Area of National Need: In accordance with section 601(c) of the HEA (20 U.S.C. 1121(c)), the Secretary has consulted with and received recommendations regarding national need for expertise in foreign language and world regions from the head officials of a wide range of Federal agencies. The Secretary has taken these recommendations into account and a list of foreign languages and world regions identified by the Secretary as areas of national need may be found on the following Web site: *http://www2.ed.gov/about/offices/list/ope/iegps/consultation-2014.pdf.*

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds:

NRC Program: $22,743,107.

FLAS Program: $30,398,500.

The estimated funds to be allocated to each world area are as follows:

NRC Program: Africa ($2,370,671); Canada ($385,178); East Asia ($3,574,282); International ($1,730,010); Latin America ($3,300,340); Middle East ($3,302,898); Russia/Eastern Europe/Eurasia ($2,612,477); South Asia ($2,130,312); Southeast Asia ($1,607,434); Western Europe ($1,729,505).

FLAS Program: Africa ($3,310,140); Canada ($272,190); East Asia ($4,693,950); International ($1,652,490); Latin America ($4,156,300); Middle East ($4,504,393); Russia/Eastern Europe/Eurasia ($4,712,370); South Asia ($2,978,075); Southeast Asia ($2,270,452); Western Europe ($1,848,140).

Estimated Range of Awards:

NRC Program: $115,000 to $285,000 per year.

FLAS Program: $150,000 to $350,000 per year.

Estimated Average Size of Awards:

NRC Program: $200,000 per year.

FLAS Program: $250,000 per year.

Estimated FLAS Program Subsistence Allowance: The academic year 2014–2015 subsistence allowance for a graduate student fellowship is $15,000; the academic year subsistence allowance for an undergraduate student fellowship is $5,000. The summer 2015 subsistence allowance is $2,500 for graduate and undergraduate student fellowships.

Estimated FLAS Program Institutional Payment: The academic year 2014–2015 institutional payment for a graduate student fellowship is $18,000; the academic year 2014–2015 institutional payment for an undergraduate student fellowship is $10,000. The summer 2015 institutional payment is $5,000 for graduate and undergraduate student fellowships.

Estimated Number of Awards:

NRC Program: 105.

FLAS Program: 108.

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

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* An institution of higher education or consortia of institutions of higher education.

2. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* Monet Peterson-Cox, U.S. Department of Education, 1990 K Street, NW., Room 6089, Washington, DC 20006. Telephone: (202) 502–7726 or by email: *monet.peterson-cox@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities may obtain a copy of an 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 these programs. Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the narrative to the equivalent of no more than 50 pages for a single institution application or the equivalent of no more than 60 pages for a consortium application, 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, *except* titles, headings, footnotes, quotations, references, captions, and all text in charts, tables, figures and graphs. These items may be single-spaced. Charts, tables, figures, and graphs in the application narrative 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. Applications submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to the Application for Federal Assistance (SF 424); the Department of Education Supplemental Information form (SF 424); Budget Information—Non-Construction Programs (ED524); the assurances and certifications; the one-page project abstract; the acronym guide, project budget line item detail pages, or performance measure forms (PMFs); or the project personnel biographical profiles or course list.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: May 30, 2014.

Deadline for Transmittal of Applications: June 30, 2014.

Applications for grants under these competitions must be submitted in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application by mail or hand delivery, please refer to section IV. 7. *Other Submission Requirements* in 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 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 28, 2014.

4. *Intergovernmental Review:* These programs are 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 packages for these competitions.

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

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

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

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

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

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

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number

can be created within one to two business days.

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

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

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

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

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

7. *Other Submission Requirements:* Applications for grants under these competitions must be submitted in paper format by mail or hand delivery.

a. *Submission of Applications by Mail.*

If you submit your application by mail (through the U.S. Postal Service or a commercial carrier), 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 Numbers 84.015A and 84.015B)
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.

b. *Submission of Applications by Hand Delivery.*

If you submit your application by hand delivery, you (or a courier service) 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 Numbers 84.015A and 84.015B)
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. *General:* Applications are divided into categories based on their focus on a single country or on a world area, such as Africa, East Asia, or the Middle East, or on international studies. For FY 2014, all NRC and FLAS applications will be assigned to a geographic or international studies review panel, based on the designation that the applicant has specified on the form (page 25) in its application. The peer reviewers are selected on the basis of their area studies, international studies, and modern foreign language expertise. For the competitions, each distinct geographic or international studies reader panel will separately review, score, and rank its assigned NRC and FLAS grant applications. For the NRC Program and for the FLAS Program, the Department will select applications for funding consideration from each distinct reader panel based on their ranking from highest to lowest within that panel.

2. *Selection Criteria:* The selection criteria for the NRC Program are in 34 CFR 656.21 and 656.22 and are listed in the application package. The selection criteria for the FLAS Program are in 34 CFR 657.21 and are listed in the application package.

3. *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).

4. *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 these competitions, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 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 specified by the Secretary in 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For the NRC and FLAS Programs, final and annual reports must be submitted into the International Resource Information System (IRIS) online data and reporting system. You can view the performance report screens and instructions at:

http://iris.ed.gov/iris/pdfs/NRC.pdf
http://iris.ed.gov/iris/pdfs/FLAS_director.pdf
http://iris.ed.gov/iris/pdfs/FLAS_fellow.pdf.

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness of the NRC Program and the FLAS Program:

NRC Program

a. Percentage of priority languages defined by the Secretary taught at NRCs.

b. Percentage of NRC grants teaching intermediate or advanced courses in priority languages as defined by the Secretary.

c. Percentage of NRCs that increased the number of intermediate or advanced level language courses in the priority and/or LCTLs during the course of the grant period (long-term measure).

d. Percentage of NRCs that increased the number of certificate, minor, or major degree programs in the priority and/or LCTLs, area studies, or international studies during the course of the four-year grant period.

e. Percentage of less and least commonly taught languages as defined by the Secretary taught at Title VI NRCs.

f. Cost per NRC that increased the number of intermediate or advanced level language courses in the priority and/or LCTLs during the course of the grant period.

FLAS Program

a. Percentage of FLAS-graduated fellows who secured employment that utilizes their foreign language and area studies skills within eight years after graduation based on a FLAS tracking survey.

b. Percentage of FLAS master's and doctoral graduates who studied priority languages as defined by the Secretary.

c. Percentage of FLAS fellows who increased their foreign language reading, writing, and/or listening/speaking scores by at least one proficiency level.

d. Cost per FLAS fellowship program fellow who increased his/her reading, writing, and/or listening/speaking language score by at least one proficiency level.

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 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: The following persons on the NRC/FLAS team: Tim Duvall, Telephone: (202) 502–7622 or by email: *tim.duvall@ed.gov;* Cheryl E. Gibbs, Telephone: (202) 502–7634 or by email: *cheryl.gibbs@ed.gov;* Kate Maloney, Telephone: (202) 502–7521 or by email: *kate.maloney@ed.gov;* or Stephanie McKissic, Telephone: (202) 502–7589 or by email: *stephanie.mckissic@ed.gov,* U.S. Department of Education, 1990 K Street NW., Washington, DC 20006–8521.

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 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 this site.

You may also access documents of the Department published in the **Federal Register** by using the article search function 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 27, 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. 2014–12581 Filed 5–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Federal Need Analysis Methodology for the 2015–16 Award Year—Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, Federal Supplemental Educational Opportunity Grant, William D. Ford Federal Direct Loan, Iraq and Afghanistan Service Grant and TEACH Grant Programs

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.063; 84.038; 84.033; 84.007; 84.268; 84.408; 84.379.

SUMMARY: The Secretary announces the annual updates to the tables used in the

statutory Federal Need Analysis Methodology that determines a student's expected family contribution (EFC) for award year 2015–16 for these student financial aid programs. The intent of this notice is to alert the financial aid community and the broader public to these required annual updates used in the determination of student aid eligibility.

FOR FURTHER INFORMATION CONTACT: Marya Dennis, U.S. Department of Education, Room 63G2, Union Center Plaza, 830 First Street NE., Washington, DC 20202–5454. Telephone: (202) 377–3385.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Part F of title IV of the Higher Education Act of 1965, as amended (HEA), specifies the criteria, data elements, calculations, and tables the Department uses in the Federal Need Analysis Methodology to determine the EFC.

Section 478 of part F of title IV of the HEA requires the Secretary to annually update the following four tables for price inflation—the Income Protection Allowance, the Adjusted Net Worth of a Business or Farm, the Education Savings and Asset Protection Allowance, and the Assessment Schedules and Rates. The updates are based, in general, upon increases in the Consumer Price Index (CPI).

For award year 2015–16, the Secretary is charged with updating the income protection allowance for parents of dependent students, adjusted net worth of a business or farm, the Education Savings and Asset Protection Allowance and the assessment schedules and rates to account for inflation that took place between December 2013 and December 2014. However, because the Secretary must publish these tables before December 2014, the increases in the tables must be based on a percentage equal to the estimated percentage increase in the Consumer Price Index for All Urban Consumers (CPI–U) for 2014. The Secretary must also account for any misestimation of inflation for the immediately preceding year.

In developing the table values for the 2014–15 award year, the Secretary assumed a 2.5 percent increase in the CPI–U for the period December 2012 through December 2013. Actual inflation for this time period was 1.5 percent. The Secretary estimates that the increase in the CPI–U for the period December 2013 through December 2014 will be 1.8 percent.

Additionally, section 601 of the College Cost Reduction and Access Act of 2007 (CCRAA, Pub. L. 110–84) amended sections 475 through 478 of the HEA affecting the income protection allowance (IPA) tables for the 2009–10 through 2012–13 award years and required the Department to use a percentage of the estimated Consumer Price Index to update the table in subsequent years. These changes to the IPA impact dependent students, as well as independent students with dependents other than a spouse and independent students without dependents other than a spouse. As amended by the CCRAA, this notice includes the new 2015–16 award year values for the IPA tables. The updated tables are in sections 1 (Income Protection allowance), 2 (Adjusted Net Worth (NW) of a Business or Farm), and 4 (Assessment Schedules and Rates) of this notice.

As provided for in HEA section 478(d), the Secretary must also revise the education savings and asset protection allowances for each award year. The Education Savings and Asset Protection Allowance table for award year 2015–16 has been updated in section 3 of this notice.

Section 478(h) of the HEA also requires the Secretary to increase the amount specified for the Employment Expense Allowance, adjusted for inflation. This calculation is based on increases in the Bureau of Labor Statistics' marginal costs budget for a two-worker family compared to a one-worker family. The items covered by this calculation are: Food away from home, apparel, transportation, and household furnishings and operations. The Employment Expense Allowance table for award year 2015–16 has been updated in section 5 of this notice.

The HEA requires the following annual updates:

1. *Income Protection Allowance (IPA).* This allowance is the amount of living expenses associated with the maintenance of an individual or family that may be offset against the family's income. The allowance varies by family size. The IPA for the dependent student is $6,310. The IPAs for parents of dependent students for award year 2015–16 are as follows:

PARENTS OF DEPENDENT STUDENTS

Family size	Number in college				
	1	2	3	4	5
2	$17,580	$14,570	.....	.....	.....
3	21,890	18,900	$15,890	.....	.....
4	27,040	24,030	21,040	$18,030	.....
5	31,900	28,890	25,900	22,890	$19,900
6	37,310	34,310	31,310	28,310	25,320

For each additional family member add $4,210. For each additional college student subtract $2,990.

The IPAs for independent students with dependents other than a spouse for award year 2015–16 are as follows:

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE

Family size	Number in college				
	1	2	3	4	5
2	$24,840	$20,590	.....	.....	.....
3	30,920	26,700	$22,450	.....	.....
4	38,180	33,950	29,720	$25,470	.....
5	45,060	40,800	36,570	32,340	$28,110

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE—Continued

Family size	Number in college				
	1	2	3	4	5
6	52,690	48,450	44,240	39,970	35,760

For each additional family member add $5,950.

For each additional college student subtract $4,230.

The IPAs for single independent students and independent students without dependents other than a spouse for award year 2015–16 are as follows:

Marital status	Number in college	IPA
Single	1	$9,810
Married	2	9,810
Married	1	15,720

2. *Adjusted Net Worth (NW) of a Business or Farm.* A portion of the full NW (assets less debts) of a business or farm is excluded from the calculation of an expected contribution because (1) the income produced from these assets is already assessed in another part of the formula; and (2) the formula protects a portion of the value of the assets.

The portion of these assets included in the contribution calculation is computed according to the following schedule. This schedule is used for parents of dependent students, independent students without dependents other than a spouse, and independent students with dependents other than a spouse.

If the NW of a business or farm is	Then the adjusted NW is
Less than $1	$0.
$1 To $125,000	$0 + 40% of NW.
$125,001 To $375,000	$50,000 + 50% of NW over $125,000.
$375,001 To $625,000	$175,000 + 60% of NW over $375,000.
$625,001 or more	$325,000 + 100% of NW over $625,000.

3. *Education Savings and Asset Protection Allowance.* This allowance protects a portion of NW (assets less debts) from being considered available for postsecondary educational expenses. There are three asset protection allowance tables: One for parents of dependent students, one for independent students without dependents other than a spouse, and one for independent students with dependents other than a spouse.

PARENTS OF DEPENDENT STUDENTS

	And they are	
	Married	Single
If the age of the older parent is	Then the education savings and asset protection allowance is	
25 or less	0	0
26	1,700	500
27	3,300	900
28	5,000	1,400
29	6,700	1,800
30	8,400	2,300
31	10,000	2,700
32	11,700	3,200
33	13,400	3,600
34	15,100	4,100
35	16,700	4,500
36	18,400	5,000
37	20,100	5,400
38	21,800	5,900
39	23,400	6,300
40	25,100	6,800
41	25,600	6,900
42	26,200	7,100
43	26,900	7,200
44	27,500	7,400
45	28,200	7,500
46	28,800	7,700
47	29,500	7,900
48	30,300	8,100
49	31,100	8,300
50	31,800	8,500

PARENTS OF DEPENDENT STUDENTS—Continued

	And they are	
	Married	Single
If the age of the older parent is	Then the education savings and asset protection allowance is	
51	32,700	8,700
52	33,500	8,900
53	34,400	9,100
54	35,400	9,300
55	36,300	9,500
56	37,300	9,800
57	38,300	10,000
58	39,400	10,200
59	40,500	10,500
60	41,700	10,800
61	42,900	11,000
62	44,100	11,300
63	45,400	11,600
64	46,700	11,900
65 or older	48,100	12,300

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE

	And they are	
	Married	Single
If the age of the student is	Then the education savings and asset protection allowance is	
25 or less	0	0
26	1,700	500
27	3,300	900
28	5,000	1,400
29	6,700	1,800
30	8,400	2,300
31	10,000	2,700
32	11,700	3,200
33	13,400	3,600
34	15,100	4,100
35	16,700	4,500
36	18,400	5,000
37	20,100	5,400
38	21,800	5,900
39	23,400	6,300
40	25,100	6,800
41	25,600	6,900
42	26,200	7,100
43	26,900	7,200
44	27,500	7,400
45	28,200	7,500
46	28,800	7,700
47	29,500	7,900
48	30,300	8,100
49	31,100	8,300
50	31,800	8,500
51	32,700	8,700
52	33,500	8,900
53	34,400	9,100
54	35,400	9,300
55	36,300	9,500
56	37,300	9,800
57	38,300	10,000
58	39,400	10,200
59	40,500	10,500
60	41,700	10,800
61	42,900	11,000
62	44,100	11,300
63	45,400	11,600
64	46,700	11,900
65 or older	48,100	12,300

INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE

If the age of the student is	And they are: Married	And they are: Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	1,700	500
27	3,300	900
28	5,000	1,400
29	6,700	1,800
30	8,400	2,300
31	10,000	2,700
32	11,700	3,200
33	13,400	3,600
34	15,100	4,100
35	16,700	4,500
36	18,400	5,000
37	20,100	5,400
38	21,800	5,900
39	23,400	6,300
40	25,100	6,800
41	25,600	6,900
42	26,200	7,100
43	26,900	7,200
44	27,500	7,400
45	28,200	7,500
46	28,800	7,700
47	29,500	7,900
48	30,300	8,100
49	31,100	8,300
50	31,800	8,500
51	32,700	8,700
52	33,500	8,900
53	34,400	9,100
54	35,400	9,300
55	36,300	9,500
56	37,300	9,800
57	38,300	10,000
58	39,400	10,200
59	40,500	10,500
60	41,700	10,800
61	42,900	11,000
62	44,100	11,300
63	45,400	11,600
64	46,700	11,900
65 or older	48,100	12,300

4. *Assessment Schedules and Rates.* Two schedules that are subject to updates—one for parents of dependent students and one for independent students with dependents other than a spouse—are used to determine the EFC from family financial resources toward educational expenses. For dependent students, the EFC is derived from an assessment of the parents' adjusted available income (AAI). For independent students with dependents other than a spouse, the EFC is derived from an assessment of the family's AAI. The AAI represents a measure of a family's financial strength, which considers both income and assets.

The parents' contribution for a dependent student is computed according to the following schedule:

If AAI is	Then the contribution is
Less than −$3,409	−$750.
($3,409) To $15,700	22% Of AAI.
$15,701 To $19,700	$3,454 + 25% Of AAI over $15,700.
$19,701 To $23,700	$4,454 + 29% Of AAI over $19,700.
$23,701 To $27,700	$5,614 + 34% Of AAI over $23,700.
$27,701 To $31,700	$6,974 + 40% Of AAI over $27,700.
$31,701 or more	$8,574 + 47% Of AAI over $31,700.

The contribution for an independent student with dependents other than a spouse is computed according to the following schedule:

If AAI is	Then the contribution is
Less than −$3,409	−$750.
($3,409) To $15,700	22% Of AAI.
$15,701 To $19,700	$3,454 + 25% Of AAI over $15,700.
$19,701 To $23,700	$4,454 + 29% Of AAI over $19,700.
$23,701 To $27,700	$5,614 + 34% Of AAI over $23,700.
$27,701 To $31,700	$6,974 + 40% Of AAI over $27,700.
$31,701 or more	$8,574 + 47% Of AAI over $31,700.

5. *Employment Expense Allowance.* This allowance for employment—related expenses—which is used for the parents of dependent students and for married independent students—recognizes additional expenses incurred by working spouses and single-parent households. The allowance is based on the marginal differences in costs for a two-worker family compared to a one-worker family. The items covered by these additional expenses are: Food away from home, apparel, transportation, and household furnishings and operations.

The employment expense allowance for parents of dependent students, married independent students without dependents other than a spouse, and independent students with dependents other than a spouse is the lesser of $4,000 or 35 percent of earned income.

6. *Allowance for State and Other Taxes.* The allowance for State and other taxes protects a portion of parents' and students' incomes from being considered available for postsecondary educational expenses. There are four categories for State and other taxes, one each for parents of dependent students, independent students with dependents other than a spouse, dependent students, and independent students without dependents other than a spouse. Section 478(g) of the HEA directs the Secretary to update the tables for State and other taxes after reviewing the Statistics of Income file data maintained by the Internal Revenue Service.

State	Parents of dependents and independents with dependents other than a spouse		Dependents and independents without dependents other than a spouse
	Percent of total income		
	Under $15,000	$15,000 & Up	All
Alabama	3%	2%	2%
Alaska	2	1	0
Arizona	4	3	2
Arkansas	4	3	3
California	8	7	5
Colorado	4	3	3
Connecticut	8	7	5
Delaware	5	4	3
District of Columbia	7	6	5
Florida	3	2	1
Georgia	5	4	3
Hawaii	4	3	4
Idaho	5	4	3
Illinois	6	5	3
Indiana	4	3	3
Iowa	5	4	3
Kansas	5	4	3
Kentucky	5	4	4
Louisiana	3	2	2
Maine	6	5	4
Maryland	8	7	5
Massachusetts	7	6	4
Michigan	5	4	3
Minnesota	6	5	4
Mississippi	3	2	2
Missouri	5	4	3
Montana	5	4	3
Nebraska	5	4	3
Nevada	3	2	1
New Hampshire	5	4	1
New Jersey	9	8	4
New Mexico	3	2	2
New York	9	8	6
North Carolina	6	5	4
North Dakota	2	1	1
Ohio	5	4	4
Oklahoma	3	2	2
Oregon	7	6	5
Pennsylvania	5	4	3
Rhode Island	7	6	4
South Carolina	5	4	3

State	Parents of dependents and independents with dependents other than a spouse		Dependents and independents without dependents other than a spouse
	Percent of total income		
	Under $15,000	$15,000 & Up	All
South Dakota	2%	1%	1%
Tennessee	2	1	1
Texas	3	2	1
Utah	5	4	3
Vermont	6	5	3
Virginia	6	5	4
Washington	3	2	1
West Virginia	3	2	3
Wisconsin	7	6	4
Wyoming	2	1	1
Other	2	1	2

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT** in this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1087rr.

Dated: May 27, 2014.

James W. Runcie,

Chief Operating Officer Federal Student Aid.

[FR Doc. 2014–12569 Filed 5–29–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology

AGENCY: Department of Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice sets forth the schedule and summary agenda for a conference call of the President's Council of Advisors on Science and Technology (PCAST) and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. The purpose of this conference call is to discuss PCAST's antimicrobial resistance report.

DATES: The public conference call will be held on Thursday, June 12, 2014 from 3:30 p.m. to 4:30 p.m., Eastern Time (e.t.). To receive the call-in information, attendees should register for the conference call on the PCAST Web site, *http://www.whitehouse.gov/ostp/pcast* no later than 12:00 p.m. e.t. on Tuesday, June 10, 2014.

FOR FURTHER INFORMATION CONTACT: Information regarding the call agenda, time, and how to register for the call is available on the PCAST Web site at: *http://www.whitehouse.gov/ostp/pcast.* Questions about the conference call should be directed to Dr. Ashley Predith, PCAST Assistant Executive Director, at *apredith@ostp.eop.gov,* (202) 456–4444.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from inside the White House and from cabinet departments and other Federal agencies. See the Executive Order at *http://www.whitehouse.gov/ostp/pcast.* PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology, and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of the Massachusetts Institute of Technology and Harvard.

Type of Meeting: Open.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to hold a conference call in open session on Thursday, June 12, 2014 from 3:30 p.m. to 4:30 p.m.

During the conference call, PCAST will discuss its antimicrobial resistance report. Additional information and the agenda, including any changes that arise, will be posted at the PCAST Web site at: *http://www.whitehouse.gov/ostp/pcast.*

Public Comments: PCAST's policy is to accept written public comments of any length and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on June 12, 2014 at a time specified in the meeting agenda posted on the PCAST Web site at *http://www.whitehouse.gov/ostp/pcast.* This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *http://www.whitehouse.gov/ostp/pcast,* no later than 12:00 p.m. e.t. on Thursday, June 5, 2014. Phone or email reservations to be considered for the public speaker list will not be accepted. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 10 minutes. If more speakers register than there is space available on the agenda, PCAST will

randomly select speakers from among those who applied. Those not selected to present oral comments may always file written comments with the committee as described below.

Written Comments: Although written comments are accepted until the date of the meeting, written comments should be submitted to PCAST no later than 12:00 p.m. e.t. on Tuesday, June 10, 2014, so that the comments may be made available to the PCAST members prior to the meeting for their consideration. Information regarding how to submit comments and documents to PCAST is available at *http://www.whitehouse.gov/ostp/pcast* in the section entitled ''Connect with PCAST.''

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

Meeting Accommodations: Individuals requiring special accommodation to access this public meeting should contact Dr. Predith at least ten business days prior to the meeting so that appropriate arrangements can be made.

Issued in Washington, DC, on May 22, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–12456 Filed 5–29–14; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9015–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements

Filed 05/19/2014 Through 05/23/2014

Pursuant to 40 CFR 1506.9.

NOTICE:

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20140154, Draft EIS, USACE, MS, Bayou Casotte Harbor Channel Improvement Project, Comment Period Ends: 07/14/2014, Contact: Jennifer Jacobson 251–690–2724

EIS No. 20140155, Draft EIS, USFWS, CA, Maricopa Sun Solar Complex Habitat Conservation Plan, Comment Period Ends: 08/25/2014, Contact: Mike Thomas 906–414–6600

EIS No. 20140156, Second Draft EIS (Tiering), BLM, AFS, ID, Smoky Canyon Mine, Panels F & G Lease and Mine Plan Modification Project, Comment Period Ends: 07/15/2014, Contact: Diane Wheeler 208–557–5839

The U.S. Department of the Interior's Bureau of Land Management and U.S. Department of Agriculture's Forest Service are joint lead agencies for the above project.

EIS No. 20140157, Final Supplement, GSA, CA, San Ysidro Land Port of Entry Improvements Project, Review Period Ends: 06/30/2014, Contact: Osmahn A. Kadri 415–522–3617

EIS No. 20140158, Draft Supplement, NMFS, AK, Management of the Subsistence Harvest of Northern Fur Seals on St. George Island, Comment Period Ends: 07/14/2014, Contact: Michael Williams 907–271–5117

EIS No. 20140159, Final EIS, RUS, ND, Antelope Valley Station to Neset Transmission Project, Review Period Ends: 06/30/2014, Contact: Dennis Rankin 202–720–1953

EIS No. 20140160, Final EIS, NPS, FL, Biscayne National Park Fishery Management Plan, Review Period Ends: 06/30/2014, Contact: Vanessa McDonough 305–230–1144 ext. 027

EIS No. 20140161, Final EIS, BLM, CA, Modified Blythe Solar Power Project, Proposed Amendment to Right-of-Way Grant CACA 048811, Review Period Ends: 06/30/2014, Contact: Frank McMenimen 760–833–7150

Dated: May 27, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–12595 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9911–59–OA]

Notification of a Public Meeting of the Great Lakes Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) announces a teleconference of the Great Lakes Advisory Board (Board). The purpose of this meeting is to discuss plans for the Great Lakes Restoration Initiative covering (GLRI) FY15–19 and other relevant matters.

DATES: The teleconference will be held Thursday, June 12, 2014 from 12:00 to 2:00 p.m. Central Time, 1:00 p.m. to 3:00 p.m. Eastern Time. An opportunity will be provided to the public to comment.

ADDRESSES: The teleconference will be held via GoToWebinar. Participants may register at *https://www1.gotomeeting.com/register/610280241.*

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this meeting may contact Rita Cestaric, Designated Federal Officer (DFO), by telephone at 312–886–6815 or email at *Cestaric.Rita@epa.gov.* General information on the GLRI and the Board can be found at *http://www.glri.us.*

SUPPLEMENTARY INFORMATION:

Background: The Board is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the Board in 2013 to provide independent advice to the EPA Administrator in her capacity as Chair of the federal Great Lakes Interagency Task Force (IATF). The Board conducts business in accordance with FACA and related regulations.

The Board consists of 18 members appointed by EPA's Administrator in her capacity as IATF Chair. Members serve as representatives of state, local and tribal government, environmental groups, agriculture, business, transportation, foundations, educational institutions, and as technical experts.

The Board held teleconferences and meetings in 2013 to develop recommendations for the FY 2015–2019 GLRI Action Plan. In December 2013, the Board issued its Advisory Report. See *http://greatlakesrestoration.us/advisory/index.html* for other information.

Availability of Meeting Materials: The agenda and other materials in support of the meeting will be available on the GLRI Web site at *http://www.glri.us* in advance of the meeting.

Procedures for Providing Public Input: Federal advisory committees provide independent advice to federal agencies. Members of the public can submit relevant comments for consideration by the Board. Input from the public to the Board will have the most impact if it provides specific information for the Board to consider. Members of the public wishing to provide comments should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting to provide comments or oral presentation if appropriate at this public meeting will be limited to three minutes per speaker, subject to the number of people wanting to comment. Interested parties should contact the DFO in writing (preferably via email) at the contact information noted above by June 11, 2014 to be placed on the list of public speakers for the meeting.

Written Statements: Written statements must be received by June 11, 2014 so that the information may be made available to the Board for consideration. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature and one electronic copy via email. Commenters are requested to provide two versions of each document submitted: One each with and without signatures because only documents without signatures may be published on the GLRI Web page.

Accessibility: For information on access or services for individuals with disabilities, please contact the DFO at the phone number or email address noted above, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: May 23, 2014.

Cameron Davis,

Senior Advisor to the Administrator.

[FR Doc. 2014–12603 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0331; FRL–9910–22]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 3-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP) to consider and review New High Throughput Methods to Estimate Chemical Exposure.

DATES: The meeting will be held on July 29 to August 1, 2014, from approximately 9:00 a.m. to 5:00 p.m.

Comments. The Agency encourages that written comments be submitted by July 15, 2014 and requests for oral comments be submitted by July 22, 2014. However, written comments and requests to make oral comments may be submitted until the date of the meeting, but anyone submitting written comments after July 15, 2014 should contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**. For additional instructions, see Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

Nominations. Nominations of candidates to serve as ad hoc members of FIFRA SAP for this meeting should be provided on or before June 13, 2014.

Webcast. This meeting may be webcast. Please refer to the FIFRA SAP's Web site, *http://www.epa.gov/scipoly/sap* for information on how to access the webcast. Please note that the webcast is a supplementary public process provided only for convenience. If difficulties arise resulting in webcasting outages, the meeting will continue as planned.

Special accommodations. For information on access or services for individuals with disabilities, and to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Conference Center, Lobby Level, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA 22202.

Comments. Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0331, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC) (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

If your comments contain any information that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting your comments.

Nominations, requests to present oral comments, and requests for special accommodations. Submit nominations to serve as ad hoc members of FIFRA SAP, requests for special seating accommodations, or requests to present oral comments to the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Fred Jenkins, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3327; fax number: (202) 564–8382; email address: *Jenkins.fred@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) and FIFRA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

When submitting comments, remember to:

1. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
2. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

C. How may I participate in this meeting?

You may participate in this meeting by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify docket ID number EPA–HQ–OPP–2014–0331 in the subject line on the first page of your request.

1. *Written comments.* The Agency encourages that written comments be submitted, using the instructions in **ADDRESSES**, no later than July 15, 2014, to provide FIFRA SAP the time necessary to consider and review the written comments. Written comments are accepted until the date of the meeting, but anyone submitting written comments after July 15, 2014 should contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**. Anyone submitting written comments at the meeting should bring 30 copies for distribution to FIFRA SAP.

2. *Oral comments.* The Agency encourages that each individual or group wishing to make brief oral comments to FIFRA SAP submit their request to the DFO listed under **FOR FURTHER INFORMATION CONTACT** no later than July 22, 2014, in order to be included on the meeting agenda. Requests to present oral comments will be accepted until the date of the meeting and, to the extent that time permits, the Chair of FIFRA SAP may permit the presentation of oral comments at the meeting by interested persons who have not previously requested time. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35 mm projector, chalkboard). Oral comments before FIFRA SAP are limited to approximately 5 minutes unless prior arrangements have been made. In addition, each speaker should bring 30 copies of his or her comments and presentation slides for distribution to the FIFRA SAP at the meeting.

3. *Seating at the meeting.* Seating at the meeting will be open and on a first-come basis.

4. *Request for nominations to serve as ad hoc members of FIFRA SAP for this meeting.* As part of a broader process for developing a pool of candidates for each meeting, FIFRA SAP staff routinely solicits the stakeholder community for nominations of prospective candidates for service as ad hoc members of FIFRA SAP. Any interested person or organization may nominate qualified individuals to be considered as prospective candidates for a specific meeting. Individuals nominated for this meeting should have expertise in one or more of the following areas: Computational exposure modeling, Mathematical modeling of environmental and biological systems and their interactions, Toxicokinetics, Pharmacokinetics, Environmental fate and transport, Modeling of chemical concentrations in water sources, Bioinformatics, Biomathematics, Statistics, Environment and health risk/impact assessment, including vulnerable and/or susceptible populations, Ecological risk assessment, Human exposure assessment, Ecological exposure assessment, Pharma, Monitoring of environmental contaminants—surface water and groundwater. Note: In support of the US Environmental Protection Agency's (EPA) priority of ''Making a Visible Difference in Communities'' across the country, the Agency is committed to helping minority, low-income, tribal and other vulnerable populations improve their health and environment. In an effort to ensure that actions being proposed by the agency are taking into consideration input from potential communities with environmental justice concerns, the EPA is offering an opportunity to provide input on the FIFRA SAP meeting to address scientific issues associated with ''New High Throughput Methods to Estimate Chemical Exposure''. The EPA encourages all grass-root organizations and residents to submit public comments on this issue which is being addressed during the FIFRA Scientific Advisory Panel meeting. The Agency also encourages community environmental justice advocates to give a voice to their communities by nominating candidates for consideration to serve on this panel.

Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should be provided to the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before June 13, 2014. The Agency will consider all nominations of prospective candidates for this meeting that are received on or before this date. However, final selection of ad hoc members for this meeting is a discretionary function of the Agency.

The selection of scientists to serve on FIFRA SAP is based on the function of the panel and the expertise needed to address the Agency's charge to the panel. No interested scientists shall be ineligible to serve by reason of their membership on any other advisory committee to a Federal department or agency or their employment by a Federal department or agency except the EPA. Other factors considered during the selection process include availability of the potential panel member to fully participate in the panel's reviews, absence of any conflicts of interest or appearance of lack of impartiality, independence with respect to the matters under review, and lack of bias. Although financial conflicts of interest, the appearance of lack of impartiality, lack of independence, and bias may result in disqualification, the absence of such concerns does not assure that a candidate will be selected to serve on FIFRA SAP. Numerous qualified candidates are identified for each panel. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives on the panel. In order to have the collective breadth of experience needed to address the Agency's charge for this meeting, the Agency anticipates selecting approximately 11 ad hoc scientists.

FIFRA SAP members are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, prospective candidates for service on the FIFRA SAP will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The EPA will evaluate the candidates financial disclosure form to assess whether there are financial conflicts of interest, appearance of a lack of impartiality or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service on FIFRA SAP. Those who are selected from the pool of prospective candidates will be asked to attend the public meetings and to participate in the discussion of key issues and assumptions at these meetings. In addition, they will be asked to review and to help finalize the meeting minutes. The list of FIFRA SAP members participating at this meeting will be posted on the FIFRA SAP Web site at *http://www.epa.gov/scipoly/sap* or may be obtained from the OPP Docket or at *http://www.regulations.gov.*

II. Background

A. Purpose of FIFRA SAP

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act. FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA established a Science Review Board consisting of at least 60 scientists who are available to the SAP on an ad hoc basis to assist in reviews conducted by the SAP. As a peer review mechanism, FIFRA SAP provides comments, evaluations and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

B. Public Meeting

EPA has made many recent advances in high throughput bioactivity testing. However, concurrent advances in rapid, quantitative prediction of human and ecological exposures have been lacking, despite the clear importance of both measures for a risk-based approach to prioritizing and screening chemicals. A recent report by the National Research Council of the National Academies, Exposure Science in the 21st Century: A Vision and a Strategy (NRC 2012) laid out a number of applications in chemical evaluation of both toxicity and risk in critical need of quantitative exposure predictions, including screening and prioritization of chemicals for targeted toxicity testing, focused exposure assessments or monitoring studies, and quantification of population vulnerability. Despite these significant needs, for the majority of chemicals (e.g. non-pesticide environmental compounds) there are no or limited estimates of exposure. For example, exposure estimates exist for only 7% of the ToxCast Phase II chemical list. In addition, the data required for generating exposure estimates for large numbers of chemicals is severely lacking (*Egeghy et al.* 2012).

This SAP will review the use of EPA's ExpoCast model to rapidly estimate potential chemical exposures for prioritization and screening purposes. The focus will be on bounded chemical exposure values for people and the environment for the Endocrine Disruptor Screening Program (EDSP) Universe of Chemicals. In addition to exposure, the SAP will review methods to extrapolate an *in vivo* dose from *in vitro* dose data. This will involve presenting pharmacokinetic (PK) data for chemicals that have been run through a battery of high throughput endocrine screening assays and the methodology to use that PK information to estimate an *in vivo* dose. This exposure and RTK information along with high throughput *in vitro* bioactivity data will allow the EPA to assign a risk ranking to chemicals and prioritize them accordingly.

ExpoCast is an EPA initiative to develop the necessary approaches and tools for rapidly prioritizing and screening thousands of chemicals based on the potential for human exposure. This focus for ExpoCast is distinct from many existing exposure tools that support regulatory risk assessment. Traditional exposure tools are lower throughput, requiring considerable data to make predictions of sufficient precision for a full risk assessment. ExpoCast efforts have focused on empirically assessing the uncertainty in forecasts made with limited available data, finding that in some cases even highly uncertain forecasts may be useful for prioritization and screening.

In order to relate high throughput bioactivity data and rapid exposure predictions, an *in vitro-in vivo* extrapolation (IVIVE) via PK is needed. This IVIVE relates the *in vitro* compound concentrations (μM) found to be bioactive to the *in vivo* doses needed to produce serum concentrations equal to the *in vitro* concentrations. Without the time and resources necessary to generate *in vivo* PK data for the thousands of chemicals in the EDSP universe, high throughput pharmacokinetics (HTPK) can serve as a useful surrogate. HTPK methods were developed for pharmaceuticals to estimate therapeutic doses for clinical studies. HTPK technologies have been effective for pharmaceutical compounds and predicted concentrations are typically on the order of the measured *in vivo* concentrations. For non-therapeutic compounds in humans, PK data is not available and so it is essential to carefully characterize the predictive ability of the HTPK models and define the domain of applicability.

High throughput exposure prediction and high throughput PK, when taken together with *in vitro* bioactivity profiling as a surrogate for hazard, will allow for a risk-based, rapid prioritization and screening of chemicals in the EDSP universe and beyond.

C. FIFRA SAP Documents and Meeting Minutes

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (i.e., members and ad hoc members for this meeting), and the meeting agenda will be available by approximately July 9, 2014. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, at *http://www.regulations.gov* and the FIFRA SAP homepage at *http://www.epa.gov/scipoly/sap.*

FIFRA SAP will prepare meeting minutes summarizing its recommendations to the Agency approximately 90 days after the meeting. The meeting minutes will be posted on the FIFRA SAP Web site or may be obtained from the OPP Docket or at *http://www.regulations.gov.*

List of Subjects

Environmental protection, Pesticides and pests, Environmental justice.

Dated: May 20, 2014.

David J. Dix,

Director, Office of Science Coordination and Policy.

[FR Doc. 2014–12593 Filed 5–29–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors.

Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 16, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Mary Lou Spanier, individually and as trustee of the Jesse L. Thomas Testamentary Trust,* both of Sublette, Kansas; to acquire voting shares of Santa Fe Trail Banc Shares, Inc., and thereby indirectly acquire voting shares of Centera Bank, both in Sublette, Kansas.

Board of Governors of the Federal Reserve System, May 27, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–12578 Filed 5–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of April 29–30, 2014

In accordance with Section 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on April 29–30, 2014.[1]

Consistent with its statutory mandate, the Federal Open Market Committee seeks monetary and financial conditions that will foster maximum employment and price stability. In particular, the Committee seeks conditions in reserve markets consistent with federal funds trading in a range from 0 to ¼ percent. The Committee directs the Desk to undertake open market operations as necessary to maintain such conditions. Beginning in May, the Desk is directed to purchase longer-term Treasury securities at a pace of about $25 billion per month and to purchase agency mortgage-backed securities at a pace of about $20 billion per month. The Committee also directs the Desk to engage in dollar roll and coupon swap transactions as necessary to facilitate settlement of the Federal Reserve's agency mortgage-backed securities transactions. The Committee directs the Desk to maintain its policy of rolling over maturing Treasury securities into new issues and its policy of reinvesting principal payments on all agency debt and agency mortgage-backed securities in agency mortgage-backed securities. The System Open Market Account Manager and the Secretary will keep the Committee informed of ongoing developments regarding the System's balance sheet that could affect the attainment over time of the Committee's objectives of maximum employment and price stability.

By order of the Federal Open Market Committee, May 22, 2014.

William B. English,

Secretary, Federal Open Market Committee.

[FR Doc. 2014–12517 Filed 5–29–14; 8:45 am]

BILLING CODE 6210–01–P

[1] Copies of the Minutes of the Federal Open Market Committee at its meeting held on April 29–30, 2014, which includes the domestic policy directive issued at the meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, DC 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's Annual Report.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[60Day–14–14AEH]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing effort to reduce public 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. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Assessment of Chemical Exposures (ACE) Investigations—New—Agency for Toxic Substances and Disease Registry (ATSDR)

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is requesting a three-year generic clearance for the Assessment of Chemical Exposures (ACE) Investigations to assist state and local health departments after toxic substance spills or chemical incidents. ACE investigations are a component of the National Toxic Substance Incidents Program (NTSIP). NTSIP was introduced in 2010 as a comprehensive agency approach to toxic substance incident surveillance, prevention, and response. This three-part program includes a proposal for state-based surveillance for toxic substance releases, a national database of toxic substance incidents combining data from many sources, and the ACE investigations.

The ACE Investigations focus on performing rapid epidemiological assessments to assist state, regional, local, or tribal health departments (the requesting agencies) to respond to or prepare for acute chemical releases. The main objectives for performing these rapid assessments are to:

1. Characterize exposure and acute health effects of respondents exposed to toxic substances from discrete, chemical releases and determine their health statuses;

2. identify needs (i.e. medical and basic) of those exposed during the releases to aid in planning interventions in the community;

3. assess the impact of the incidents on health services use and share lessons learned for use in hospital, local, and state planning for chemical incidents; and

4. identify cohorts that may be followed and assessed for persistent health effects resulting from acute releases.

Because each chemical incident is different, it is not possible to predict in advance exactly what type of and how many respondents will need to be consented and interviewed to effectively evaluate the incident. Respondents typically include, but are not limited to emergency responders such as police, fire, hazardous material technicians, emergency medical services, and personnel at hospitals where patients from the incident were treated. Incidents may occur at businesses or in the community setting; therefore, respondents may also include business owners, managers, workers, customers, community residents, pet owners, and those passing through the affected area.

Data will be collected by the multi-disciplinary ACE team consisting of staff from ATSDR, the Centers for Disease Control and Prevention (CDC), and the requesting agencies. ATSDR has developed a series of draft survey forms that can be quickly tailored in the field to collect data that will meet the goals of the investigation. They will be administered based on time permitted and urgency. For example, it is preferable to administer the general survey to as many respondents as possible. However, if there are time constraints, the shorter household survey or the Rapid Response Registry form may be administered instead. The individual surveys collect information about exposure, acute health effects, health services use, medical history, needs resulting from the incident, communication during the release, health impact on children and pets, and demographic data. Hospital personnel are asked about the surge, response and communication, decontamination, and lessons learned.

Depending on the situation, data may be collected by face-to-face interviews, telephone interviews, written surveys, mailed surveys, or on-line surveys. Medical and veterinary charts may also be reviewed. In rare situations, an investigation might involve collection of clinical specimens. In the past, ACE investigations have been performed in response to requests for assistance from state, regional, local, or tribal health departments under OMB No. 0920–0008, which expires July 31, 2014. ATSDR anticipates up to four ACE investigations per year. The number of participants has ranged from 30–715, averaging about 300 per year. Therefore, the total annualized estimated burden will be 591 hours per year.

Participation in ACE investigations is voluntary and there are no anticipated costs to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
ACE Investigation on Respondents	General Survey	800	1	30/60	400
	Household Survey	120	1	15/60	30
	Rapid Response Registry Form	50	1	7/60	6
	Hospital Survey	40	1	30/60	20
	Medical Chart Abstraction Form	250	1	30/60	125
	Veterinary Chart Abstraction Form	30	1	20/60	10
Total					591

LeRoy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–12535 Filed 5–29–14; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Subsidized and Transitional Employment Demonstration (STED) and Enhanced Transitional Jobs Demonstration (ETJD).

OMB No.: 0970–0413.

Description: The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) is conducting a national evaluation called the Subsidized and Transitional Employment Demonstration (STED). At the same time, the Employment and Training Administration (ETA) within the Department of labor (DOL) is conducting an evaluation of the Enhanced Transitional Jobs Demonstration (ETJD). These evaluations will inform the Federal government about the effectiveness of subsidized and transitional employment programs in helping vulnerable populations secure unsubsidized jobs in the labor market and achieve self-sufficiency. The projects will evaluate twelve subsidized and transitional employment programs nationwide.

ACF and ETA are collaborating on the two evaluations. In 2011, ETA awarded grants to seven transitional jobs programs as part of the ETJD, which is testing the effect of combining transitional jobs with enhanced services to assist ex-offenders and noncustodial parents improve labor market outcomes, reduce criminal recidivism and improve family engagement.

The STED and ETJD projects have complementary goals and are focusing on related program models and target populations. Thus, ACF and ETA have agreed to collaborate on the design of data collection instruments to promote consistency across the projects. In addition, two of the seven DOL-funded ETJD programs are being evaluated as part of the STED project. ACF is submitting information collection requests on the behalf of both collaborating agencies. Data for the study is collected from the following three major sources. All data collection described below, other than the 30-month follow-up survey has been reviewed and approved by OMB (see OMB #0970–0413):

Baseline Forms. Each respondent will be asked to complete three forms upon entry into the study: (1) An informed consent form; (2) a contact sheet, which will help locate the respondent for follow-up surveys; and (3) a baseline

information form, which will collect demographic data and information on the respondent's work and education history.

Follow-Up Surveys. Follow-up telephone surveys will be conducted with all participants. There will be three follow-up surveys in each of the STED and ETJD sites (including the two sites that are also part of ETJD), approximately 6, 12, and 30 months after study entry.

Implementation Research and Site Visits. Data on the context for the programs and their implementation is collected during two rounds of site visits to each of the twelve sites, including interviews, focus groups, observations, and case file reviews. These data will be supplemented by short questionnaires for program staff, clients, worksite supervisors, and participating employers, as well as a time study for program staff.

This notice is specific to the request for approval of the 30-month survey, which will measure the differences in employment, wage progression, income, and other outcomes between the program groups and similar group of respondents who were randomly assigned to a control group. The information collection request will also include increased burden hours to include additional respondents. This increase is a result of the actual enrollment numbers at recruited sites.

Respondents: Study participants in the treatment and control groups.

ANNUAL BURDEN ESTIMATES—NEW INSTRUMENT

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hour per response	Total annual burden hours [1]
Participant 30-month survey	11,840	3,947	1	.5	1,974

ANNUAL BURDEN ESTIMATES—CHANGES TO ESTIMATED NUMBER OF RESPONDENTS

[Instruments previously approved]

Previously approved instrument	Updates to total number of respondents	Updates to annual number respondents	Number of responses per respondent	Average burden hour per response	Updated annual burden hours [1]
Participant Contact Information Form (5 STED sites).	2800 additional respondents	933	1	.08	75
Participant Baseline Information Form (5 STED sites).	2800 additional respondents	933	1	.17	159
Participant STED tracking letters	2178 additional respondents	726	5	.05	182
Participant 6-month survey (Adult sites)	960 additional respondents	320	1	.5	160
Participant 6-month survey (Young Adult sites).	960 fewer respondents	–320	1	.5	–160
Participant 12-month survey (Adult sites)	1440 additional respondents	480	1	.75	360
Participant 12-month survey (Young Adult sites).	800 additional respondents	267	1	.75	200

Increase in Est. Annual Burden Hours for Previously Approved ICs: 976.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Karl Koerper,

Reports Clearance Officer.

[FR Doc. 2014–12552 Filed 5–29–14; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: DRA TANF Final Rule.

OMB No.: 0970–0338.

Description: When the Deficit Reduction Act of 2005 (DRA) reauthorized the Temporary Assistance for Needy Families (TANF) program, it imposed a new data requirement that States prepare and submit data verification procedures and replaced other data requirements with new versions including: the TANF Data Report, the SSP–MOE Data Report, the Caseload Reduction Documentation Process, and the Reasonable Cause/Corrective Compliance Documentation Process. The Department of Health and Human Services Appropriations Act, P.L. 113–76 extended the TANF program through September 2014. We are proposing to continue these information collections without change.

Respondents: States, Territories and Tribes.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Preparation and Submission of Data Verification Procedures §§ 261.60–261.63	54	1	640	34,560
Caseload Reduction Documentation Process, ACF–202 §§ 261.41 & 261.44	54	1	120	6,480
Reasonable Cause/Corrective Compliance Documentation Process §§ 262.4, 262.6, & 262.7; § 261.51	54	2	240	25,920
TANF Data Report Part 265	54	4	2,201	475,416
SSP–MOE Data Report Part 265	29	4	714	82,824
Estimated Total Annual Burden Hours				625,200

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov*.

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–12498 Filed 5–29–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0575]

Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics.'' The purpose of this guidance is to provide a single resource for information on FDA's policies and procedures related to expedited drug development and review programs. The following programs are intended to facilitate and expedite development and review of new drugs to address unmet medical need in the treatment of a serious or life-threatening condition (expedited programs): Fast track designation, breakthrough therapy designation, accelerated approval, and priority review designation. This guidance finalizes the draft guidance issued in June 2013.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

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

FOR FURTHER INFORMATION CONTACT: Melissa Robb, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6360, Silver Spring, MD 20993–0002, 301–796–2500; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics.'' This guidance provides a single resource for information on FDA's policies and procedures related to the following expedited programs for serious conditions: (1) Fast track designation, (2) breakthrough therapy designation, (3) accelerated approval, and (4) priority review designation. The guidance describes threshold criteria generally applicable to expedited programs, including what is meant by serious condition, unmet medical need, and available therapy. This guidance also discusses considerations for expedited development and review such as manufacturing and product quality, nonclinical studies, and clinical inspections. In addition, this guidance aligns CDER's criteria for priority review designation with CBER's criteria. Only products intended to treat a serious condition are eligible for priority review (unless otherwise eligible under specific statutory provisions).

For over 30 years, expediting the availability of promising therapies to patients with serious conditions has been a priority for FDA. With the passage of the Food and Drug Administration Safety and Innovation Act (FDASIA) (Public Law 112–122), FDA is expanding its efforts to expedite development and review of therapies intended to treat patients with serious conditions. This guidance is intended to satisfy the statutory requirements of sections 901(c)(2) and 902(b)(1)(A) of FDASIA.

Section 901(c)(2) of FDASIA requires FDA to issue a final guidance document to implement amendments to the Federal Food, Drug, and Cosmetic Act (the FD&C Act) made by section 901 of

FDASIA (Enhancement of Accelerated Approval Access to New Medical Treatments) within 1 year of the date the draft guidance issues. The discussions of accelerated approval, and other more broadly applicable provisions in this guidance, are intended to meet this requirement.

Section 902(b)(1)(A) of FDASIA requires FDA to issue a guidance document to implement requirements of section 902 (Breakthrough Therapies) within 1 year of the date the comment period closes for the draft guidance. The breakthrough therapy discussion and other more broadly applicable provisions in this guidance are intended to meet this requirement.

In the **Federal Register** of June 26, 2013 (78 FR 38349), FDA announced the availability of the draft guidance entitled ''Expedited Programs for Serious Conditions—Drugs and Biologics.'' The notice gave the public an opportunity to comment by August 26, 2013. FDA carefully considered all comments received in developing the final guidance. This guidance addresses the applicability of expedited programs to rare diseases, clarification on available therapy, and additional detail on possible flexibility in manufacturing and product quality. The guidance also includes clarification on the qualifying criteria for breakthrough therapy designation and examples of surrogate endpoints and intermediate clinical endpoints used to support accelerated approval. This guidance finalizes the draft guidance issued in June 2013.

The provisions of this guidance relating to fast track development and other issues such as serious condition and unmet medical need, replace the guidance for industry entitled ''Fast Track Drug Development Programs—Designation, Development, and Application Review.'' The provisions of this guidance pertaining to available therapy replace the guidance for industry entitled ''Available Therapy.''

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on expedited programs for serious conditions—drugs and biologics. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 202.1, certain parts of 21 CFR part 314, 21 CFR part 601, and sections 506(b)(1), 735, and 736 of the FD&C Act (21 U.S.C. 356(b)(1), 379g, and 379h) have been approved under OMB control numbers 0910–0686, 0910–0001, 0910–0338, 0910–0389, 0910–0297, and 0910–0765.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm*, or *http://www.regulations.gov.*

Dated: May 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12534 Filed 5–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–1227]

Determination of Regulatory Review Period for Purposes of Patent Extension; KALYDECO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for KALYDECO 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 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 KALYDECO (ivacaftor). KALYDECO is indicated for the treatment of cystic fibrosis (CF) in patients age 6 years and older who have a G551D mutation in the CFTR gene.

Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for KALYDECO (U.S. Patent No. 7,495,103) from Vertex Pharmaceuticals 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 February 22, 2013, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of KALYDECO 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 KALYDECO is 2,121 days. Of this time, 2,015 days occurred during the testing phase of the regulatory review period, while 106 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:* April 13, 2006. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on April 13, 2006.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* October 18, 2011. FDA has verified the applicant's claim that the new drug application (NDA) for KALYDECO (NDA 203188) was submitted on October 18, 2011.

3. *The date the application was approved:* January 31, 2012. FDA has verified the applicant's claim that NDA 203188 was approved on January 31, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. 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 0 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 29, 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 26, 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 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12561 Filed 5–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–0851]

Determination of Regulatory Review Period for Purposes of Patent Extension; PROGENSA PCA3 ASSAY

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for PROGENSA PCA3 ASSAY 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, PROGENSA PCA3 ASSAY. PROGENSA PCA3 ASSAY is an in vitro nucleic acid amplification test. The assay measures the concentration of prostate cancer gene 3 (PCA3) and prostate specific antigen (PSA) ribonucleic acid (RNA) molecules and calculates the ratio of PCA3 RNA molecules to PSA RNA molecules (PCA3 Score) in post-digital rectal exam first catch male urine specimens. The PROGENSA PCA3 ASSAY is indicated for use in conjunction with other patient information to aid in the decision for repeat biopsy in men 50 years of age or older who have had one or more previous negative prostate biopsies and for whom a repeat biopsy would be

recommended by a urologist based on current standard of care, before consideration of PROGENSA PCA3 ASSAY results. A PCA3 score <25 is associated with a decreased likelihood of a positive biopsy. Prostatic biopsy is required for diagnosis of cancer. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for PROGENSA PCA3 ASSAY (U.S. Patent No. 7,008,765) from The Johns Hopkins University & The Stichting Katholieke Universiteit, The University Medical Centre Nijmegen, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 1, 2013, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of PROGENSA PCA3 ASSAY represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that the FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for PROGENSA PCA3 ASSAY is 936 days. Of this time, 383 days occurred during the testing phase of the regulatory review period, while 553 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 or if an exemption is not required, the date an institutional review board under section 520(g)(3) of the FD&C Act (21 U.S.C. 360j(g)(3)) approved the clinical investigation of the device in humans:* July 24, 2009. FDA has confirmed the applicant's claim that no investigational device exemption (IDE) was required under section 520(g) of the FD&C Act for human tests to begin. Institutional review board (IRB) approval was required under section 520(g)(3) of the FD&C Act and became effective on July 24, 2009.

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):* August 10, 2010. FDA has verified the applicant's claim that the premarket approval application (PMA) for PROGENSA PCA3 ASSAY (PMA 100033) was initially submitted August 10, 2010.

3. *The date the application was approved:* February 13, 2012. FDA has verified the applicant's claim that PMA P100033 was approved on February 13, 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 745 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 29, 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 26, 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 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12562 Filed 5–29–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Supplemental Special Advisory Bulletin: Independent Charity Patient Assistance Programs

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This Supplemental Bulletin updates the OIG Special Advisory Bulletin on Patient Assistance Programs for Medicare Part D Enrollees that published in the **Federal Register** on November 22, 2005 (70 FR 70623).

SUPPLEMENTARY INFORMATION:

I. Introduction

Patients who cannot afford their cost-sharing obligations for prescription drugs may be able to obtain financial assistance through a patient assistance program (PAP). PAPs have long provided important safety net assistance to such patients, many of whom have chronic illnesses and high drug costs. Many PAPs also present a risk of fraud, waste, and abuse with respect to Medicare and other Federal health care programs. We issued a Special Advisory Bulletin regarding PAPs in 2005 [1] (the 2005 SAB) in anticipation of questions likely to arise in connection with the Medicare Part D benefit. In the 2005 SAB, we addressed different types of PAPs and stated that we believed lawful avenues exist for pharmaceutical manufacturers and others to help ensure that all Part D beneficiaries can afford medically necessary drugs.[2] We also noted in the 2005 SAB that we could only speculate on fraud and abuse risk areas, because the Part D benefit had not yet begun. This Supplemental Special Advisory Bulletin (Supplemental Bulletin) is based on experience we have gained in the intervening years; it is not intended to replace the 2005 SAB, nor does it replace other relevant guidance, such as the 2002 OIG Special Advisory Bulletin on Offering Gifts and Other Inducements to Beneficiaries.[3]

We continue to believe that properly structured PAPs can help Federal health care program beneficiaries. This Supplemental Bulletin provides additional guidance regarding PAPs operated by independent charities (Independent Charity PAPs) that provide cost-sharing assistance for

[1] OIG Special Advisory Bulletin on Patient Assistance Programs for Medicare Part D Enrollees, 70 FR 70623 (Nov. 22, 2005), available at: *http://oig.hhs.gov/fraud/docs/alertsandbulletins/2005/2005PAPSpecialAdvisoryBulletin.pdf.*

[2] The 2005 SAB focused on PAPs under the then-upcoming Part D program, but the guidance also referenced co-payment assistance programs for drugs covered under Medicare Part B. Although these Medicare programs differ, and the types of PAPs may differ, the principles set forth in the 2005 SAB and herein apply regardless of which Federal health care program (as defined in section 1128B(f) of the Social Security Act (the Act)) covers the drugs.

[3] The 2002 OIG Special Advisory Bulletin on Offering Gifts and Other Inducements to Beneficiaries is available at: *http://oig.hhs.gov/fraud/docs/alertsandbulletins/SABGiftsandInducements.pdf.*

prescription drugs. To address some of the specific risks that have come to our attention in recent years, this guidance discusses problematic features of PAPs with respect to the anti-kickback statute, section 1128B(b) of the Act,[4] and the provision of the Civil Monetary Penalties Law prohibiting inducements to Medicare and Medicaid beneficiaries (Beneficiary Inducements CMP), section 1128A(a)(5) of the Act.[5] Other potential risk areas, including, for example, potential liability under the False Claims Act, 31 U.S.C. 3729–33, or other Federal or State laws, are not addressed here.

II. The Anti-Kickback Statute and the Beneficiary Inducements CMP

The anti-kickback statute makes it a criminal offense to knowingly and willfully offer, pay, solicit, or receive any remuneration to induce or reward the referral or generation of business reimbursable by any Federal health care program, including Medicare and Medicaid. Where remuneration is paid purposefully to induce or reward referrals of items or services payable by a Federal health care program, the anti-kickback statute is violated. By its terms, the statute ascribes criminal liability to parties on both sides of an impermissible ''kickback'' transaction. For purposes of the anti-kickback statute, ''remuneration'' includes the transfer of anything of value, directly or indirectly, overtly or covertly, in cash or in kind. The statute has been interpreted to cover any arrangement where one purpose of the remuneration was to give or obtain money for the referral of services or to induce further referrals. Violation of the statute constitutes a felony punishable by a maximum fine of $25,000, imprisonment up to 5 years, or both. OIG may also initiate administrative proceedings to exclude a person from Federal health care programs or to impose civil monetary penalties for kickback violations under sections 1128(b)(7) and 1128A(a)(7) of the Act.[6]

Two remunerative aspects of PAP arrangements require scrutiny under the anti-kickback statute: donor contributions to PAPs (which can also be analyzed as indirect remuneration to patients) and PAPs' grants to patients. If a donation is made to a PAP to induce the PAP to recommend or arrange for the purchase of the donor's federally reimbursable items, the statute could be violated. Similarly, if a PAP's grant of financial assistance to a patient is made to influence the patient to purchase (or to induce the patient's physician to prescribe) certain items, the statute also could be violated. A determination regarding whether a particular arrangement violates the anti-kickback statute requires an individualized evaluation of all of the relevant facts and circumstances, including the parties' intent. For PAPs, the nature, structure, sponsorship, and funding of the particular PAP are factors relevant to the analysis.

The Beneficiary Inducements CMP provides for the imposition of civil monetary penalties against any person that offers or transfers remuneration to a Medicare or State health care program (as defined under section 1128(h) of the Act) beneficiary that the benefactor knows or should know is likely to influence the beneficiary to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, by Medicare or a State health care program. OIG may initiate administrative proceedings to seek such CMPs and exclude such person from the Federal health care programs. A subsidy for cost-sharing obligations provided by a pharmaceutical manufacturer through a PAP may implicate the Beneficiary Inducements CMP, if the subsidy is likely to influence a Medicare or State health care program beneficiary's selection of a particular provider, practitioner, or supplier, such as by making eligibility dependent on the patient's use of certain prescribing physicians or certain pharmacies to dispense the drugs.

III. Independent Charity PAPs

Longstanding OIG guidance, including the 2005 SAB, makes clear that pharmaceutical manufacturers can effectively contribute to the safety net by making cash donations to independent, *bona fide* charitable assistance programs. The 2005 SAB sets forth a number of factors that we continue to believe are fundamental to a properly structured Independent Charity PAP. *See* 70 FR 70626. Many of these factors relate to the independence of the charity, as discussed further below. In this Supplemental Bulletin, we expand on our previous guidance in that regard, focusing on three areas: Disease funds, eligible recipients, and the conduct of donors.

A. Disease Funds

As we explained in the 2005 SAB, we recognize that *bona fide* independent charities may reasonably focus their efforts on patients with particular diseases (such as cancer or diabetes) and that, in general, the fact that a pharmaceutical manufacturer's donations to an independent charity are earmarked for one or more broad disease funds should not significantly raise the risk of abuse. At the time, however, we also expressed our concern that, in some cases, charities might define their disease funds so narrowly that the earmarking effectively results in a donor's subsidization of its own products. Over the past several years, we have become aware that some Independent Charity PAPs are, in fact, establishing narrowly defined disease funds and covering a limited number of drugs within those funds. To address this development, we discuss and expand on some of the safeguards that we originally set forth in the 2005 SAB to reduce the risk of abuse. We reiterate here that an Independent Charity PAP must not function as a conduit for payments or other benefits from the pharmaceutical manufacturer to patients and must not impermissibly influence beneficiaries' drug choices.

One of the points we made in the Independent Charity PAPs section of the 2005 SAB was that pharmaceutical manufacturers and their affiliates should not exert any direct or indirect influence or control over the charity or its assistance program. We also stated that donors should not influence the identification of disease funds[7] and that we would be concerned if disease funds were defined by reference to specific symptoms, severity of symptoms, or the method of administration of drugs. These were merely examples—not an exclusive list—of improperly narrow approaches to defining disease funds. For example, we also are concerned about disease funds defined by reference to the stages of a particular disease, the type of drug treatment, and any other ways of narrowing the definition of widely recognized disease states. A charity with narrowly defined disease funds may be subject to scrutiny if the disease funds result in funding exclusively or primarily the products of donors or if other facts and circumstances suggest that the disease fund is operated to induce the purchase of donors' products.[8]

[4] 42 U.S.C. 1320a–7b(b).

[5] 42 U.S.C. 1320a–7a(a)(5).

[6] 42 U.S.C. 1320a–7(b)(7) and 42 U.S.C. 1320a–7a(a)(7).

[7] The 2005 SAB used the term ''disease categories.'' Our experience since 2005 suggests that the term ''disease fund'' is more accurate in this context.

[8] This is true even if the charity has obtained a favorable advisory opinion, because favorable opinions related to PAPs typically are based upon the charity's certifications that: (1) No donor or affiliate of any donor has exerted or will exert any

Continued

We also are increasingly concerned about Independent Charity PAPs that choose to establish or operate disease funds that limit assistance to a subset of available products. Through our advisory opinion process, we have seen Independent Charity PAPs seeking to cover few drugs, such as by covering copayments only for expensive or specialty drugs. We are concerned that funds limited in this manner may not be beneficial to patients or Federal health care programs. Beneficiaries should not be tied to a particular product, or to a subset of available products, to receive or continue their assistance. Although we recognize that a patient prescribed an expensive drug may have a greater need for financial assistance than a patient prescribed a less expensive alternative, we are concerned that limiting PAP cost-sharing support to expensive products may steer patients in a manner that is costly to Federal health care programs and may even facilitate increases in drug prices. Moreover, whether a drug is ''expensive'' is a relative question that depends, in part, on the financial resources of the consumer; even a generic drug can be expensive for some patients. Finally, limiting assistance to certain drugs may steer patients away from potentially more beneficial products because assistance is available for one treatment and not another. Consequently, a fund will be subject to more scrutiny if it is limited to a subset of available products, rather than all products approved by the Food and Drug Administration (FDA) for treatment of the disease state(s) covered by the fund or all products covered by the relevant Federal health care program when prescribed for the treatment of the disease states (including generic or bioequivalent drugs).[9]

The 2005 SAB acknowledged that, in rare circumstances, there may be only one drug covered by Part D for the disease(s) in a particular disease fund or only one pharmaceutical manufacturer (including its affiliates) that makes all of the Part D covered drugs for the disease(s) in a particular disease fund. The 2005 SAB noted that, in these unusual circumstances, the fact that a disease fund includes only one drug or drugs made by one manufacturer would not, standing alone, be determinative of an anti-kickback statute violation. A determination of an anti-kickback statute violation can be made only on a case-by-case basis after examining the applicable facts and circumstances, including the intent of the parties. Notwithstanding the need for an individualized analysis, a disease fund that covers only a single product, or the products made or marketed by only a single manufacturer that is a major donor to the fund, will be subject to scrutiny. When determining whether an anti-kickback violation occurred, we would consider, among other factors, whether the disease fund in question appears to be narrowly defined in a manner that favors any of the fund's donors.

While we understand that many charities have limited resources and seek to use them to assist patients with the greatest financial need, assessing a patient's financial need is a separate concern from determining which drugs to include in a disease fund. Narrowly defining disease funds or limiting disease funds to provide assistance only for expensive drugs can result in steering patients to the drugs for which assistance is available. This type of steering increases the likelihood that the donors could use the PAPs as improper conduits to provide a subsidy to patients who use the donors' own products. This potentially increases costs to the Federal health care programs in cases where a lower cost, equally effective drug is available. Moreover, the ability to subsidize copayments for their own products may encourage manufacturers to increase prices, potentially at additional cost to Federal health care programs and beneficiaries who are unable to obtain copayment support.

In short, disease funds should be defined in accordance with widely recognized clinical standards and in a manner that covers a broad spectrum of products; disease funds should not be defined for the purpose of limiting the drugs for which the Independent Charity PAP provides assistance.

B. Eligible Recipients

It has come to our attention that some Independent Charity PAPs have started operating, or seek to operate, funds that provide financial assistance only to Federal health care program beneficiaries. We do not believe that the mere fact that a fund serves only Federal health care program beneficiaries increases risk to the Federal health care programs. In fact, we issued a favorable advisory opinion to an Independent Charity PAP that intended to develop a fund to serve only Medicare beneficiaries.[10] The safeguards regarding defining disease funds and recipient eligibility described in the 2005 SAB and in this Supplemental Bulletin, when properly implemented, should sufficiently protect Federal health care programs.

Regardless of whether a fund is available to all patients or is limited to Federal health care program beneficiaries, the Independent Charity PAP must determine eligibility according to a reasonable, verifiable, and uniform measure of financial need that is applied in a consistent manner. Some Independent Charity PAPs base their eligibility criteria on the poverty guidelines, which take into account family size, for determining financial need. As we explained in the 2005 SAB, Independent Charity PAPs also have the flexibility to consider relevant variables beyond income. Other variables Independent Charity PAPs may choose to consider, for example, are the local cost of living and the scope and extent of a patient's total medical bills. We are not recommending or requiring any particular method for assessing financial need. We do, however, want to emphasize that the cost of the particular drug for which the patient is applying for assistance is not an appropriate stand-alone factor in determining individual financial need; it is likely one of many obligations that affects the patient's financial circumstances. We also note that generous financial need criteria, particularly when a fund is limited to a subset of available drugs or the drugs of a major donor, could be evidence of intent to fund a substantial part of the copayments for a particular drug (or drugs) for the purpose of inducing the use of that drug (or those drugs), rather than for the purpose of supporting financially needy patients diagnosed with a particular disease.

direct or indirect influence or control over the charity or any of the charity's programs; (2) the charity will define its disease funds in accordance with widely recognized clinical standards and in a manner that covers a broad spectrum of available products; and (3) the charity's disease funds will not be defined by reference to specific symptoms, severity of symptoms, or the method of administration of drugs. If the arrangement does not in practice comport with the facts presented in the advisory opinion, then the arrangement is not protected by the opinion. All of our advisory opinions are available on the OIG Web site at: *http://oig.hhs.gov/compliance/advisory-opinions/index.asp.*

[9] An Independent Charity PAP is not required to provide assistance for drugs prescribed off-label. However, we would expect a truly independent charity to treat all its funds equally. Thus, if the Independent Charity PAP offered assistance for all drugs covered by Medicare in Fund A, but limited assistance offered for Fund B to FDA-approved uses, the funds could be subject to scrutiny to determine whether either coverage determination was made to benefit a donor.

[10] *See* Modification of OIG Advisory Opinion 07–06, available at: *http://oig.hhs.gov/fraud/docs/advisoryopinions/2011/AdvOpn07-06_mod.pdf.*

C. Conduct of Donors

Thus far, this Supplemental Bulletin has focused on the conduct of Independent Charity PAPs. Similarly, when we have issued favorable advisory opinions regarding Independent Charity PAPs, the focus has been on the charities that requested the opinions—-not the donors.[11] In requesting an opinion, a charity certifies to actions it will take to ensure the independence of the PAP from the donors. The charity is not in a position to certify as to the actions of the donors with parties outside the arrangement. For example, an advisory opinion issued to an independent charity regarding the PAP it operates typically states that the charity has certified that it will provide donors only with reports including data such as the aggregate number of applicants for assistance, the aggregate number of patients qualifying for assistance, and the aggregate amount disbursed from the fund during that reporting period. Thus, the charity would not give a donor any information that would enable a donor to correlate the amount or frequency of its donations with the number of aid recipients who use its products or services or the volume of those products supported by the PAP. The procedures described in these certifications are a critical safeguard and a material fact upon which we have relied in issuing favorable advisory opinions regarding Independent Charity PAPs. These opinions do not address actions by donors to correlate their funding of PAPs with support for their own products. Such actions may be indicative of a donor's intent to channel its financial support to copayments of its own products, which would implicate the anti-kickback statute.

IV. Conclusion

OIG continues to believe that properly structured, Independent Charity PAPs provide a valuable resource to financially needy patients. We also believe that Independent Charity PAPs raise serious risks of fraud, waste, and abuse if they are not sufficiently independent from donors. This Supplemental Bulletin reiterates and amplifies our guidance, based on practices and trends we have seen in the industry. We recognize that some charitable organizations with PAPs have received favorable advisory opinions that may include features that are discouraged in this Supplemental Bulletin. We are writing to all Independent Charity PAPs that have received favorable opinions to explain how we intend to work with them to ensure that approved arrangements are consistent with our guidance. We anticipate that some opinions will need to be modified. We will post any such modifications on our Web site with the original opinions, consistent with our current practice. Favorable advisory opinions will continue to protect the arrangements described in the opinions until we issue any final notice of modification or termination to the requestors of those opinions. It is our intent that there be no disruption of patient care during this process. Should donors or PAPs continue to have questions about the structure of a particular organization or transaction, the OIG Advisory Opinion process remains available. Information about the process may be found at: *http://oig.hhs.gov/faqs/advisory-opinions-faq.asp*.

Dated: May 16, 2014.

Daniel R. Levinson,

Inspector General.

[FR Doc. 2014–11769 Filed 5–29–14; 8:45 am]

BILLING CODE 4152–01–P

[11] An advisory opinion has no application to, and cannot be relied upon by, any individual or entity other than the requestor of the opinion. Thus, a donor is not protected by an advisory opinion issued only to the entity to which it donates. *See* section 1128D(b)(4)(A) of the Act (42 U.S.C. 1320a–7d(b)(4)(A)); 42 CFR 1008.53.

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0065]

Agency Information Collection Activities: Submission for Review; Information Collection Request for the Department of Homeland Security (DHS), Science and Technology, National Capital Region Secure Delivery Technology Program

AGENCY: Science and Technology Directorate, DHS.

ACTION: 30-Day notice and request for comment.

SUMMARY: The Department of Homeland Security (DHS), Science & Technology Directorate (S&T) invites the general public to comment on data collection forms for the National Capital Region (NCR) Secure Delivery Technology program. This is a new Paper Reduction Act collection without an OMB control number. Secure Delivery Technology is responsible for improving the efficiency and effectiveness of deliveries to General Services Administration (GSA) facilities in the NCR.

Information collected by Federal Protective Service (FPS) personnel to ensure secured deliveries in the NCR includes the delivery driver's name and license number. The information collected is used by FPS personnel to verify the identity of the driver at the delivery central screening facility and final destination locations, along with providing an auditable trail for post-delivery analysis should an event occur that requires forensics.

DHS invites interested persons to comment on the ''National Capital Region Secure Delivery Technology Driver Log'' form and instructions (hereinafter ''Forms Package'') for the S&T NCR Secure Delivery Technology. Interested persons may receive a copy of the Forms Package by contacting the DHS S&T PRA Coordinator. This notice and request for comments is required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DATES: Comments are encouraged and will be accepted until June 30, 2014.

ADDRESSES: Interested persons are invited to submit comments, identified by docket number DHS–2013–0065, by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: Jonathan.Mcentee@hq.dhs.gov.* Please include docket number DHS–2013–0065 in the subject line of the message.
- *Mail:* Science and Technology Directorate, ATTN: National Capital Region Secure Delivery Technology Program, 245 Murray Drive, Mail Stop 0202, Washington, DC 20528.

FOR FURTHER INFORMATION CONTACT: Jonathan Mcentee, *Jonathan.Mcentee@hq.dhs.gov,* 202–254–6139. (Not a toll free number).

SUPPLEMENTARY INFORMATION: The Department is committed to improving its information collection and urges all interested parties to suggest how these materials can further reduce burden while seeking necessary information under the Paper Reduction Act.

DHS is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the collection of information

on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* This is a new collection.

(2) *Title of the Form/Collection:* Science and Technology, National Capital Region Secure Delivery Technology program.

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* [No form name]; Department of Homeland Security, Science & Technology Directorate, Borders and Maritime Security Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Drivers of deliveries to GSA facilities in the NCR are required to provide their names and driver's license to FPS personnel to bind the individual driver to the package being delivered, and any other data associated with the delivery for security purposes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. *Estimate of the total number of respondents:* FPS contracts approximately ten (10) Protective Security Officers who are monitored by one (1) FTE to capture the driver and delivery information.

b. *An estimate of the time for an average respondent to respond:* FPS personnel spend approximately five (5) minutes per delivery to capture the requisite information.

c. *An estimate of the total public burden (in hours) associated with the collection:* There is no burden on the public for the information capture—FPS personnel capture the data in parallel with other FPS personnel screening the delivery truck. It is estimated six-thousand (6000) staff hours will be saved by automating the management of the information being captured.

Dated: April 29, 2014.

Rick Stevens,

Chief Information Officer for Science and Technology.

[FR Doc. 2014–12576 Filed 5–29–14; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2012–0043]

Agency Information Collection Activities: Submission for Review; Information Collection Extension Request for the Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act Program

AGENCY: Science and Technology Directorate, DHS.

ACTION: 30-Day notice and request for comment.

SUMMARY: The Department of Homeland Security (DHS) is soliciting public comment on the following forms: (1) Registration as a Seller of an Anti-Terrorism Technology (DHS Form 10010); (2) Request for a Pre-Application Consultation (DHS Form 10009); (3) Notice of License of Qualified Anti-Terrorism Technology (DHS Form 10003); (4) Notice of Modification of Qualified Anti-Terrorism Technology (DHS Form 10002); (5) Application for Transfer of SAFETY Act Designation and Certification (DHS Form 10001); (6) Application for Renewal of SAFETY Act Protections of a Qualified Anti-Terrorism Technology (DHS Form 10057); (7) Application for SAFETY Act Developmental Testing and Evaluation Designation (DHS Form 10006); (8) Application for SAFETY Act Designation (DHS Form 10008); (9) Application for SAFETY Act Certification (DHS Form 10007); (10) SAFETY Act Block Designation Application (DHS Form 10005); and (11) SAFETY Act Block Certification Application (DHS Form 10004).

DATES: Comments are encouraged and will be accepted until June 30, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2012–0043, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: olena.shockley@hq.dhs.gov.* Please include docket number DHS–2012–0043 in the subject line of the message.
- *Mail:* Science and Technology Directorate, ATTN: SAFETY Act, 245 Murray Lane SW., Mail Stop 0202, Washington, DC 20528.

FOR FURTHER INFORMATION CONTACT: *olena.shockley@hq.dhs.gov* (202) 254–6174 (Not a toll free number).

SUPPLEMENTARY INFORMATION: DHS S&T provides a secure Web site, accessible through *www.SAFETYAct.gov,* through which the public can learn about the program, submit applications for SAFETY Act protections, submit questions to the Office of SAFETY Act Implementation (OSAI), and provide feedback. The data collection forms have standardized the collection of information that is both necessary and essential for the DHS OSAI.

The SAFETY Act program promotes the development and use of anti-terrorism technologies that will enhance the protection of the nation and provides risk management and litigation management protections for sellers of Qualified Anti-Terrorism Technology (QATT) and others in the supply and distribution chain. The Department of Homeland Security Science & Technology Directorate (DHS S&T) currently has approval to collect information for the implementation of the SAFETY Act program until April 30, 2014. With this notice, DHS S&T seeks approval to renew this information collection for continued use after this date. The SAFETY Act program requires the collection of this information in order to evaluate and qualify Anti-Terrorism Technologies, based on the economic and technical criteria contained in the Regulations Implementing the Support Anti-Terrorism by Fostering Effective Technologies Act (the Final Rule), for protection in accordance with the Act, and therefore encourage the development and deployment of new and innovative anti-terrorism products and services. The Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act (6 U.S.C. 441) was enacted as part of the Homeland Security Act of 2002, Public Law 107–296 establishing this requirement. This notice and request for comments is required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DHS S&T currently has approval to collect information utilizing the Registration of a Seller as an Anti-Terrorism Technology (DHS Form 10010), Request for a Pre-Application Consultation (DHS Form 10009), Notice of License of Qualified Anti-Terrorism Technology (DHS Form 10003), Notice of Modification of Qualified Anti-Terrorism Technology (DHS Form 10002), Application for Transfer of SAFETY Act Designation and Certification (DHS Form 10001), Application for Renewal of SAFETY Act Protections of a Qualified Anti-Terrorism Technology (DHS Form 10057), Application for SAFETY Act Developmental Testing and Evaluation Designation (DHS Form 10006), Application for SAFETY Act

Designation (DHS Form 10008), Application for SAFETY Act Certification (DHS Form 10007), SAFETY Act Block Designation Application (DHS Form 10005), SAFETY Act Block Certification Application (DHS Form 10004) until 31 March 2013 with OMB approval number 1640–0001.

The Department is committed to improving its information collection and urges all interested parties to suggest how these materials can further reduce burden while seeking necessary information under the Act.

DHS is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Overview of Information Collection

(1) *Type of Information Collection:* Existing information collection.

(2) *Title of the Form/Collection:* SAFETY Act Program.

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* DHS Science & Technology Directorate, DHS Forms 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, and 10057.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Business entities, Associations, and State, Local and Tribal Government entities. Applications are reviewed for benefits, technology/program evaluations, and regulatory compliance.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. *Estimate of the total number of respondents:* 950.

b. *An estimate of the time for an average respondent to respond:* 18.2 burden hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 17,300 burden hours.

Dated: May 16, 2014.

Rick Stevens,

Chief Information Officer for Science and Technology.

[FR Doc. 2014–12575 Filed 5–29–14; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

Announcement of Requirements and Registration for the National Radiological and Nuclear Detection Challenge; Correction

AGENCY: Domestic Nuclear Detection Office, DHS.

ACTION: Notice; amendment.

Authority: 15 U.S.C. 3719.

SUMMARY: DNDO published a notice in the **Federal Register** of May 8, 2013, to announce the National Radiological and Nuclear Detection Challenge (Rad/Nuc Challenge), a participation challenge being conducted under the America Competes Reauthorization Act, for state, local, and tribal law enforcement, other first responders, public safety officials, and Civil Support Team members. This event was postponed and a correction was published in the **Federal Register** of July 30, 2013. This event has now been cancelled requiring an additional amendment to the original notice.

FOR FURTHER INFORMATION CONTACT: Timothy Smith, (202) 254–7297, *Radnucchallenge@hq.dhs.gov.*

Amendment

Amend FR Doc. 2013–10928 as follows:

On May 8, 2013, the Department of Homeland Security (DHS), Domestic Nuclear Detection Office (DNDO), announced the National Radiological and Nuclear Detection Challenge (Rad/Nuc Challenge), a participation challenge authorized under 15 U.S.C. 3719(c)(3), for state, local, and tribal law enforcement, other first responders, public safety officials, and Civil Support Team members. In lieu of hosting a separate standalone Rad/Nuc Challenge, DNDO will work with the Urban Area Security Initiative competition, Urban Shield, to incorporate a radiological and nuclear detection competitive exercise. This notice formally cancels the Rad/Nuc Challenge.

SUPPLEMENTARY INFORMATION: The purpose of the Rad/Nuc Challenge was to increase proficiency, improve Concepts of Operations, and promote proper use of radiological and nuclear detection equipment by state and local agencies in support of the domestic radiological and nuclear detection mission to prevent the illicit use and/or movement of radioactive materials within the United States. By integrating into existing competitive exercises like Urban Shield, DNDO will provide a similar competitive exercise format that will continue to promote the radiological and nuclear detection mission.

DNDO will provide announcements on opportunities to participate in competitive radiological and nuclear detection exercises to a community distribution list.

To be added to the email distribution list for radiological and nuclear detection competitive event announcements, or for additional information, please contact Timothy Smith, DHS, DNDO, by email at *radnucchallenge@hq.dhs.gov.*

Dated: April 25, 2014.

Huban A. Gowadia,

Director, Domestic Nuclear Detection Office.

[FR Doc. 2014–12577 Filed 5–29–14; 8:45 am]

BILLING CODE 9110–9D–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Cancellation of Customs Broker's License

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Customs broker's license cancellation.

SUMMARY: This document provides notice of the cancellation of one individual's customs broker's license with prejudice.

FOR FURTHER INFORMATION CONTACT: Everett Burns, International Trade Specialist, Broker Management Branch, Office of International Trade, (202) 863–6319.

SUPPLEMENTARY INFORMATION: This document provides notice that, pursuant to section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), and section 111.51(b) of title 19 of the Code of Federal Regulations (19 CFR 111.51(b)), the following customs broker's license and any and all associated permits are cancelled with prejudice.

Last Name	First Name	License No.	Port of issuance
Santos	Alejandro	23028	Laredo.

Dated: May 23, 2014.

Sandra L. Bell,

Acting Assistant Commissioner, Office of International Trade.

[FR Doc. 2014–12512 Filed 5–29–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–22]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301)–443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ARMY: Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571)–256–8145; (This is not a toll-free number).

Dated: May 22, 2014.

Ann Marie Oliva,

Deputy Assistant Secretary (Acting), for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 05/30/2014

Suitable/Available Properties

Building

Alabama

5 Buildings
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201420016
Status: Unutilized
Directions: 7742A; 7742B; 7740A; 7740B; 7740
Comments: Off-site removal only; must be dismantled; no future agency need; extensive repairs required; contact Army for more information on a specific property & accessibility/removal requirements

2 Buildings
Fort Rucker
Fort Rucker AL 36362
Landholding Agency: Army
Property Number: 21201420032
Status: Unutilized
Directions: 9213; 27201
Comments: Off-site removal only; no future agency need; must be dismantled; secured area; contact Army for more information

24148
Fort Rucker
Ft. Rucker AL 36362
Landholding Agency: Army
Property Number: 21201420033
Status: Unutilized
Comments: off-site removal only; no future agency need; 45 sq. ft.; toll booth; fair

conditions; secured area; contact Army for more information

24250
Fort Rucker
Ft. Rucker AL 36362
Landholding Agency: Army
Property Number: 21201420035
Status: Unutilized
Comments: off-site removal only; no future agency need; 49 sq. ft.; fair conditions; secured area; contact Army for more information

Alaska

6 Buildings
Fort Greely
812 Third Street
Fort Greely AK 99731
Landholding Agency: Army
Property Number: 21201420006
Status: Unutilized
Directions: 00812; 00813; 00814; 00816; 00817; 00818
Comments: Off-site removal only no future agency need; poor conditions; contamination; contact Army for information on a specific property and removal requirements

California

4 Buildings
Fort Hunter Liggett
711 ASP Road
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201420004
Status: Unutilized
Directions: 711; 710; 0408A; 719
Comments: Off-site removal only; no future agency need; poor conditions; must obtain access documentation; contact Army for information on a specific property and accessibility/removal requirements

Building 239
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201420005
Status: Underutilized
Directions: 209 sq. ft.; 24+ yrs.-old; latrine
Comments: Off-site removal only; no future agency need; must obtain access documentation; fair to poor conditions; contact Army for info. & accessibility removal requirements

Colorado

4 Buildings
Fort Carson
6466 Specker Ave., Building 1520
Fort Carson CO 80913–4001
Landholding Agency: Army
Property Number: 21201420007
Status: Unutilized
Directions: 01520; 01909; 05510; 06250
Comments: Off-site removal only; no future agency need; contamination; repairs required; secured area; contact Army for information on a specific property and accessibility/removal requirements

8 Buildings
Fort Carson
3446 Airfield Road, Building 9600
Fort Carson CO 80913–4001
Landholding Agency: Army
Property Number: 21201420008
Status: Excess
Directions: 09600; 09601; 09602; 9605; 9608; 09610; 9634A; 9635A
Comments: Off-Site removal only; contamination; repairs required; secured area; contact Army for information on a specific property and accessibility/removal requirements

Building 09611
Fort Carson
Ft. Carson CO 80913
Landholding Agency: Army
Property Number: 21201420012
Status: Underutilized
Comments: Off-site removal only; no future agency need; 4,255 sq. ft.; org. classroom; 49+yrs.-old; repairs required; contamination; secured area; contact Army for more information

Georgia

18 Buildings
Fort Benning
6491 Lavoie Avenue
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201420014
Status: Excess
Directions: 02510; 02639; 02646; 03949; 03950; 04716; 04970; P2811; P2812; P3958: P8047; P8051; P8052; P8054; P8057; P8819; P9213; P9214
Comments: Off-site removal only; poor conditions; contact Army for more information on a specific property and removal requirements

Illinois

2 Buildings
USAG-Rock Island Arsenal
1480 East Street
Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 21201420024
Status: Underutilized
Directions: 157; 303
Comments: Off-site removal only; no future agency need; repairs required; secured area; contact Army for more information on a specific property accessibility/removal requirements

Building

Kansas

7 Buildings
Fort Riley
610 Warrior Rd.
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201420002
Status: Excess
Directions: 610, 7614, 7616, 7842, 7846, 7850, 7863
Comments: Off-site removal only; major repairs needed, mold and asbestos; secured area; contact Army for information on a specific property and accessibility/removal requirements

Kentucky

5 Buildings
Fort Campbell
3069 Bastogne Avenue
Fort Campbell KY 42223
Landholding Agency: Army
Property Number: 21201420017
Status: Excess
Directions: 03069; 03932; 03071; 06992; 06990
Comments: Off-site removal only; fair conditions; secured area; contact Army for more information on a specific property and accessibility/removal requirements

Maryland

4 Buildings
Aberdeen Proving Ground
APG MD 21010
Landholding Agency: Army
Property Number: 21201420026
Status: Unutilized
Comments: Off-site removal only; no future agency need; secured area; contact Army for more information on a specific property & accessibility/removal requirements

New York

3 Buildings
Fort Drum
Fort Drum NY 13602
Landholding Agency: Army
Property Number: 21201420010
Status: Underutilized
Directions: 1395; 1495; 22639;
Comments: Off-site removal only; no future agency need; poor conditions; secured area; contact Army for more information on a specific property and removal/accessibility requirements

Oklahoma

7 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201420030
Status: Unutilized
Directions: 1541; 1760; 2602; 2960; 5727; 6021; 6449
Comments: Off-site removal only; no future agency need; repairs required; contact Army for more information on a specific property and removal requirements

Puerto Rico

6 Buildings
Fort Buchanan
00176 Chrisman Road
Fort Buchanan PR 00934
Landholding Agency: Army
Property Number: 21201420011
Status: Excess
Directions: 00176; 00218; 00219; 00220; 00674; 00800
Comments: Off-site removal only; deteriorated; restricted access contact Army on a specific property and accessibility/removal requirements

Tennessee

Building 00850
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201420013
Status: Excess
Comments: 10,591 sq. ft.; office; 72+yrs.-old; fair conditions; repairs required; contamination; access restrictions; contact Army for more information

Texas

92065

92065 Supply Rd.
Fort Hoop TX 76544
Landholding Agency: Army
Property Number: 21201420021
Status: Excess
Comments: Off-site removal only; 3,994 sq. ft.; admin general purpose; 1+ month vacant; contact Army for more information

Unsuitable Properties

Building

Alabama

3 Buildings
Anniston Army Depot
Anniston AL 36201
Landholding Agency: Army
Property Number: 21201420020
Status: Unutilized
Directions: 00048; 00015; 00016
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Alaska

2 Buildings
Fort Wainwright
Ft. Wainwright AK 99703
Landholding Agency: Army
Property Number: 21201420028
Status: Unutilized
Directions: 3005; 3008
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

California

Building 00948
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201420009
Status: Unutilized
Comments: Documented deficiencies; roof & walls have completely collapsed
Reasons: Extensive deterioration

Iowa

9 Buildings
Iowa Army Ammunition Plant
17575 Highway 79
Middletown IA 52601
Landholding Agency: Army
Property Number: 21201420031
Status: Unutilized
Directions: 00028; 00029; 00030; 00031; 00033; 00918; 00920; 05026; 05072
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Kentucky

21 Buildings
Fort Knox
Ft. Knox KY 40121
Landholding Agency: Army
Property Number: 21201420003
Status: Unutilized
Directions: 487; 01124; 01996; 02001; 02774; 02782; 07713; 07724; 07725; 09200; 09240; 09249; 09259; 09323; 09364; 09365; 09697; 09879; 09910; 09362; 09363
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Maryland

12 Buildings
Aberdeen Proving Ground
239 Magazine Road
APG MD 21005
Landholding Agency: Army
Property Number: 21201420022
Status: Unutilized
Directions: 00239; 00247; 00314; 00353; 0390A; 00528; 692; 01160; 02334; 03411; 03412; 03413
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

North Carolina

2 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201420015
Status: Unutilized
Directions: M6453; O9055
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

E2310
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201420018
Status: Underutilized
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

U1704
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201420034
Status: Underutilized
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

8 Buildings
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201420036
Status: Underutilized
Directions: U2007; U2004; U1708; U2307; U1705; U2108; U1810; U2308
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Oklahoma

150MP
Camp Gruber Training Center
Braggs OK 74423
Landholding Agency: Army
Property Number: 21201420019
Status: Unutilized
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Pennsylvania

4 Buildings
Tobyhanna Army Depot
11 Hap Arnold Bulverde
Tobyhanna PA 18466
Landholding Agency: Army
Property Number: 21201420023
Status: Unutilized
Directions: 00500; 00501; 00502; 00509
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

2 Buildings
Tobyhanna Army Deport
Tobyhanna PA 18466
Landholding Agency: Army
Property Number: 21201420027
Status: Underutilized
Directions: 0511A; 0511B
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Tennessee

Building 348
Holston Army Ammunition Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201420025
Status: Unutilized
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

Virginia

2 Buildings
Radford Army Ammunition Plant
Rte. 114, P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201420029
Status: Underutilized
Directions: 726; 730
Comments: Public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

[FR Doc. 2014–12375 Filed 5–29–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX14EE000101100]

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of Meeting

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on June 24–25, 2014 at the South Interior Building Auditorium, 1951 Constitution Avenue NW., Washington, DC 20240. The meeting will be held in the first floor Auditorium. The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, was

established to advise the Federal Geographic Data Committee (FGDC) on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure (NSDI), and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

- Leadership Dialogue.
- FGDC Report (National Geospatial Data Asset Management Plan, Geospatial Platform).
- NSDI Strategic Plan Implementation.
- NGAC Subcommittee Reports.
- 3D Elevation Program Update.
- FirstNet Update.

The meeting will include an opportunity for public comment on June 25. Comments may also be submitted to the NGAC in writing. Members of the public who wish to attend the meeting must register in advance. Please register by contacting Arista Maher at the U.S. Geological Survey (703–648–6283, *amaher@usgs.gov*). Registrations are due by June 20, 2014. While the meeting will be open to the public, registration is required for entrance to the South Interior Building, and seating may be limited due to room capacity.

DATES: The meeting will be held from 8:30 a.m. to 5:30 p.m. on June 24 and from 8:30 a.m. to 4:00 p.m. on June 25.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting is available at *www.fgdc.gov/ngac.*

Ken Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2014–12558 Filed 5–29–14; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV930000.L13400000. KH0000.LXSS189F0000; MO# 4500065257]

Notice of Competitive Auction for Solar Energy Development on Public Lands in the State of Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) Southern Nevada District Office will accept competitive bids to select preferred applicants to submit right-of-way (ROW) applications and plans of development for solar energy projects on up to approximately 3,083 acres of public land in Clark County, Nevada.

DATES: The BLM will hold an oral auction at 10:00 a.m. Pacific Time on June 30, 2014. Prior to the oral auction, sealed bids will be accepted and carried forward to the oral auction. Sealed bids must be received, not postmarked, by the BLM Southern Nevada District Office at the address listed below on or before June 26, 2014.

ADDRESSES: The BLM will hold the oral auction at the City of North Las Vegas Council Chambers, 2250 Las Vegas Blvd., North Las Vegas, NV 89030. Sealed bids, including the bidder qualification fee deposit and required documentation, must be submitted to the Bureau of Land Management, Attention: Gregory L. Helseth, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Electronic bid submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Gregory L. Helseth, Renewable Energy Project Manager, by telephone at 702–515–5173 or by email at *ghelseth@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: BLM Nevada has received several solicitations of interest and ROW applications within the Dry Lake Solar Energy Zone (SEZ). The BLM may use a competitive process when there are two or more applications for the same facility or system (43 CFR 2804.23). Applications for solar energy development are processed as ROW authorizations pursuant to Title V of the Federal Land Policy and Management Act.

The BLM will use a competitive sealed and oral bid process to select a preferred applicant to submit a ROW application and plan of development for solar energy development in the Dry Lake SEZ.

The competitive oral auction will begin at 10 a.m. Pacific Time on June 30, 2014, opening with the minimum bonus bid or the highest sealed bid over the minimum bonus bid, whichever is higher. Bidder registration begins at 9 a.m. Pacific Time on June 30, 2014. In order to bid, you must provide the bidder's name and personal or business address. Each bid can only contain the name of one bidder (i.e., citizen, association or partnership, corporation or municipality). A bidder qualification fee of $10,000, in the form of a cashier's or certified check made payable to the ''Bureau of Land Management'', is required from each bidder at the time of registration or with the sealed bid. Only one bidder qualification fee per bidder is required, regardless of the number of parcels bid on. A bidder that submits a sealed bid can also participate in the oral auction but will need to register the day of the auction. The bidder will need to provide a photocopy of the qualification fee that was submitted with the sealed bid or other documentation that the qualification fee was submitted to be able to register for the oral auction. Sealed bids must include the same required information and bidder qualification fee for registration. If a sealed bid is submitted prior to the oral auction, all bidding documents must be enclosed in a sealed envelope with the bidder's name and return address on the outside. Include the following notation on the front lower left hand corner of the sealed envelope: SEALED BID—DO NOT OPEN.

A minimum bonus bid has been determined for each parcel. The minimum bonus bid represents 10 percent of the rent value of the land for 1 year ($203.06 per acre for Clark County) under the BLM's interim solar rental policy and is based on the interests acquired by a preferred applicant to file a ROW application in a SEZ. Minimum bonus bids for the six parcels are: Parcel 1—$14,462; Parcel 2—$4,524; Parcel 3—$15,406; Parcel 4—$14,803; Parcel 5—$10,309; and Parcel 6—$3,101. Bidders must use a bid statement to identify the bonus amount the bidder would pay to submit a ROW application and plan of development for each parcel. The bonus bid must meet or exceed the minimum bonus bid amount identified above for each parcel. The bid statement format and a complete description of the bid process are contained in an Invitation for Bids package available on the BLM Solar Energy Program Web site at: *http://blmsolar.anl.gov/sez/nv/dry-lake/competitive-leasing/.* All registered bidders will be notified of the results of the oral auction within 10 calendar days of the bid closing. Bonus bids from the successful high bidder(s) and an administrative fee of $45,317 for each parcel must be deposited within 10 calendar days of notification in the form of a cashier's or certified check made

payable to the ''Bureau of Land Management''.

The $10,000 bidder qualification fee paid by the successful bidder at the time of registration or with the sealed bid will be applied to the bonus bid and the administrative fee due from the successful bidder for each parcel. Upon the BLM's acceptance of the bonus bid specified in the bid statement and the administrative fee, the successful bidder will become the preferred ROW applicant. The required administrative fee will be retained by the agency to recover administrative costs for conducting the competitive bid and environmental review processes. The bonus bid will be deposited with the U.S. Treasury. Neither amount will be returned or refunded to the successful high bidder(s) under any circumstance. Bidder qualification fees received from unsuccessful bidders will be returned, without interest, upon the BLM's acceptance of the high bidder's bonus bid.

If there is no bid received for a parcel, then no preferred ROW applicant will be identified and no application will be processed for solar energy development under the procedures listed in this notice. In the case of tied bids, the BLM may re-offer the lands competitively to the tied bidders, or to all prospective bidders.

The successful bidder(s) must submit a ROW application and plan of development to the BLM within 180 calendar days of notification of the results of the oral auction. Preferred ROW applicants will be required to reimburse the United States for the cost of processing an application consistent with the requirements of the regulations at 43 CFR 2804.14.

The cost recovery fees are based on the amount of time the BLM estimates it will take to process the ROW application and issue a decision. The BLM will begin processing the ROW application once the cost recovery fees are received as required by the regulations. Only interests in issued ROW grants are assignable under the existing regulations at 43 CFR 2807.21. The interests acquired by the successful bidder from this auction may not be assigned or sold to another party prior to the issuance of a ROW grant. The successful bidder, however, may continue to pursue their application if the successful bidder becomes a wholly owned subsidiary of a new third party.

Bidders may submit bids for each of the six parcels of public land described below. The public lands made available by this notice include six parcels in the Dry Lake SEZ, consisting of approximately 3,083 acres of public land. All parcels lie within the Dry Lake SEZ, approximately 15 miles northeast of Las Vegas, Nevada.

Parcel 1 as shown on the National Renewable Energy Laboratory (NREL) GIS map titled ''Dry Lake SEZ'', dated April 2014, contains an aggregate of 712.2 acres, more or less, as described below:

Mount Diablo Meridian, Nevada

T. 17 S., R. 63 E.,

Sec. 33, lots 9, 10, 13 and 14, NE¼SE¼, (excluding that portion of land utilized as tortoise habitat connectivity as shown on the ''Dry Lake SEZ Non-Development Acres Tortoise Corridor'' map dated February 11, 2014);

Sec. 34, lots 1 thru 4, NE¼, S½NW¼, and N½S½, (excluding that portion of land utilized as tortoise habitat connectivity as shown on the ''Dry Lake SEZ Non-Development Acres Tortoise Corridor'' map dated February 11, 2014, and excluding that portion lying southeasterly of the westerly right-of-way for transmission line, BLM Nevada case file N 75607);

Sec. 35, that portion lying northwesterly of the westerly right-of-way for transmission line, BLM Nevada case file N 74510, and lying northwesterly of the westerly boundary for transmission line switchyard, BLM Nevada case file N 75025.

T. 18 S., R. 63 E.,

Sec. 3, Beginning at the section corner of sections 3, 4, 33 and 34, Townships 17 and 18 South, Range 63 East; thence S. 89°23′ E., along the section line, to the intersection with the westerly right-of-way for transmission line, BLM Nevada case file N 75607; thence southwesterly, along westerly right-of-way for transmission line, BLM Nevada case file N 75607, to a point where the westerly right-of-way for transmission line, BLM Nevada case file N 75607 changes course and commences westerly; thence westerly, along northerly right-of-way for transmission line, BLM Nevada case file N 75607, to an intersection with the centerline of U.S. Highway No. 93; thence N. 44°07.8′ W., along the centerline of U.S. Highway No. 93, to an intersection with the section line of sections 3 and 4; thence N. 0°02.2′ E., along the section line, to the section corner of sections 3, 4, 33 and 34, and the Point Of Beginning;

Sec. 4, lot 5.

Parcel 2 as shown on NREL GIS map titled ''Dry Lake SEZ'', dated April 2014, contains of an aggregate of 222.8 acres, more or less, as described below:

Mount Diablo Meridian, Nevada

T. 17 S., R. 63 E.,

Sec. 35, Beginning at the intersection of the section line of sections 2 and 35, Townships 17 and 18 South, Range 63 East with the westerly right-of-way for transmission line, BLM Nevada case file N 75025; thence N. 89°23′ W., along the section line, to an intersection with the easterly right-of-way for transmission line, BLM Nevada case file N 75607; thence northeasterly, along easterly right-of-way for transmission line, BLM Nevada case file N 75607, to an intersection with the westerly right-of-way for transmission line, BLM Nevada case file N 75025 (if right-of-ways do not intersect, extend them until they do); thence southeasterly, along westerly right-of-way for transmission line, BLM Nevada case file N 75025, to an intersection with the section line of sections 2 and 35, and the Point Of Beginning;

T. 18 S., R. 63 E.,

Sec. 2, Beginning at the intersection of the section line of sections 2 and 35, Townships 17 and 18 South, Range 63 East, with the westerly right-of-way for transmission line, BLM Nevada case file N 75025; thence N. 89°23′ W., along the section line, to an intersection with the easterly right-of-way for transmission line, BLM Nevada case file N 75607; thence southwesterly, along easterly right-of-way for transmission line, BLM Nevada case file N 75607, to an intersection with the section line of sections 2 and 3; thence S. 0°04′ W., along the section line, to an intersection with the northerly right-of-way for an oil and gas pipeline, BLM Nevada case file N 42581; thence easterly, along the northerly right-of-way for an oil and gas pipeline, BLM Nevada case file N 42581, to an intersection with the westerly right-of-way for transmission line, BLM Nevada case file N 75025; thence northwesterly, along westerly right-of-way for transmission line, to the intersection with the section line of sections 2 and 35, and the Point Of Beginning;

Sec. 3, Beginning at the intersection of the section line of sections 2 and 3, with the easterly right-of-way for transmission line, BLM Nevada case file N 75607; thence S. 0°04′ W., along the section line, to an intersection with the northerly right-of-way for an oil and gas pipeline, BLM Nevada case file N 42581; thence westerly, along the northerly right-of-way for an oil and gas pipeline, BLM Nevada case file N 42581, to an intersection with the easterly right-of-way for transmission line, BLM Nevada case file N 75607 (if right-of-ways do not intersect, extend them until they do); thence northeasterly, along the easterly right-of-way for transmission line, BLM Nevada case file N 75607, to an intersection with the section line of sections 2 and 3, and the Point Of Beginning.

Parcel 3 as shown on NREL GIS map titled ''Dry Lake SEZ'', dated April 2014, contains of an aggregate of 758.7 acres, more or less, as described below:

Mount Diablo Meridian, Nevada

T. 18 S., R. 63 E.,

Sec. 1, SW¼, SW¼NW¼ (excluding that portion of land identified as non-development on Argonne National

Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012, and excluding that portion of land southwesterly of the westerly right-of-way for transmission line, BLM Nevada case file N 75025, and excluding that portion of land hereinafter described in Parcel 4;

Sec. 2, S½, S½NE¼, S½NW¼ (excluding that portion of land north of the southerly right-of-way for an oil and gas pipeline, BLM Nevada case file N 4258;

Sec. 3, lots 9, 10, 13 and 14, NE¼SE¼, S½NE¼, S½NW¼, (excluding that portion of land north of the southerly right-of-way for an oil and gas pipeline, BLM Nevada case file N 42581.

Parcel 4 as shown on the National Renewable Energy Laboratory (NREL) GIS map titled ''Dry Lake SEZ'', dated April 2014, contains an aggregate of 729.0 acres, more or less, as described below:

Mount Diablo Meridian, Nevada

T. 18 S., R. 63 E.,

Sec. 1, S½SW¼ (excluding that portion of land previously described in Parcel 3, excluding that portion of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012, and excluding that portion of land northeasterly of the westerly right-of-way for transmission line, BLM Nevada case file N 75025);

Sec. 10, lot 1;

Sec. 11, lots 1, 3 thru 5, and 9, NE¼, N½SE¼, SE¼SE¼, NE¼NW¼ (excluding that portion of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012);

Sec. 12, W½ (excluding that portion of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012, and excluding that portion of land southeasterly of the northwesterly right-of-way for utility corridor line, BLM Nevada case file N 52787, and excluding that portion of land southeasterly of the northwesterly right-of-way for utility corridor, identified in Public Law 96–491 and extended through this area;

Sec. 14, lot 1 (excluding that portion of land southeasterly of the northwesterly right- of-way for utility corridor line, BLM Nevada case file N 52787;

Parcel 5 as shown on the National Renewable Energy Laboratory (NREL) GIS map titled ''Dry Lake SEZ'', dated April 2014, contains an aggregate of 507.7 acres, more or less, as described below:

Mount Diablo Meridian, Nevada

T. 17 S., R. 63 E.,

Sec. 36, (excluding that portion of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012, and excluding that portion of land westerly of the easterly right-of-way for pipeline, BLM Nevada case file N 81555, and excluding that portion of land westerly of the northeasterly property boundary of Harry Allen Generating station);

T. 17 S., R. 64 E.,

Sec. 31, W½, that portion of land westerly of the westerly boundary of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012;

T. 18 S., R. 63 E.,

Sec. 1, that portion of land northeasterly of the northeasterly right-of-way for transmission line, BLM Nevada case file N 61363, easterly of easterly right-of-way for pipeline, BLM Nevada case file N 81555, and northwesterly of northwesterly boundary for power compressor station.

Parcel 6 as shown on the National Renewable Energy Laboratory (NREL) GIS map titled ''Dry Lake SEZ'', dated April 2014, contains an aggregate of 152.7 acres, more or less, as described below:

Mount Diablo Meridian, Nevada

T. 17 S., R. 64 E.,

Sec. 31, that portion of land northwesterly of the westerly right-of-way for utility corridor, identified in Public Law 96–491 extended through this area and easterly of the easterly boundary of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012;

T. 18 S., R. 63 E.,

Sec. 1, that portion of land northwesterly of the westerly right-of-way for utility corridor, identified in Public Law 96–491 extended through this area and northeasterly of the northeasterly right-of-way for transmission line, BLM Nevada case file N 61363 (excluding that portion of land identified as non-development on Argonne National Laboratory map titled ''Developable Area for the Proposed Dry Lake SEZ'', dated July 2012, and excluding that portion of land hereinbefore described as Parcel 5, and excluding that portion of land within the right-of-way for transmission line, BLM Nevada case file N 42581, and excluding that portion of land identified within the boundaries for power compressor station);

T. 18 S., R. 64 E.,

Sec. 6, that portion of land northwesterly of the westerly right-of-way for utility corridor, identified in Public Law 96–491 extended through this area.

Detailed information about the Dry Lake SEZ, including maps, can be viewed and downloaded at: *http://blmsolar.anl.gov/sez/nv/dry-lake/*.

Solar photovoltaic (PV) and parabolic trough technologies are the preferred technologies for solar development in the Dry Lake SEZ. Solar power tower development could potentially impact military operations in the area.

The ''Solar Regional Mitigation Strategy for the Dry Lake Solar Energy Zone'' was released with publication of a public interest Notice for the Dry Lake SEZ on March 17, 2014. The Mitigation Strategy describes off-site mitigation actions and costs that the BLM will consider when processing the ROW application for a solar energy project in the Dry Lake SEZ. The Mitigation Strategy is available online at *http://www.blm.gov/pgdata/etc/medialib/blm/wo/blm_library/tech_notes.Par.29872.File.dat/TN_444.pdf*.

The BLM will host a webinar for interested bidders on Tuesday, June 17 from 1:00 p.m. to 2:30 p.m. Pacific Time to discuss the bidding process and answer any questions regarding the competitive auction scheduled for June 30, 2014, for the Dry Lake SEZ. Documents for the auction will be posted to the BLM Solar Energy Program Web site prior to the webinar at: *http://blmsolar.anl.gov/sez/nv/dry-lake/competitive-leasing/*. The dial-in number for the webinar is: 1–888–850–4523; Passcode 473080. The URL for the webinar is: *http://anl.adobeconnect.com/blmsezauction/*. For more information regarding the auction and the webinar contact Greg Helseth, Renewable Energy Project Manager, by telephone at 702–515–5173 or by email at *ghelseth@blm.gov.*

Authority: 43 CFR 2804.23.

Karen Mouritsen,

Deputy Assistant Director, Energy, Minerals and Realty Management.

[FR Doc. 2014–12542 Filed 5–29–14; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[14XL LLID933000.L13300000.EO0000 241A4500062413]

Notice of Availability of Draft Environmental Impact Statement for the Proposed Smoky Canyon Mine, Panels F and G Lease and Mine Plan Modification Project, Caribou County, ID

AGENCY: Bureau of Land Management, Interior; Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management (BLM) and the U.S. Department of Agriculture, Forest Service (USFS), Caribou-Targhee National Forest (CTNF), have prepared a Draft Environmental Impact Statement (EIS) for the proposed Smoky Canyon Mine, Panels F and G Lease and Mine Plan Modification Project, and by this Notice announce the opening of the comment period.

DATES: To ensure comments will be considered, the Agencies must receive written comments on the Smoky Canyon Mine, Panels F and G Lease and Mine Plan Modification Project Draft EIS within 45 days following the date the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register**. The BLM will announce any future public meetings and any other public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

ADDRESSES: You may submit comments by any of the following methods:

- *Email: blm_id_scm_panelsfg@blm.gov.*
- *Fax:* (801) 942–1852.
- *Mail:* Panels F and G Lease and Mine Plan Modification Project EIS, JBR Environmental, 8160 South Highland Drive, Sandy, UT 84093.

Please reference ''Panels F and G Lease and Mine Plan Modification Project EIS'' on all correspondence.

FOR FURTHER INFORMATION CONTACT: Diane Wheeler, Bureau of Land Management, Pocatello Field Office, 4350 Cliffs Drive, Pocatello, ID 83204, phone 208–557–5839, fax 208–478–6376. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: CD–ROM and print copies of the Smoky Canyon Mine, Panels F & G Lease and Mine Plan Modification Project Draft EIS are available in the BLM Pocatello Field Office at the following address: 4350 Cliffs Drive, Pocatello, ID 83204. In addition, an electronic copy of the Draft EIS is available at either of the Web addresses listed below:

- BLM Land Use Planning and NEPA Register *https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.*
  - Select ''Idaho'' for State, ''ID—Pocatello FO'' for Office, ''EIS'' for Document Type, ''2013'' for Fiscal Year, and ''Minerals'' for Program. Click the Search button.
  - Click on the link to DOI–BLM–ID–I020–2013–0028–EIS for the Panels F and G Lease and Mine Modification Project.
- Caribou-Targhee National Forest Current and Recent Project *http://www.fs.usda.gov/projects/ctnf/landmanagement/projects.*

The J.R. Simplot Company (Simplot) has submitted lease and mine plan modifications for agency review for the existing Panel F (lease IDI–27512) and Panel G (lease IDI–01441) leases at the Smoky Canyon Phosphate Mine within the CTNF, in Caribou County, Idaho. The Smoky Canyon Mine, operated by Simplot, is located approximately 10 air miles west of Afton, Wyoming, and approximately 8 miles west of the Idaho/Wyoming border. The existing Smoky Canyon mining and milling operations were authorized in 1982 by a mine plan approval issued by the BLM and special use authorizations issued by the USFS for off-lease activities, supported by the Smoky Canyon Mine Final EIS and Record of Decision (ROD). Mining operations began in Panel A in 1984 and have continued ever since with the mining of Panels A–E. In 2007, the BLM published a Final EIS and the RODs were issued in 2008 approving a mining and reclamation plan for Panels F and G (Final EIS and RODs available at: *http://www.fs.usda.gov/detail/ctnf/landmanagement/resourcemanagement/?cid=FSM8_047870*). The Draft EIS tiers to the 2007 Final EIS. Applicable information from the 2007 Final EIS is incorporated by reference throughout the Draft EIS. Panel F is contiguous with the south end of the existing mine Panel E and Panel G is located approximately one mile southwest of Panel F. Mining activities associated with Panel F were initiated in 2008 and are ongoing. Mining activities associated with Panel G have been initiated through the early stages of haul road construction.

The proposed lease and mine plan modifications at Panels F and G of the Smoky Canyon Mine area would occur on Federal phosphate leases administered by the BLM situated on National Forest System (NFS) lands and on un-leased parcels of NFS lands. The NFS lands involved lie within the Montpelier and Soda Springs Ranger Districts of the CTNF. The existing leases grant the lessee, Simplot in this case, exclusive rights to mine and otherwise dispose of the federally-owned phosphate deposit at the site.

As directed by the Mineral Leasing Act of 1920, the BLM will evaluate and respond to the lease and mine plan modifications and issue decisions related to the development of the phosphate leases, to consider the no action alternative, and to decide whether to approve the proposed lease and mine plan modifications. The USFS will make recommendations to the BLM concerning surface management and mitigation on leased lands within the CTNF, and decisions on special use authorizations for off-lease activities. The BLM, as the Federal lease administrator, is the lead agency for the Draft EIS. The USFS is the co-lead agency and the Idaho Department of Environmental Quality is a cooperating agency. The Draft EIS provides the analysis upon which the BLM and other involved agencies can base their decisions.

The Proposed Action, submitted in February 2013, consists of a proposal for lease and mine plan modifications for Panels F and G at the Smoky Canyon Mine. The proposed modifications to Panel F are related to the construction and use of an ore conveyance system between Panel F and the existing mill. The proposed conveyance system would generally follow the existing haul road and would deviate only where engineering constraints dictate (i.e., too tight a corner on the road to construct the conveyor due to vertical and/or horizontal design limitations), such as at the north end of Panel F where Simplot is requesting a special use authorization to construct a portion of the ore conveyor off lease. Construction of the conveyor would eliminate the need to haul ore to the mill via haul trucks from Panels F and G, although the haul road would remain open so that equipment could be transported to the shop for maintenance. The proposed 4.5-mile conveyor system would include a crusher and stockpile location on lease in Panel F.

There are three components to the proposed modification of Panel G: (1) Modification (enlargement) of lease IDI–01441 by 280 acres to accommodate the expansion of the previously approved east overburden disposal area (ODA); (2) increase the on-lease disturbance area of the previously approved south ODA by 20 acres for the temporary storage of chert to be used for reclamation; and (3) utilization of a geo-synthetic clay laminate liner (GCLL) instead of the currently approved geologic cover over the in-pit backfill and the east external ODA. The current lease area for Panel G is not large enough to allow for maximum ore recovery and the necessary overburden disposal.

Backfilling into the pit is limited due to existing topography constraints, re-handling issues, and safety concerns when backfilling and mining concurrently within Panel G's pit configuration. The lease modification is necessary to accommodate all of the overburden generated from mining Panel G, as analyzed in the 2007 Final EIS. At the time the RODs for the 2007 Final EIS were issued, neither the BLM nor the USFS had the regulatory authority to approve Simplot's original plan for overburden storage. In 2009, the rules were modified giving the BLM authority to approve a lease modification for the purpose of overburden storage.

Regional mitigation strategies for cumulative effects from phosphate mining to wildlife habitat are currently being developed in the Pocatello Field Office. Although regional mitigation will not be applied in this case because the proposed action would not result in impacts drastically different than those from the existing mine plan already approved in 2008 (evaluated as the No Action Alternative in the Draft EIS), on-site mitigation is proposed to reduce water quality effects. For example, to further reduce or eliminate water quality impacts due to increasing the size of the currently approved mine, Simplot is proposing to cover all seleniferous overburden in Panel G with a GCLL. They feel it is in the best interest of increased long-term environmental protection and may lend itself to a more expeditious review of the proposed modifications. In addition, Simplot is proposing storm water control features to address surface water run-off from the proposed GCLL. It is estimated that up to 11 acres of new disturbance would be necessary for these storm water features. Portions of these features would be situated on lease, within the proposed lease modification area, or off lease. Off-lease disturbance would require USFS special use authorization.

In total, approximately 170 acres are proposed for new disturbance. Compared to what was analyzed in the 2007 Final EIS, there would be an additional 8 acres disturbed for the ore conveyor system (mostly at the north end of Panel F); 20 acres for the Panel G south ODA expansion of temporary chert storage; up to 11 acres for storm water control features to address run-off from the GCLL at Panel G; and 131 acres for the Panel G east seleniferous ODA expansion.

Two additional Action Alternatives were developed to address concerns raised during public scoping about the long term durability and use of a synthetic liner such as a GCLL at Panel G and/or reducing the amount of new disturbance within the Inventoried Roadless Area (IRA). Alternatives 1 and 2 would include all components of the Proposed Action, but would limit use of the GCLL by utilizing the previously approved geologic cover on portions of the disturbed areas. In addition, Alternative 2 would reduce the east ODA expansion within the Sage Creek IRA by approximately 45 acres and reduce the proposed lease modification area by approximately 40 acres.

Under the No Action Alternative in the Draft EIS, the proposed lease and mine plan modifications and special use authorizations would not be approved, and mining would continue under the current mine plan as approved by the 2008 RODs. Under the No Action Alternative, Simplot estimates that approximately 50 percent of the phosphate ore in Panel G, previously considered economically recoverable, would not be mined but the overall disturbance would remain unchanged from the 2008 mine plan approval. In addition, the proposed conveyor system would not be approved, thus no new disturbance associated with the conveyor would occur. The previously approved geologic cover would be used to limit or prevent the release of contaminants to the environment.

A Notice of Intent (NOI) to prepare this EIS was published in the **Federal Register** on June 24, 2013. Publication of the NOI in the **Federal Register** initiated a 30-day public scoping period for the Proposed Action that provided for acceptance of written comments. The scoping process identified concerns that primarily involved impacts to water resources and watersheds, and selenium, but also include potential effects and/or cumulative effects of the proposed project on Inventoried Roadless Areas, wetlands, climate change, socioeconomics, visual resources, and mitigation and monitoring for mine operations.

To facilitate understanding and comments on the Draft EIS, public meetings are planned to be held in Afton, Wyoming, and Pocatello and Fort Hall, Idaho. Meetings will be open-house style, with displays explaining the project and a forum for commenting on the project. The dates, times, and locations of the public scoping meetings will be announced in mailings and public notices issued by the BLM.

Written and electronic comments regarding the Draft EIS should be submitted within 45 days of the date of publication of the Environmental Protection Agency's Notice of Availability in the **Federal Register**. To assist the BLM and the USFS in identifying issues and concerns related to this project, comments should be as specific as possible. The portion of the proposed project related to special use authorizations for off-lease activities is subject to the objection process pursuant to 36 CFR part 218 Subparts A and B. Only those who provide comment during this comment period or who have previously submitted specific written comments on the Proposed Action, either during scoping or other designated opportunity for public comment, will be eligible as objectors (36 CFR 218.5). BLM appeal procedures found in 43 CFR part 4 apply to the portion of the project related to the Federal mineral lease(s).

Please note that public comments and information submitted including names, street addresses, and email addresses of respondents will be available for public review and disclosure at the above BLM address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Before including your phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 42 U.S.C. 4321 et seq.; 40 CFR parts 1500–1508; 43 CFR part 46; 43 U.S.C. 1701; and 43 CFR part 3590.

Joe Kraayenbrink,

District Manager, Idaho Falls District, Bureau of Land Management.

Brent Larson,

Forest Supervisor, Caribou-Targhee National Forest.

[FR Doc. 2014–12543 Filed 5–29–14; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048811, LLCAD01500, L51010000.ER0000.14X.LVRWB14B5340]

Notice of Availability of the Final Environmental Impact Statement for the Proposed Right-of-Way Amendment for the Blythe Solar Power Project, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the proposed right-of-way (ROW) amendment for the Blythe Solar Power Project (BSPP), Riverside County, California, and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposed ROW amendment for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register.**

ADDRESSES: Copies of the Final EIS have been sent to affected Federal, State, and local government agencies, and to other stakeholders. Copies of the Final EIS are available for public inspection at the Palm Springs/South Coast Field Office, 1201 Bird Center Drive, Palm Springs, CA 92262 and the California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553–9046. Interested persons also may review the Final EIS on the Internet at *http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Blythe_Solar_Power_Project.html.*

FOR FURTHER INFORMATION CONTACT: Frank McMenimen, BLM Project Manager, telephone 760–833–7150; address 1201 Bird Center Drive, Palm Springs, CA 92262; email *capssolarblythe@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. McMenimen during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or question for Mr. McMenimen. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The project area is located 8 miles west of Blythe and 3 miles north of Interstate 10 (I–10). The BSPP originally was permitted and approved in 2010 as a 1,000-megawatt (MW) solar thermal generating plant occupying 6,831 acres (Approved Project). On August 22, 2012, the BLM approved the assignment of the ROW Grant from the prior holder, Palo Verde Solar I, LLC, to NextEra Blythe Solar Energy, LLC (Grant Holder). The Grant Holder purchased via bankruptcy the (un-built) project assets in mid-2012 from Palo Verde Solar I, LLC. The Grant Holder then requested a Level 3 variance to the existing Approved Project's ROW grant. The Grant Holder is proposing to construct, operate, maintain, and decommission the BSPP using photovoltaic (PV) technology with a 485–MW capacity on 4,138 acres of BLM-administered public land.

To support this proposal, a request to amend the existing ROW authorization has been submitted to reduce the acreage of the project, change the technology from concentrating solar trough to PV, adjust the project layout in response to the new generation technology and reduce the project's capacity from 1,000 to 485 MWs. These proposed changes are referred to in the Final EIS as the Modified Project. In anticipation of the Modified Project, the Grant Holder voluntarily relinquished approximately 35 percent of the previously approved ROW grant area on March 7, 2013.

The Final EIS fully analyzes the Grant Holder's proposal to construct, operate, maintain, and decommission the Modified Project (Alternative 1), as well as the BLM's denial of the variance request, which would maintain the current ROW grant approvals on the site as modified by the Grant Holder's voluntary relinquishment mentioned above (Alternative 2, No Action). The Final EIS does not supersede or replace the 2010 Proposed Plan Amendment/Final EIS or other elements of the 2010 Approved Project or Plan Amendment, but rather tiers to those documents as appropriate. The Final EIS analyzes the use of PV technology in detail, including any additional site-specific impacts resulting from the change in technology and additional or relocated ancillary facilities. This includes impacts to air quality, biological resources, climate change, cultural resources, hazards and public health, lands and realty, mineral resources, noise, paleontological resources, recreation and special designations, socioeconomics and environmental justice, soil resources, traffic and travel management, visual resources, water resources, and wildland fire ecology.

A number of measures would be implemented to avoid, minimize, rectify, reduce, or compensate for adverse impacts of the Modified Project. These include:

- *Biological Resources:* Wildlife would be avoided or relocated (e.g., desert tortoise) to the extent feasible through fencing, clearance surveys, and relocation/translocation. The Grant Holder also proposes to implement a Raven Management Plan, Weed Management Plan, Bird and Bat Conservation Strategy, and golden eagle inventory and monitoring. The Grant Holder has also proposed off-site compensatory mitigation to minimize or offset impacts to biological resources.
- *Cultural Resources:* The Grant Holder proposes to employ cultural resource specialists as monitors during ground disturbance, and to implement long-term protection measures.
- *Hazards and Visual Resources:* The Grant Holder proposes to document, investigate, evaluate, and attempt to resolve all project-related glare complaints throughout the construction and operation of the project; to use textured glass or anti-reflective coating on all solar panels; and to construct all exposed PV panel support structures with matte or non-reflective surfaces.
- *Water Resources:* Site hydrology would be designed to retain pre-project flows on the majority of the site, and the Grant Holder would implement a Groundwater Level Monitoring, Mitigation, and Reporting Plan.

The BLM has conducted Native American tribal consultations in accordance with Section 106 of the National Historic Preservation Act and Federal policy in connection with the previously approved BSPP, which resulted in the development of a Programmatic Agreement. During that process, tribes expressed their views and concerns about the importance and sensitivity of specific cultural resources to which they attach religious and cultural significance. The BLM has amended the Programmatic Agreement, consistent with its terms, in response to the Modified Project. In connection with its review of the Modified Project, the BLM will carry out its responsibilities to consult with tribes on a government-to-government basis and other members of the public pursuant to the existing Programmatic Agreement, as amended, and other authorities to the extent applicable and will continue to give tribal concerns due consideration, including impacts to historic properties to which tribes attach religious and cultural significance and Indian trust assets.

Comments on the Draft EIS received from the public and based on internal BLM review were considered and incorporated as appropriate into the Final EIS. Public comments resulted in the addition of clarifying text, but did not significantly change the substantive analysis within the Final EIS.

Authority: 40 CFR 1506.6 & 1506.10.

Thomas Pogacnik,

Deputy State Director.

[FR Doc. 2014–12572 Filed 5–29–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[WASO–NRSS–EQD–SSD–15892; PPWONRADE3. PPMRSNR1Y.NM0000]

Proposed Information Collection; Comment Request: Proposed Information Collection; National Park Service Visitor Survey Card

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: We (National Park Service) are asking the Office of Management and Budget (OMB) to approve the renewal of a collection that will be used to provide an understanding of visitor satisfaction and an understanding of the park and agency performance related to The Government Performance and Results Act (GPRA). To comply with the Paperwork Reduction Act of 1995 and as a part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to comment on this ICR. A Federal 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: To ensure that your comments on this ICR are considered, OMB must receive them on or before June 30, 2014.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email to *OIRA_Submission@omb.eop.gov* or fax at 202–395–5806; and identify your submission as 1024–0216. Please also send a copy of your comments to Phadrea Ponds, Information Collection Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or *phadrea_ponds@nps.gov* (email). Please reference Information Collection 1024–0216 in the subject line.

FOR FURTHER INFORMATION CONTACT: Bret Meldrum, Chief, Social Science Program, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525–5596 (mail); *Bret_Meldrum@nps.gov* (email); or 970–267–7295 (phone). You may also access this ICR at *www.reginfo.gov.*

I. Abstract

The National Park Service (NPS) Act of 1916, 38 Stat 535, 16 USC 1, et seq., requires that the NPS preserve national parks for the use and enjoyment of present and future generations. The Visitor Survey Card contains eight questions regarding visitor evaluations of service and facility quality, awareness of park significance, and basic demographic information. Each year, all NPS units nationwide (approximately 330) are required to collect data using the Visitor Survey Card. Data and information collected are used to provide feedback that is used by Superintendents and other managers to develop performance improvement plans. We are, therefore, requesting the renewal of the Visitor Services Card so that we may continue to fulfill our program-specific mission to provide an interdisciplinary approach that ensures the integrated use of social science research in NPS decision making.

II. Data

OMB Control Number: 1024–0224.

Title: National Park Service Visitor Survey Card.

Type of Request: Renewal.

Affected Public: General Public; individual households.

Respondent Obligation: Voluntary.

Frequency of Collection: One time.

Estimated Number of Annual Responses: 172,458.

Estimated Annual Burden Hours: 4,062 hours.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost": None.

III. Request For Comments

On February 10, 2014 we published a **Federal Register** notice (79 FR 7697) announcing that we would submit this ICR to OMB for approval. In this notice, public comment was solicited for 60 days ending April 11, 2014. No public comments concerning this notice were received. We again invite comments concerning this ICR on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. 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 27, 2014.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2014–12565 Filed 5–29–14; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0118

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments for 1029–0118.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request continued approval for the collection of information which relates to a citizen's written request for a Federal inspection.

DATES: Comments on the proposed information collection must be received by July 29, 2014, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783 or by email at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice

identifies information collection that OSMRE will be submitting to OMB for approval. This collection is contained in 30 CFR part 842, Federal inspections and monitoring.

OSMRE will revise burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSMRE will request a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for 30 CFR 842 is 1029–0118.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

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.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR 842—Federal inspections and monitoring.

OMB Control Number: 1029–0118.

Summary: For purposes of information collection, this part establishes the procedures for any person to notify the Office of Surface Mining Reclamation and Enforcement in writing of any violation that may exist at a surface coal mining operation. The information will be used to investigate potential violations of the Act or applicable State regulations.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Citizens.

Total Annual Responses: 47.

Total Annual Burden Hours: 188 hours.

Total Annual Non-Wage Burden: $0.

Dated: May 23, 2014.

Stephen M. Sheffield,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2014–12510 Filed 5–29–14; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–502 and 731–TA–1227–1228 (Final)]

Steel Concrete Reinforcing Bar From Mexico and Turkey; Scheduling of the Final Phase of Countervailing Duty and Antidumping Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigations Nos. 701–TA–502 and 731–TA–1227–1228 (Final) under sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from Mexico and subsidized and less-than-fair-value imports from Turkey of steel concrete reinforcing bar, provided for primarily in subheadings 7213.10.0000, 7214.20.0000, and 7228.30.8010 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* Thursday, April 24, 2014.

FOR FURTHER INFORMATION CONTACT: Alan Treat (202–205–3426), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that imports of steel concrete reinforcing bar from Mexico and Turkey are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). Although the Department of Commerce has preliminarily determined that countervailable subsidies are not being provided to producers and exporters of steel concrete reinforcing bar from Turkey, for purposes of efficiency the Commission hereby waives rule 207.21(b)[2] so that the final phase of the investigations may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

The investigations were requested in a petition filed on September 4, 2013, by the Rebar Trade Action Coalition and its individual members: Nucor Corporation, Charlotte, NC; Gerdau Ameristeel U.S. Inc., Tampa, FL; Commercial Metals Company, Irving, TX; Cascade Steel Rolling Mills, Inc., McMinnville, OR; and Byer Steel Corporation, Cincinnati, OH.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as steel concrete reinforcing bar imported in either straight length or coil form (''rebar''), regardless of metallurgy, length, diameter, or grade. Specifically excluded are plain rounds (i.e., non-deformed or smooth rebar).

[2] Section 207.21(b) of the Commission's rules provides that, where the Department of Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on Wednesday, August 27, 2014, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Monday, September 15, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Friday, September 5, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Monday, September 8, 2014, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is Thursday, September 4, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is Monday, September 22, 2014. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before Monday, September 22, 2014. On Tuesday, October 7, 2014, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before Thursday, October 9, 2014, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov*, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 23, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–12507 Filed 5–29–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–020]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 6, 2014 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–514 and 731–TA–1250 (Preliminary) (53-Foot Domestic Dry Containers from China). The Commission is currently scheduled to complete and file its determinations on June 9, 2014; views of the Commission are currently scheduled to be completed and filed on June 16, 2014.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Dated: May 27, 2014.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–12663 Filed 5–28–14; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–019]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 3, 2014 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.

3. Ratification List.

4. Vote in Inv. Nos. 731–TA–1207–1209 (Final) (Prestressed Concrete Steel Rail Tie Wire from China, Mexico, and Thailand). The Commission is currently scheduled to complete and file its determinations and views of the Commission on June 12, 2014.

5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Dated: May 27, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–12694 Filed 5–28–14; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—the Open Group, L.L.C.

Notice is hereby given that, on March 21, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following members have been added as parties to this venture: 1Plug Corporation, Alameda, CA; Aalto University, School of Science and Technology, Espoo, FINLAND; Acando AS, Trondheim, NORWAY; Accelare, Inc., Randolph, MA, Accenture Limited, San Jose, CA; ACD Consulting Solutions LLC, Houston, TX; acQuire Technology Solutions (Pty) Ltd., Applecross, AUSTRALIA; Act! Consulting GmbH, Braunschweig, GERMANY; AdaCore, New York, NY; AGILECOM, Paris, FRANCE; Ahead Technology Inc., Ottawa, CANADA; AITECH Defense Systems, Inc., Chatsworth, CA; Ajilon (Australia) (Pty) Ltd., Perth, AUSTRALIA; Alfabet AG, Berlin, GERMANY; Alithya Services Conseils, Inc., Quebec, CANADA; Allerton Interworks Compute Automated Systems GmbH, Karlsruhe, GERMANY; Alternatives Technology Co, Riyadh, SAUDI ARABIA; American Express, Phoenix, AZ; Anywhere s.r.o., Prague, CZECH REPUBLIC; Aoyama Gakuin University, Tokyo, JAPAN; Applied Technology Solutions Inc., Bloomfield Hills, MI; Architecture Capability Assurance Strategic Group (ARCA SG), Palo Alto, CA; Architecting the Enterprise, High Wycombe, UNITED KINGDOM; Architecture Centre Ltd., London, UNITED KINGDOM; ArchiXL B.V., Amersfoort, THE NETHERLANDS; ARISMORE, Saint Cloud, FRANCE; Armscor, Pretoria; SOUTH AFRICA; Armstrong Process Group, Inc., Hudson, WI; Asahi Techneion Co., Ltd., Shinjuku-ku, JAPAN; ASE Consulting, Ltd., Lytham, UNITED KINGDOM; ASL BiSL Foundation, Utrecht, THE NETHERLANDS; Astronautics Corporation of America, Milwaukee, WI; AT&T IT Architecture Solutions, Alpharetta, GA; ATD Solution (ATD Learning), Kuala Lumpur, MALAYSIA; Atego Group Limited, Phoenix, AZ; Athr IT Consulting, Riyadh, SAUDI ARABIA; ATK Defense Electronics Systems, Woodland Hills, CA; Atos International SAS, Bezons, FRANCE; Atsec Information Security Corporation, Austin, TX; ATSI S.A., Zabierzow, POLAND; Austen Consultancy Services Ltd., Cambridge, UNITED KINGDOM; Avalex Technologies, Gulf Breeze, FL; Avolution, North Sydney, AUSTRALIA; AXE, Inc., Nakagyo-ku, JAPAN; Axiomatics AB, Stockholm, SWEDEN; Baden-Wuerttemberg Cooperative State University (DHBW), Stuttgart, GERMANY; BAE Systems Applied Intelligence, London, UNITED KINGDOM; BAE Systems Inc., Nashua, NH; BAE Systems, Electronics & Integrated Solutions (E&IS), Wayne, NJ; Baker Hughes, Sugar Land, TX; Banco de Mexico, Mexico City DF, MEXICO; Barco Federal Systems LLC, Duluth, MN; BBN Technologies Corp., St Louis Park, MN; BDNA, Mountain View, CA; BEDROCKmg, Hawthorn, AUSTRALIA; Beijing BDR Information Technology Co, Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Beijing Richfit Information Technology Co. Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Beijing Thunisoft Information Technology Limited Corporation, Beijing, PEOPLE'S REPUBLIC OF CHINA; Beijing ZhongPei WeiYe Management Consulting Co., Ltd. (ZPEDU), Beijing, PEOPLE'S REPUBLIC OF CHINA; Bell Helicopter Textron Inc., Fort Worth, TX; Biner Consulting, Gothenburg, SWEDEN; BIZZdesign Holding, Enschede, THE NETHERLANDS; BMT Hi-Q Sigma Ltd., Bath, UNITED KINGDOM; BOC Information Technologies Consulting AG, Dublin, IRELAND; Booz Allen Hamilton, Linthicum, MD; Boston University, Boston, MA; BP Oil International Limited, Poplar, UNITED KINGDOM; Bremer Institut far Produktion und Logistik GmbH (BIBA), Bremen, GERMANY; Brockwell Technologies, Inc., Huntsville, AL; BSI SA, Bioggio, SWITZERLAND; Build The Vision Inc., Ottawa, CANADA; Business Connexion, Gauteng, SOUTH AFRICA; CA, Inc., Cedar Valley, CANADA; CAE Mining, Rivonia, SOUTH AFRICA; CALCULEX Inc., Las Cruces, NM; Capgemini S.A., Utrecht, THE NETHERLANDS; Cardiff University School of Computer Science, Cardiff, UNITED KINGDOM; Carnegie Mellon University, Software Engineering Institute, Pittsburgh, PA; Casewise Systems Ltd., Stamford, CT; CC and C Solutions, Wahroonga, AUSTRALIA; Celestial Consulting Limited, Kent, UNITED KINGDOM; Center for Enterprise Architecture, University Park, PA; Centre for Software Reliability, City University, London, UNITED KINGDOM; Center of Excellence for Enterprise Architecture (CEISAR), Paris, FRANCE; CERTON Software, Inc., Cambridge, MA; Chem National Chemical Corporation, Beijing, PEOPLE'S REPUBLIC OF CHINA; Chengdu GKHB Information Technology Co., Ltd., Chengdu, PEOPLE'S REPUBLIC OF CHINA; Chesapeake Technology International Corp., California, MD; Chevron, San Ramon, CA; Chinese Culture University, Taipei, TAIWAN; Cisco Systems, Inc., San Jose, CA; CLARS Limited, Clacton-on-Sea, UNITED KINGDOM; CM Innovation Ltd., Swindon, UNITED KINGDOM; CMC Electronics Aurora Inc., Sugar Grove, IL; Cobham Aerospace Communications, Prescott, AZ; Cognizant Technology Solutions US Corporation, Broadway, NJ; Coherent Technical Services Inc. (CTSI), Lexington Park, MD; Colorado Technical University, Sioux Falls, SD; Combitech AS, Lysaker, NORWAY; Commerzbank AG, London, UNITED KINGDOM; Computaris International Limited, Warsaw, POLAND; Conexiam Solutions Inc., Coxsackle, NY; Cordial Business Advisers AB, Stockholm, SWEDEN; Core Avionics & Industrial Inc., Tampa, FL; Corso Ltd., Leamington Spa, UNITED KINGDOM; Costco Wholesale, Issaquah, WA; CPP Investment Board, Toronto, CANADA; CS Interactive Training CC, Moreleta Plaza, SOUTH AFRICA; CSC, Waltham, MA; Cubic Defense Applications, San Diego, CA; Curtiss-Wright Controls Defense Solutions, Santa Clarita, CA; CXOWARE, Inc., Spokane, WA; Cynergy Professional Systems LLC, Santa Ana,

CA; Dansk Unix-system brugergruppe (DKUUG), Copenhagen, DENMARK; DARYUS Consulting & Education Center, Sao Paulo, BRAZIL; Data Security Council of INDIA, New Delhi, INDIA; DDC–I, Inc., Phoenix, AZ; Deccan Global Solutions LLC, Cumming, GA; Dell, Inc., Round Rock, TX; Deloitte Consulting, LLP, Atlanta, GA; Department of Navy, Patuxent River, MD; Deputy Under Secretary of Defense for Acquisition and Technology (DUSD (A&T)), Arlington, VA; Detecon International GmbH, Eschborn, GERMANY; Devoteam Consulting A/S, Copenhagen, DENMARK; Digileaf Inc., Makati City, PHILIPPINES; Digitaliseringsstyrelsen (Danish Agency for Digitization), Copenhagen, DENMARK; Dirogsa, Lima, PERU; DMTF Distributed Management Task Force, San Jose, CA; DornerWorks, Ltd., Grand Rapids, MO; Dovel Technologies, Inc., McLean, VA; Drovecrest Ltd., Hedgerley, UNITED KINGDOM; Dux Diligens S.A. de C.V., Mexico City DF, MEXICO; EA Dynamics United Kingdom Ltd., Pontyclun, UNITED KINGDOM; EA Fellows ApS, Dragor DENMARK; EA Principals, Inc., Alexandria, VA; Edutech Enterprises, Singapore, SINGAPORE; Edynamic, Inc. d/b/a TONEX, Dallas, TX; Eflow Inc., Shibuya-ku, JAPAN; Elbit Systems of America, Fort Worth, TX; Electronic Warfare Associates-Canada Ltd., Ottawa, CANADA; Elparazim, Aurora, TX; Massachusetts Institute of Technology, Cambridge, MA; EMC Corporation, San Antonio, TX; Enea Software & Services, Inc., Tempe, AZ; Energistics, Sugar Land, TX; ENSCO Avionics, Inc., Falls Church, VA; Enterprise Architects (Pty) Ltd., Melbourne, AUSTRALIA; Enterprise Architecture Consulting Ltd., Oxford, UNITED KINGDOM; Enterprise Architecture Solutions Ltd., London, UNITED KINGDOM; EOH Mthombo (Pty) Ltd. t/a Wonderware, Bedfordview, SOUTH AFRICA; EPFL/LICP, Lanne, SWITZERLAND; Equinox IT, Wellington, NEW ZEALAND; Ericsson AB, Stockholm, SWEDEN; Ernst & Young, London, UNITED KINGDOM; Eskom Holdings, Johannesburg, SOUTH AFRICA; Essentive LLC, Wilmington, DE; Esterel Technologies, Inc., Mountain View, CA; Estrat TI S.A. de C.V., Mexico City, MEXICO; ETUS, Brussels, BELGIUM; European Aeronautics Defense and Space Company, Cedex, FRANCE; EXELIS, Inc., Clifton, NJ; Faculty Training Institute, Cape Town, SOUTH AFRICA; Fairchild Controls Corporation, Frederick, MD; FEAC Institute, Monument, CO; Firstrand Bank Limited, Sandton, SOUTH AFRICA; Focus on the Family, Colorado Springs, CO; Forefront Consulting Group, Stockholm, SWEDEN; Fortescue Metals Group, East Perth, AUSTRALIA; Galois, Inc., Portland, OR; GE Aviation Systems LLC, Grand Rapids, MO; GE Intelligent Platforms, Huntsville, AL; General Atomics Aeronautical Systems, Inc., Poway, CA; General Dynamics Advanced Information Systems, Scottsdale, AZ; Georgia Institute of Technology, Atlanta, GA; Glenfis AG, Zurich, SWITZERLAND; Global Knowledge Network France, Cedex, FRANCE; Global Knowledge Network Training Ltd., Wokingham, UNITED KINGDOM; Gnosis IT Knowledge Solutions, Sao Paulo, BRAZIL; Gobuchi, Dubai, UNITED ARAB EMIRATES; Good e-Learning, London, UNITED KINGDOM; Government of New Brunswick, Fredericton, CANADA; Grant MacEwan College, Edmonton, CANADA; Green Hills Software, Columbia, MD; Harris Corporation, Melbourne, FL; Helse Sør-Øst RHF, Hamar, NORWAY; Henri Tudor Public Research Centre, Luxembourg-Kirchberg, LUXEMBOURG; Holonix Srl, Milan, ITALY; Honeywell, Tucson, AZ; Hoople Limited, Hereford, UNITED KINGDOM; Hotel Technology Next Generation, Shaumburg, IL; Howell Instruments, Inc., Fort Worth, TX; Huawei Technologies, Co. Ltd., Washington, DC; IB Solutions Inc., Calgary, CANADA; iCMG Private Limited, Bangalore, INDIA; Indiasoft Corporation, Hapur, INDIA; Indra Colombia, Bogota, COLOMBIA; Information-technology Promotion Agency Japan, Tokyo, JAPAN; Infosys Limited, Plano, TX; Infovide-Matrix SA, Warsaw, POLAND; Infrastructure Solutions Nordic A/s, Copenhagen, DENMARK; INOVA Europe, Inc., Dallas, TX; Inspearit B.V., Bilthoven, THE NETHERLANDS; Inspired, Cape Town, SOUTH AFRICA; Institute for Development and Research in Banking Technology, Hyderabad, INDIA; IRM UNITED KINGDOM Strategic IT Training, Pinner, UNITED KINGDOM; ISM3 Consortium, Madrid, SPAIN; IT Management Group, The Hague, THE NETHERLANDS; Itera-IT Institute Iberoamerica, Los Morales Polanco, MEXICO; ITpreneurs Nederland B.V., Rotterdam, THE NETHERLANDS; ITRI College, Chutung, TAIWAN; Japan Aerospace Exploration Agency (JAXA), Tsukuba, JAPAN; Jodayn Consulting, Riyadh, SAUDI ARABIA; Johns Hopkins University Applied Physics Laboratory, Laurel, MD; Journey One (Pty) Ltd., Perth, AUSTRALIA; JPrakash Consulting, Chennai, INDIA; Juniper Networks, Inc., Herndon, VA; Kaman Precision Products, Middletown, CT; Kamehameha Schools-Trustees of the Estate of Bernice Pauahi Bishop, Honolulu, HI; Keio University, Kanagawa, JAPAN; Ki Ho Military Acquisition Consulting, Inc., Layton, UT; Kirk Hansen Consulting Inc., Toronto, CANADA; Knotion Consulting (Pty) Ltd., Johannesburg, SOUTH AFRICA; Korea Software Technology Association, Gyeonggi-Do, REPUBLIC OF KOREA; KPN Corporate Market B.V., Amsterdam, THE NETHERLANDS; KPMG LLP, London, UNITED KINGDOM; Kutta Technologies, Inc., Phoenix, AZ; Kwezi Software Solutions (Pty) Ltd., Woodmead, SOUTH AFRICA; Kyoto University, Kyoto, JAPAN; L–3 Communications Systems—West, Salt Lake City, UT; LDRA Technology, Atlanta, GA; Litmus Group (Pty) Ltd., Sydney, AUSTRALIA; Lockheed Martin Corporation, Orlando, FL; Lonmin Platinum, Mooinooi, SOUTH AFRICA; LoQutus NV, Sint-Martens-Latem, BELGIUM; LRDC Systems LLC, Alexandria, VA; LynuxWorks, Inc., San Jose, CA; Marathon Oil Corporation, Houston, TX; Mariner Partners Inc., Saint John, CANADA; Marriott International, Bethesda, MD; Martin-McDougall Technologies (Pty) Ltd., New South Wales, AUSTRALIA; MEGA International S.A., Paris, FRANCE; Mercury Systems Inc., Chelmsford, MA; Metaplexity Associates LLC, Bloomington, MN; MID GmbH, Nuremberg, GERMANY; Midea China, Guangzhou, CHINA; MineRP, Centurion, SOUTH AFRICA; MIT Kerberos Consortium, Cambridge, MA; Mizuho Information and Research Institute, Inc., Chiba, JAPAN; Mobile Reasoning, Inc., Lenexa, KS; MooD International Software, York, UNITED KINGDOM; Motorola Solutions Inc., Schaumburg, IL; Nagoya University, Nagoya, JAPAN; Nanfang Media Group, Guangzhou, PEOPLE'S REPUBLIC OF CHINA; NASA Solutions for Enterprise-Wide Procurement, Lanham, MD; National University of Singapore ISS, Singapore, SINGAPORE; Nationwide Mutual Insurance Company, Inc., Columbus, OH; Naval Air Systems Command, Patuxent River, MD; Nedbank, Sandton, SOUTH AFRICA; Net Security Training Ltd., Wembley, UNITED KINGDOM; Netmind, Barcelona, SPAIN; Network Centric Operations Industry Consortium, Newport Beach, CA; Nissan Motor Co., Ltd., Atsugi, JAPAN; Northern Technologies Group, Inc., Tampa, FL; Northrop Grumman Corporation, Falls Church, VA; Norwegian University of Science and Technology, Trondheim, NORWAY; Novay, Enschede, THE

NETHERLANDS; nVision IT (Pty) Ltd., Sandton, SOUTH AFRICA; Obeo, Carquefou, FRANCE; Ohio University, Athens, OH; Online Business Systems, Winnepeg, CANADA; Open GIS Consortium, Inc., Bloomington, IN; OptiPrise, Apeldoorn, THE NETHERLANDS; Orbus Software, London, UNITED KINGDOM; Ovations Technologies (Pty) Ltd., Bryanston, SOUTH AFRICA; Oxford Brookes University, Oxford, UNITED KINGDOM; PA Consulting Group, London, UNITED KINGDOM; Panamerica Computers, Inc., dba PCI Tec, Luray, VA; Perennial, Inc., San Jose, CA; Physical Optics Corporation, Torrance, CA; Presagis, Richardson, TX; PreterLex Limited, Cambridge, UNITED KINGDOM; PricewaterhouseCoopers LLP, Gauteng, SOUTH AFRICA; Promise Innovation International Oy, Siunitio, FINLAND; Promity sp. z.o.o., Warsaw, POLAND; Proya Profesyonel Yazilim Cozumleri ve Danismanlik Ltd., Ankara, TURKEY; QA Limited, Slough, UNITED KINGDOM; QinetiQ North America Inc., Stafford, VA; QPR Software Plc., Helsinki, FINLAND; QR Systems Inc., Woodbridge, CANADA; Qtel International Doha, QATAR, QualiWare ApS, Farum, DENMARK; Qualys Inc., Redwood City, CA; Raymond James, St. Petersburg, FL; Raytheon Company, Waltham, MA; Real IRM Solutions (Pty) Ltd., Midrand, SOUTH AFRICA; Real-Time Innovations, Inc., Sunnyvale, CA; Red Hat, Inc., Mountain View, CA; Reply Limited, London, UNITED KINGDOM; Research Environment for Global Information Society (ReGIS), Tokyo, JAPAN; Richland Technologies LLC, Lawrenceville, GA; Rio Tinto, London, UNITED KINGDOM; Rockwell Collins, Cedar Rapids, IA; Royal Philips N.V., Eindhoven, THE NETHERLANDS; SAP, Newton Square, PA; Scape Consulting GmbH, Frankfurt, GERMANY; Science Application International Corporation, Columbia, MD; Seccuris Inc., Winnipeg, CANADA; Shanghai Information Training Center, Shanghai, PEOPLE'S REPUBLIC OF CHINA; Shanghai NorthUniverse Enterprise Management Consulting Co., Ltd., Shanghai, PEOPLE'S REPUBLIC OF CHINA; Shell Information Technology International B.V., Zabierzow, POLAND; Shenzhen Comtop Information Technology Co., Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Shift Technologies LLC, Dubai, UNITED ARAB EMIRATES; Sigma AB, Gothenburg, SWEDEN; Sikorsky Aircraft Corporation, Stratford, CT; Sinag Software Solutions, Antipolo, PHILIPPINES; SIOS Technology, Inc., Tokyo, JAPAN; Smart421 Ltd., Ipswich, UNITED KINGDOM; SMME, Leuven, BELGIUM; SNA Technologies Inc., Livonia, MO; Softeam, Paris, FRANCE; Solvera Solutions, Regina, CANADA; Sony Computer Science Laboratories, Tokyo, JAPAN; Sopra Group, Edinburgh, UNITED KINGDOM; South African Reserve Bank, Pretoria, SOUTH AFRICA; Sparx Systems (Pty) Ltd., Creswick, AUSTRALIA; Spatial Dimension, Pinelands, SOUTH AFRICA; St Mary's University College, London, UNITED KINGDOM; Standard Insurance Company, Portland, OR; State Information Technology Agency SOC Ltd., Pretoria, SOUTH AFRICA; State Key Laboratory of Software Engineering (Wuhan University), Wuhan, CHINA; Stauder Technologies, St. Peters, MO; Steria Limited, Hemel Hempstead, UNITED KINGDOM; Stichting Application Services Library and Business Information Services Library Foundation (ASL BiSL Foundation), Amsterdam, THE NETHERLANDS; Strategic Communications, Louisville, KY; Stretch AB, Stockholm, SWEDEN; Support Systems Associates, Inc., Melbourne, FL; Symetrics Industries, Melbourne, FL; Symphony Ltd., Setagaya-ku, JAPAN; Synthetic Spheres Ltd., Solihull, UNITED KINGDOM; SYRACOM Consulting AG, Wiesbaden, GERMANY; SYSGO, Klein-Winternheim, GERMANY; Systems Flow, Inc., Rhinebeck, NY; SYTECSO S.A. DE C.V, Monterrey, MEXICO; tang-IT Consulting GmbH, Wiesbaden, GERMANY; Tata Consultancy Services, Mumbai, INDIA; Teamcall Limited, Brussels, BELGIUM; TeleManagement Forum, Woodbridge, UNITED KINGDOM; Telkom SA Ltd., Pretoria, SOUTH AFRICA; Textron Systems Corporation, Hunt Valley, MD; The Boeing Company, Seattle, WA; The Dragonl Software Company, Bennekom, NETHERLANDS; The Federal Authorities of the Swiss Confederation, Bern, SWITZERLAND; The Knowledge Academy, Windsor, UNITED KINGDOM; The Mario Group, Southgate, AUSTRALIA; The Unit B.V., Vleuten, THE NETHERLANDS; The University of Reading, Reading, UNITED KINGDOM; Thomas Production Company L.L.C., Potomac Falls, VA; Tieto EA Consulting, Laskutus, FINLAND; Tieturi OY, Helsinki, FINLAND; Time-Critical Technologies, Natick, MA; Transformation By Design Business Consulting Inc., Toronto, CANADA; Treasury Board of Canada (EASD–CIOB), Ottawa, CANADA; Tresys Technology LLC, Columbia, MD; TRM Technologies Inc., Ottawa, CANADA; Troux Technologies, Austin, TX; Trung Tam Chinh Phu Dien Tu—Cuc Tin Hoc Ho A, Ha Noi, VIETNAM; Trusted Systems Consulting Group, Cupertino, CA; TTTech North America Inc., Andover, MA; Tucson Embedded Systems, Tucson, AZ; U.S. Department of Defense OASD, Washington, DC; UDEF–IT, L.L.C., New Smyrna Beach, FL; Universidad de Cantabria, Santander, SPAIN; Universite Laval CeRTAE, Quebec, CANADA; University of Colorado, Boulder, CO; University of Denver, Alexandria, VA; University of Idaho, Center for Secure and Dependable Systems, Davis, CA; University of Johannesburg, Johannesburg, SOUTH AFRICA; University of Nordland, Oslo, NORWAY; University of Pretoria, Pretoria, SOUTH AFRICA; University of Washington, Kirkland, WA; University of Wisconsin, Madison, WI; University of York Department of Computer Science, York, UNITED KINGDOM; U.S. Army Aviation & Missile Research, Development ARMDEC, Hunstville, AL; U.S. Army Electronic Proving Ground, Fort Huachuca, AZ; U.S. Army PEO Aviation, Huntsville, AL; U.S. Department of Defense Office of the CIO, Washington, D.C; UTC Aerospace Systems, Windsor Locks, CT; Van Haren Publishing, Zaltbommel, THE NETHERLANDS; Verocel, Inc., Westford, MA; ViaSat, Inc., Carlsbad, CA; VIP Apps Consulting Limited, Hertfordshire, UNITED KINGDOM; VisioTech Solutions Pvt. Ltd., Bahawalpur, PAKISTAN; WBEM Solutions, Inc., Burlington, MA; Web Age Solutions Inc., Toronto, CANADA; Wind River Systems, Alameda, CA; Wipro Technologies, Bangalore, INDIA; Wispa Systems—Parsons Brinckerhoff Africa, Johannesburg, SOUTH AFRICA; World Vision International, Monrovia, CA; XLENT IT Consulting, Sundsvall, SWEDEN; Yash Consulting Pvt. Ltd., Indore, INDIA; Yokohama National University, Yokohama, JAPAN; and Zodiac Data Systems, Alpharetta, GA.

The following members have withdrawn as parties to this venture: 3M Corp., St. Paul, MN; AGIP SPA, San Donato, ITALY; Amdahl Corp., Sunnyvale, CA; Applied Systems Engineering, Lancashire, UNITED KINGDOM; Argonne National Laboratory, Argonne, IL; Association for Interactive Media, Washington, DC; Association for Retail Technology Standards (ARTS), Reading, PA; Astec, Inc., Shinjuku-Ku, Tokyo, JAPAN; Attachmate Canada, Inc., Burnaby, CANADA; Australian Department of Defence, Canberra, AUSTRALIA; Barclay Bank PLC, Knutsford, Cheshire, ENGLAND; Barco Chromatics, Tuchker,

GA; British Columbia Hydro and Power, Vancouver, CANADA; Bull K.K., Minato-Ku, JAPAN; Bull SA, Les Clayes Sous-Bois, FRANCE; Bundesamt Fur Informatik, Bern, SWITZERLAND; Candle Corp., Santa Monica, CA; Caterpillar, Inc., East Peoria, IL; CCL/ITRI, Chutung, Hsinchu, TAIWAN; CCTA, Norwich, ENGLAND; Centre Informatique du Plan et des, Tunis, TUNISIA; Centre Univ., Luxembourg, LUXEMBOURG; Chalmers University of Technology, Guteborg, SWEDEN; Chase Manhattan Bank, New York, NY; Citicorp International Communications, Reston, VA; Clinicomp International, San Diego, CA; Collogia Unternehmensberatung GmbH, Koln, GERMANY; Commission of European Communities, Brussels, BELGIUM; Communications Electronics Security, Cheltenham, UNITED KINGDOM; Computer Associates International, Inc., Islandia, NY; Computer Resource Management Ltd., Newmarket, UNITED KINGDOM; Computerware-Ecosystems Business Group, Campbell, CA; Cray Research, Inc., Eagan, MN; Credit Lyonnais, Saint Maurice, FRANCE; CSIRO, Division of Information Technology, Melbourne, AUSTRALIA; CSK Corp., Shinjuko-Ku, JAPAN; Dascom Incorporated, Santa Cruz, CA; Deloitte & Touche, Los Angeles, CA; Den Norske Bank, Bergen, NORWAY; Department of Defense-Fort Meade, Fort Meade, MD; Department of Social Security ITSA, Lancs, ENGLAND; Deutsche Bundespost Telekom, Darmstadt, GERMANY; Digital Equipment Corp., Nashua, NH; Digital Equipment Corporation Japan, Tokyo, JAPAN; Digital Equipment Corporation, Maynard, MA; DISA Center for Standards, Reston, VA; Distributed Systems Technology Centre (Pty) Ltd., St. Lucia, AUSTRALIA; Doxa Informatique, Versailles, FRANCE; Dun & Bradstreet Information Services, Bucks, ENGLAND; Dynamic Software AB-Dynasoft, Stockholm, SWEDEN; EC-Leasing, Moscow, RUSSIA; Elf Aquitaine, Paris, FRANCE; Ematek Informatik GmbH, Cologne, GERMANY; Enterprise Solutions Ltd., Westlake Village, CA; ESIGETEL, Avon, FRANCE; Etis, Brussels, BELGIUM; European Security Forum, London, UNITED KINGDOM; Financial Services Technology Consortium, Boston, MA; Finsiel S.P.A., Rome, ITALY; France Telecom, Paris, FRANCE; Fujitsu Limited, Kawasaki, JAPAN; Fujitsu Limited, Nakahara-Ku, JAPAN; Fujitsu Limited, Yokohama-Shi, Kanagawa, JAPAN; Global Knowledge Network, Belgium NV/SA, Brussels, BELGIUM; Gradient Technologies, Inc., Marlbourough, MA; Groupe Bull, Billerica, MA; Groupe Riche, Hurst, Reading, UNITED KINGDOM; Guide International, Duncan, CA; Hitachi Data Systems Corp., Santa Clara, CA; Hitachi, Ltd., Kanagawa-Ken, JAPAN; Hitachi, Ltd., Tokyo, JAPAN; Home Office Police Department, London, ENGLAND; Hughes Applied Information Systems, Landover, MD; Hummingbird Communications, Ltd., North York, Ontario, CANADA; Hungary Prime Minister's Office, Budapest, HUNGARY; Information Communication Institute of Singapore, Singapore, SINGAPORE; Innenministerium Nordrhein-Westfalen, Dusseldorf, GERMANY; INRIA, Le Chesnay, FRANCE; Insignia Solutions, High Wycombe, Bucks, UNITED KINGDOM; Institute for Defense Analyses, Alexandria, VA; Instruction Set, Inc., Framingham, MA; Intellisoft Corp., Acton, MA; Internal Revenue Service, Beckley, WV; International Business Machines Corporation, Armonk, NY; Isd Projektmanagement GmbH, Landshut, GERMANY; Isogon Corp., New York, NY; ISSC Inc., (Subsidiary of IBM), Austin, TX; J.P. Morgan & Co., Inc., New York, NY; Jet Propulsion Laboratory, Pasadena, CA; Juas, Tokyo, JAPAN; Jupiter Systems, San Leandro, CA; Just Systems Corp., Tokushima-Ken, JAPAN; Kadaster Igt, Apeldoorn, THE NETHERLANDS; Kaiser Foundation Health Plan Inc., Pasadena, CA; Kapsch Aktiengessellschaft, Vienna, AUSTRIA; Kredietbank N.V., Brussels, BELGIUM; Lasermoon Limited, Wickham, UNITED KINGDOM; Lawrence Livermore National Laboratory, Livermore, CA; LC Systems Engineering AG, Horn, SWITZERLAND; Legent Corp., Herndon, VA; Lexis-Nexis, Dayton, OH; Liberty Mutual Insurance Group, Portsmouth, NH; Los Alamos National Laboratory, Los Alamos, NM; Lucent Technologies, Holmdel, NJ; Market Vision, Derring, NH; Mastercard International Inc., Purchase, NY; MB&T Migration, Beratung & Training GmbH, Iserlohn-Letmathe, GERMANY; Mercury Communications Ltd., London, ENGLAND; Merrill Lynch and Co., Inc., New York, NY; Metro Link Incorporated, Fort Lauderdale, FL; Michigan Department of Transportation, Lansing, MI; Migros Genossenschafts Bund, Zurich, SWITZERLAND; Ministerie Van Financien, Apeldoorn, THE NETHERLANDS; Ministerie Van Verkeer, Delft, THE NETHERLANDS; Ministry of Defence Digits, Swindon, ENGLAND; Ministry of Defence, Den Haag, THE NETHERLANDS; Mitsubishi Corp., Chiyoda-Ku, JAPAN; Mitsubishi Electric Corp., Tokyo, JAPAN; Mitsui & Co., Ltd., Chiyoda-Ku, JAPAN; Moscow State Engineering Physics Institute (MEPHI), Moscow, RUSSIA; NASA/Goddard Space Flight Center, Greenbelt, MD; NASA/Langley Research Center, Hampton, VA; NASA/Ames Research Center, Moffett Field, CA; National Computerization Agency, Gyeonggi-Do, KOREA; National Health Service, Birmingham, UNITED KINGDOM; National Institutes of Health, Bethesda, MD; NATO CIS Agency, Brussels, BELGIUM; Naval Research Laboratory, Washington, DC; Naval Underwater Warfare Center Newport, RI; NCD Corporation, Beaverton, OR; ETH Zurich, Zurich, Switzerland; NCR Corp., Dayton, OH; NCR Corporation, West Columbia, SC; Netmanage Inc., Cupertino, CA; Netmanage Inc., San Diego, CA; Nihon Unisys, Ltd., Tokyo, JAPAN; Nippon Steel Corp., Kanagawa, JAPAN; Nippon Telegraph, Yokosuka-Shi, JAPAN; NORTEL Northern Telecom, Ltd., Alpharetta, GA; North Carolina Office of the State, Raleigh, NC; Novell, Inc., Provo, UT; Novell, Inc., San Jose, CA; NTT Data Communications Systems Corp., Tokyo, JAPAN; Oak Ridge National Laboratory, Oak Ridge, TN; Ohio State University, Columbus, OH; Oki Electric Industry Co., Ltd., Warabi-Shi, JAPAN; Open Environment Corp., Boston, MA; Open Environment Corporation-Europe, Twyford, UNITED KINGDOM; Open Horizon, Inc., South San Francisco, CA; Open System Solutions GmbH, Munchen, GERMANY; Openit Data AB, Taby, SWEDEN; Openvision, Inc., Cambridge, MA; Petrotechnical Open Software Corp., Houston, TX; Phillips Petroleum Co., Bartlesville, OK; Pohang University of Science & Technology, Pohang, KOREA; Post UND, Telekom, AUSTRIA; PRC Inc., McLean, VA; Prudential Insurance Company, Roseland, NJ; Research Environment for Global, Kawasaki, JAPAN; Rice University, Houston, TX; Royal Koninklijke PTT Nederland (KPN) N.V., Groningen, THE NETHERLANDS; SIA S.p.A., Milano, ITALY; Sandia National Laboratories, Albuquerque, NM; Sandia National Laboratories, Livermore, CA; Santix Software GmbH, Untershleiβheim, GERMANY; Saudi Distributed Systems Agency, Makkah, SAUDI ARABIA; SCSSI (Service Central de la Securite et des Systems d'Information), Moulineaux, FRANCE; Seaweed Systems Inc., Oakland, CA; Secom Information System Co., Ltd., Mitaka-Ski, Tokyo, JAPAN; Security Dynamics Technologies, Inc. including RSA Securities, Redwood City, CA; Sequel Technology Corporation, Bellevue, WA; Shell International,

Rijswijk, THE NETHERLANDS; Shiman Associates Inc., Brookline, MA; Siemens Nixdorf Information Systems, Munich, GERMANY; Silicon Graphics Inc., Mountain View, CA; Softway Systems, Inc., San Francisco, CA; Stanford University, ITSS, Stanford, CA; Starquest Software, Inc., Berkeley, CA; Statskonsult, Oslo, NORWAY; SunSoft, Inc., Mountain View, CA; Sweden Post, Stockholm, SWEDEN; Sycomore S.A., Paris La Defense, FRANCE; T. Rowe Price Investment Technologies Inc., Baltimore, MD; Tandem Computers, Cupertino, CA; Technical University of Budapest, Budapest, HUNGARY; Telecom Finland Ltd., Helsinki, FINLAND; Telecom Networks Engineering, Tunis, TUNISIA; Telefonica I&D, Madrid, SPAIN; The Dairy Farm Group, Causeway Bay, HONG KONG; The Hong Kong Jockey Club, Happy Valley, HONG KONG; The Post Office, Chesterfield, UNITED KINGDOM; The Sakura Bank, Ltd., Chiyoda-Ku, JAPAN; The Santa Cruz Operation, Inc., Santa Cruz, CA; Tivoli Systems Inc., Austin, TX; Tivoli Systems Inc., Research Triangle Park, NC; Toshiba Corp., Tokyo, JAPAN; Toyota Motor Corp., Toyota, JAPAN; Triteal Corp., Carlsbad, CA; Unilever PLC, London, ENGLAND; Union Bank of Switzerland, Zurich, SWITZERLAND; University of Arizona, Tucson, AZ; University of Michigan, Ann Arbor, MI; University of Pennsylvania, Philadelphia, PA; University of Western Sydney, Kingswood, AUSTRALIA; UNIXPROS, Inc., Eatontown, NJ; Veritas Software Corp., Mountain View, CA; Visa International, San Francisco, CA; Visicom, San Diego, CA; Volvo Data AB, Goteborg, SWEDEN; Vople National Transportation Systems Center, Cambridge, MA; VRIJ UIT B.V., Hoofddorp, THE NETHERLANDS; Walker, Richer & Quinn, Inc., Seattle, WA; Wells Fargo Bank, San Francisco, CA; WM–DATA Communications AB, Stockholm, SWEDEN; X Inside, Denver, CO; and Zwister Leven, Amsterdam, THE NETHERLANDS.

The following parties have changed their names: IBM Corp. to IBM Corporation; Microsoft Corp. to Microsoft Corporation, Redmond, WA, and Oracle Corp. to Oracle Corporation, Redwood Shores, CA.

The following parties have changed their addresses: British Telecommunications Public Ltd., Co. (British Telecoms PLC.) to Edinburgh, UNITED KINGDOM; Center for Open Systems to Croydon, AUSTRALIA, and Object Management Group to Needham, MA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on October 28, 1998. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 29, 1999 (64 FR 4708).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–12530 Filed 5–29–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on April 25, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Heterogeneous System Architecture Foundation (''HSA Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Toshiba Corporation, Kawasaki, Kanagawa, JAPAN; Mobica Limited, Cheshire, UNITED KINGDOM; and Stream Computing, Amsterdam, THE NETHERLANDS, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on February 7, 2014. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 4, 2014 (79 FR 12224).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–12529 Filed 5–29–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Network Centric Operations Industry Consortium, Inc.

Notice is hereby given that, on April 30, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Network Centric Operations Industry Consortium, Inc. (''NCOIC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, European Aeronautic Defence and Space Company, EADS N.V., Paris, FRANCE, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCOIC intends to file additional written notifications disclosing all changes in membership.

On November 19, 2004, NCOIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2005 (70 FR 5486).

The last notification was filed with the Department on December 9, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 17, 2014. (79 FR 3252).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–12514 Filed 5–29–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Environmental Sciences and Technology

Notice is hereby given that, on April 24, 2014, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Institute of Environmental Sciences and Technology (''IEST'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, IEST's principal place of business has changed to Arlington Heights, IL. Also, the nature and scope of IEST's standards development activities have changed to: Contamination Control (CC); Design, Test, and Evaluation (DT&E); and Product Reliability (PR). The areas of interest are as follows: CC—Air cleanliness, air filtration, cleanroom and clean zone design and testing, cleanroom operation, consumables used in cleanrooms, nanotechnology facilities and operations, and pertinent equipment and tools; DT&E—Mechanical shock and vibration equipment and applications, test methods and analysis techniques for various categories of military and consumer equipment, dynamic data acquisition and analysis; and PR—Environmental stress screening for manufacturing processes, reliability testing.

On September 21, 2004, IEST filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 3, 2004 (69 FR 70282).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2014–12528 Filed 5–29–14; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[Docket No. EOIR 182]

Office of the Chief Administrative Hearing Officer Electronic Filing Pilot Program

AGENCY: Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, Department of Justice.

ACTION: Public notice.

SUMMARY: The Office of the Chief Administrative Hearing Officer (OCAHO), Executive Office for Immigration Review (EOIR), is creating a voluntary pilot program to test an electronic filing system in certain cases filed with OCAHO under 8 U.S.C. 1324a and 1324b. This notice describes the procedures for participation in the pilot program.

DATES: The pilot program will be in effect from May 30, 2014 until November 26, 2014. Parties who enroll in the pilot program with respect to a particular case within these dates will be permitted to continue utilizing electronic filing throughout the pendency of that case.

FOR FURTHER INFORMATION CONTACT: Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 20530, telephone (703) 305–0470 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of the Chief Administrative Hearing Officer (OCAHO), Executive Office for Immigration Review (EOIR), Department of Justice (Department), is establishing a pilot program that would allow parties in cases before OCAHO's Administrative Law Judge (ALJ) and Chief Administrative Hearing Officer (CAHO) to file case-related documents by email. Currently, parties before OCAHO submit paper filings to OCAHO, and simultaneously serve a physical copy of each document on other parties to the case. Under this pilot program, both filing with OCAHO and service on other parties could be accomplished by email in eligible cases. OCAHO is undertaking this initiative to attempt to make submission of case documents more convenient for parties and to reduce the time and expense presently incurred with paper filings.

On April 1, 2013, EOIR published a final rule in the **Federal Register** establishing a mandatory electronic registry (eRegistry) for all attorneys and accredited representatives who practice before EOIR's immigration courts and the Board of Immigration Appeals (Board). *See* 78 FR 19400. eRegistry is part of a long-term agency plan to create an electronic case access and filing system for the immigration courts and the Board, pursuant to the Government Paperwork Elimination Act (GPEA), Public Law 105–277, 112 Stat. 2681–750 (1998).

OCAHO is not currently participating in eRegistry, for a number of reasons. First, OCAHO's cases are filed and tracked in different databases than and differ in both substance and procedure from those handled by the immigration courts and the Board. Second, while many attorneys and accredited representatives appear repeatedly before the immigration courts and the Board in different cases, OCAHO does not encounter as many repeat representatives in its cases. Additionally, many parties in OCAHO cases appear *pro se* or are represented by non-attorneys (for example, business managers or human resources specialists) for only a single case. Therefore, OCAHO does not believe that a formal registry is necessary or useful for its cases at this time.

However, in order to align OCAHO procedures with the rest of the agency as it moves toward a system for electronic filing in cases before the immigration courts and the Board, OCAHO is instituting this temporary, limited, and voluntary electronic filing pilot program. Implementation of this pilot program on a small scale will allow OCAHO to test and evaluate operating an electronic filing system. At the conclusion of the pilot program, OCAHO will assess its experience and determine the best course of action for the development of a more comprehensive and permanent electronic filing system. OCAHO also welcomes input from the public in this regard.

This notice describes the basic procedures for applying for and participating in the pilot program. As detailed herein, OCAHO also intends to send more detailed instructions for participation directly to the parties in eligible cases.

II. Eligibility to Participate

An opportunity to participate in the pilot program will be offered in all OCAHO cases filed within 180 days of the effective date of this notice. Enrollment in the pilot program will be limited to those cases in which both parties: (1) Elect to participate and (2) certify that they and/or their

representative(s) have access to the technology necessary to comply with the procedures for electronic filing and that access to the parties' email will be provided only to authorized individuals. This technology includes access to a scanner that can create documents in portable document format (PDF), up-to-date software for creating and reading PDF documents, and an email account that can send and receive email attachments up to ten (10) megabytes in size. While all new OCAHO cases will be eligible for the pilot, OCAHO may limit the total number of cases that will be accepted into the pilot program once it commences, as circumstances require.

III. Procedures for Participation

OCAHO cases commence with the filing of a complaint, by Immigration and Customs Enforcement (ICE) in cases brought under 8 U.S.C. 1324a and 8 U.S.C. 1324c, or by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), or the charging or injured party in cases brought under 8 U.S.C. 1324b. OCAHO subsequently issues a Notice of Case Assignment to both parties, assigning the case to an OCAHO ALJ and giving the respondent the opportunity to file an answer. After the respondent files an answer, the ALJ issues an order for prehearing statements, setting a schedule for discovery and dispositive motions. Under this pilot program, once OCAHO receives the respondent's answer, OCAHO will invite parties to participate in the pilot by mailing to both parties instructions outlining the procedures for the pilot and the certification form the parties must complete and sign in order to participate in the pilot program.

In order to enroll in the pilot, each party must submit the signed certification form in hard copy to OCAHO and serve a copy of the certification on the opposing party. The certification must: Identify the email address the party will use for all case-related communications and submissions; certify that only authorized individuals will have access to that email address; attest that the party has access to the necessary technology; and consent to abide by the specific procedures for filing and service outlined in the e-filing instructions that will be sent to each party. If both parties to a case agree to participate in the pilot and meet the certification requirements, they will be notified by mail and email that their case has been accepted into the pilot program. Thereafter, all case documents shall be filed with OCAHO and served on the opposing party in the case by email. All documents submitted under this pilot that require a signature under 28 CFR 68.7, including motions, briefs, and other pleadings, must include a handwritten, scanned signature. All files submitted by email must be in PDF.

For cases enrolled in the pilot program, all decisions and orders issued by the ALJ (or, in cases of administrative review, the CAHO) will be signed, scanned, and emailed to both parties in the case.

The pilot will be entirely voluntary. A case will not be accepted into the pilot unless both parties consent in writing to participate. Once accepted, the parties will be responsible for all activity and communications from their designated email account. Parties who elect not to participate in the pilot will continue to file and receive case documents as set forth in 28 CFR part 68.

IV. Additional Information

The pilot program will be effective for 180 days after the date of this notice. Parties who properly enroll in the pilot program during this 180-day period will be allowed to continue filing by email throughout the duration of their case before OCAHO, even if the case remains pending beyond the 180-day pilot period. OCAHO will continue to accept paper submissions in accordance with the procedures at 28 CFR part 68 in all cases not enrolled in the pilot program.

Parties and their representatives will be responsible for all activity and communications with OCAHO conducted from the party's or representative's designated email account. Parties and their representatives must take necessary steps to ensure that only authorized individuals have access to the party's or representative's designated email account and all official case documents sent and received through that email account, as those documents may contain sensitive or protected privacy information.

Dated: May 15, 2014.

Juan P. Osuna,

Director.

[FR Doc. 2014–12183 Filed 5–29–14; 8:45 am]

BILLING CODE 4410–30–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–032]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA)

ACTION: Notice of availability of proposed records schedules; request for comments

SUMMARY: The National Archives and Records Administration (NARA) publishes notices at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize preservation of records of continuing value in the National Archives of the United States and destruction, after a specified period, of records lacking administrative, legal, research, or other value. NARA publishes notices for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before June 30, 2014. Once NARA completes the appraisal of the records, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

Email: *request.schedule@nara.gov.*

FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers

prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media-neutral unless specified otherwise. An item in a schedule is media-neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media-neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Food and Nutrition Service (DAA–0462–2013–0001, 1 item, 1 temporary item). Master files of an electronic information system used to track, manage, and forecast activity on family nutrition programs.

2. Department of the Interior, Bureau of Ocean Energy Management (N1–589–12–5, 15 items, 12 temporary items). Records documenting regulatory oversight and stewardship activities, including operating plans for minerals exploration, development, and production; and well permits, environmental assessments, and technical assistance activities. Proposed for permanent retention are significant oil spill risk analyses, environmental studies, and monitoring records.

3. Department of the Interior, National Park Service (DAA–0515–2013–0001, 6 items, 2 temporary items). Administrative and non-significant records of the Historic American Building Survey, Historic American Engineering Record, and Historic American Landscape Survey. Proposed for permanent retention are high-level subject files, project case files and supporting records, and publications.

4. Department of Transportation, National Highway Traffic Safety Administration (N1–416–11–9, 1 item, 1 temporary item). Master files of an electronic information system used to manage projects.

5. Environmental Protection Agency, Agency-wide (DAA–0412–2013–0007, 3 items, 2 temporary items). Public affairs records, including working papers, publications not depicting environmental activities, and routine and administrative records. Proposed for permanent retention are historically significant public affairs records, including news releases, publications and promotional items, records of public hearings, and environmental training materials.

6. Library of Congress, Agency-wide (DAA–0297–2014–0007, 20 items, 20 temporary items). Records relating to facilities and safety, including facilities management requisition files, work authorizations, environmental logs and assessments, and program files related to safety management, fire protection, and industrial hygiene.

7. National Archives and Records Administration, Research Services (N2–84–14–1, 1 item, 1 temporary item). Records of Foreign Service Posts of the Department of State including copies of diplomatic serials and copies of property inventories. These records were accessioned to the National Archives but lack sufficient historical value to warrant continued preservation.

8. Office of Personnel Management, Executive Secretariat (DAA–0478–2014–0001, 2 items, 2 temporary items). Records of the Ombudsman Office including general correspondence and internal inquiries.

9. Office of Personnel Management, Planning and Policy Analysis Division (DAA–0478–2014–0005, 2 items, 2 temporary items). Master files and outputs of an electronic information system containing medical claims information, enrollment information, and provider information for Federal employee health insurance programs.

10. Office of Personnel Management, Employee Services (DAA–0478–2014–0006, 3 items, 3 temporary items). Master files of an electronic information system containing job announcements, applicant data, and Web site content.

11. Office of Personnel Management, Federal Investigative Services (DAA–0478–2014–0007, 1 item, 1 temporary item). Monthly progress reports on completion of security investigations.

Dated: May 22, 2014.

Paul M. Wester, Jr.

Chief Records Officer for the U.S. Government.

[FR Doc. 2014–12560 Filed 5–29–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 79 FR 10574, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

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 of the proposed collection of information; (c) ways to

enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or via email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

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

SUPPLEMENTARY INFORMATION:

Title of Collection: NSF Surveys to Measure Customer Service Satisfaction.

OMB Number: 3145–0157.

Type of Request: Intent to seek approval to renew an information collection.

Abstract:

Proposed Project: On September 11, 1993, President Clinton issued Executive Order 12862, ''Setting Customer Service Standards,'' which calls for Federal agencies to provide service that matches or exceeds the best service available in the private sector. Section 1(b) of that order requires agencies to ''survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.'' The National Science Foundation (NSF) has an ongoing need to collect information from its customer community (primarily individuals and organizations engaged in science and engineering research and education) about the quality and kind of services it provides and use that information to help improve agency operations and services.

Estimate of Burden: The burden on the public will change according to the needs of each individual customer satisfaction survey; however, each survey is estimated to take approximately 30 minutes per response.

Respondents: Will vary among individuals or households; business or other for-profit; not-for-profit institutions; farms; federal government; state, local or tribal governments.

Estimated Number of Responses per Survey: This will vary by survey.

Dated: May 27, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–12563 Filed 5–29–14; 8:45 am]

BILLING CODE 7555–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Designation of Beneficiary, Federal Employees Retirement System, (FERS), SF 3102, 3206–0173

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0173, Designation of Beneficiary (FERS). As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until July 29, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Retirement Services, Operations Support, Office of Personnel Management, Union Square Room 370, 1900 E Street NW., Washington, DC 20415, Attention: Alberta Butler, or sent by email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20503, Attention: Cyrus S. Benson or sent by email to *Cyrus.Benson@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

SF 3102 is used by an employee or an annuitant covered under the Federal Employees Retirement System to designate a beneficiary to receive any lump sum due in the event of his/her death.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Designation of Beneficiary (FERS).

OMB Number: 3206–0173.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 3,888.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 972.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–12531 Filed 5–29–14; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72250; File No. SR–Phlx–2014–24]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Modify the Order Execution Algorithm of NASDAQ OMX PSX

May 23, 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 13, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') 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 filed Amendment No. 1 to the proposed rule change on May 16, 2014.[3] The Commission is publishing this notice, as amended, to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify the order execution algorithm of Phlx's NASDAQ OMX PSX facility (''PSX''). The text of the proposed rule change is available at *nasdaqomxphlx.cchwallstreet.com,* at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx launched PSX in 2010 with an order execution algorithm that allocated executions of incoming orders to orders on the PSX book based on the price and size of posted orders, rather than price and time, with allocations made on a pro rata basis among orders with similar price and display characteristics.[4] In 2013, after concluding that this pro rata model had not met the Exchange's expectations with respect to PSX's market share, Phlx adopted a price/time model that was functionally similar to the model in place at other national securities exchanges.[5] Phlx is now proposing to allow its member organizations to benefit from the advantages of each model, by adopting a system under which some securities may trade using the current price/time model, while others may trade under a pro rata model similar to, but in several respects different from, the model in effect from 2010 to 2013. As described in more detail below, Phlx will select the algorithm applicable to each security that is eligible for trading on PSX, and may change the applicable algorithm from time to time, subject to providing advance notice to market participants.[6]

Price/Time Algorithm

Phlx is not proposing to alter the operation of the price/time algorithm for those securities to which it is applied, although it is modifying the applicable rule text in certain respects to improve its clarity. Under this algorithm, the System executes trading interest in the following manner:

- Price—Better priced trading interest is executed ahead of inferior-priced trading interest.
- Display—Displayed Quotes/Orders at a particular price are executed in time priority among such interest.
- Non-Displayed Interest—Non-Displayed Orders and the reserve portion of Quotes and Reserve Orders (collectively, ''Non-Displayed Interest'') at a particular price are executed in time priority among such interest.

For example, assume that sell orders with the following sizes, time stamps, and display characteristics are on the PSX book:

- Order 1: 100 shares, Non-Displayed at $9.99, 11:00.00
- Order 2: 100 shares, Non-Displayed at $10.00, 10:59.50
- Order 3: 100 shares, Displayed at $10.00, 11:00.05
- Order 4: 100 shares, Displayed at $10.00, 11:00.10
- Order 5: 100 shares, Non-Displayed at $10.00, 11:00.10

If an order to buy 400 shares at $10.00 is entered, it will execute against the resting orders in the following sequence: Order 1, since its price is superior to that of the other orders; Order 3, since as among orders priced at $10.00, it is the Displayed Order that arrived on the book first and Displayed Orders are executed ahead of Non-Displayed Interest; Order 4, since Displayed Orders are executed ahead of Non-Displayed Interest, and Order 2, since all Displayed Orders at $10.00 have been executed and as among Non-Displayed Interest at $10.00, it was the first to arrive on the book.

Pro Rata Algorithm

As noted above, the pro rata model is being altered in several respects from the version previously in effect. Most notably, for those securities for which the pro rata model is applicable, Phlx may also opt to apply a version of the algorithm under which a specified percentage of an execution is guaranteed to an order that establishes the best price in PSX. This modification to the algorithm is referred to herein and in the proposed rule as the variation for ''Price-Setting Orders.'' As with the decision as to the applicable algorithm, Phlx will determine whether to apply the variation to each security that trades under the pro rata algorithm, and as described in more detail below, may change the application from time to time, subject to providing advance notice to market participants.

Price and Displayed Orders

Under the pro rata algorithm, the System will execute trading interest within the System in the following order:

- Price—Better priced trading interest is executed ahead of inferior-priced trading interest.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange corrected figures in both the filing and the proposed rule text for price and share amounts used in examples of the proposed execution algorithm.

[4] Securities Exchange Act Release No. 62877 (September 9, 2010), 75 FR 56633 (September 16, 2010) (SR–Phlx–2010–79).

[5] Securities Exchange Act Release No. 69452 (April 25, 2013), 78 FR 25512 (May 1, 2013) (SR–Phlx–2013–24).

[6] The approach of allowing the applicable execution algorithm to vary on a security-by-security basis is currently used in the market structure of several options exchanges, including the NASDAQ Options Market (''NOM'') (Chapter VI, Section 10 of the NOM Rules); the BX Options Market (''BX Options'') (Chapter VI, Section 10 of the BX Options Rules); the Chicago Board Options Exchange (''CBOE'') (CBOE Rule 43.1); and the C2 Options Exchange (''C2'') (C2 Rule 6.12). It was also used in the cash equities markets at the former CBOE Stock Exchange (''CBXS'') (CBSX Rule 52.1).

• Display—Displayed Orders at a particular price with a size of at least one round lot will be executed ahead of Displayed Orders with a size of less than one round lot, Non-Displayed Interest with a size of at least one round lot, Minimum Quantity Orders, and Non-Displayed Interest with a size of less than one round lot.

• Allocation to Displayed Orders with a Size of One Round Lot or More—As among equally priced Displayed Orders with a size of at least one round lot, the System will allocate portions of incoming executable orders to displayed trading interest within the System pro rata based on the size of the Displayed Orders, rounding down to the nearest round lot. Next, portions of an order that would be executed in a size other than a round lot if they were allocated on a pro rata basis will be allocated for execution against available displayed trading interest, one round lot at a time, in the order of the displayed size (measured at the time when the pro rata allocation began) of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. Incoming orders with a size of less than one round lot will be allocated against available displayed trading interest in the order of the size of trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.

For example, assume that sell orders with the following sizes, time stamps, and display characteristics are on the PSX book:

• Order 1: 600 shares, Displayed at $10.00, 10:59.50

• Order 2: 400 shares, Displayed at $10.00, 11:00.05

• Order 3: 300 shares, Displayed at $10.00, 11:00.10

If an order to buy 1,200 shares at $10.00 is entered, it will execute against the resting orders in the following sequence and with the following share amounts:

• Orders 1, 2, and 3: The System will make a pro rata allocation of the incoming order to the resting orders based on their size in round lot increments, such that Order 1 will be allocated 500 shares ((600 ÷ 1,300) × 1,200, rounded down to the nearest round lot); Order 2 will be allocated 300 shares; and Order 3 will be allocated 200 shares.

• Order 1: After decrementation, the remaining orders on the book each have 100 shares, and the incoming order has 200 shares left to execute. The remaining 200 shares of the order will be allocated one round lot at a time, first to Order 1, since of the remaining resting orders, it was the order with the largest displayed size at the beginning of the pro rata allocation, and then to Order 2, the order with the next largest displayed size at the beginning of the pro rata allocation.

If the incoming order was 80 shares (less than one round lot), it would be allocated to Order 1 based on its size as the resting order with the largest displayed size.

Variation for Price-Setting Orders

For any security that trades under the pro rata algorithm, Phlx may adopt a variation of the algorithm that guarantees a specified percentage allocation for an order that sets the best price on PSX under certain conditions. The goal of the variation would be to increase the extent to which market participants commit capital to display significant size at a price that narrows the spread, thereby enhancing price discovery and transparency. The ''Guaranteed Percentage'' for all securities subject to this variation will be 40%.[7] The Exchange believes the Guaranteed Percentage of 40% strikes an appropriate balance between awarding the participant who sets a new price on PSX while also rewarding other participants who risk capital by displaying large size, thereby encouraging competition among market participants to fill incoming orders. This balance provides an incentive for aggressive quoting from both a price and size perspective.

When this variation of the pro rata algorithm is employed, a Displayed Order with a size of at least one round lot that establishes the best price in PSX when it is entered will be a ''Price-Setting Order'' if such order is executed; provided, however, that a better priced order will become the Price-Setting Order if it is executed. The allocation to the Price-Setting Order will be the greater of the Guaranteed Percentage or the allocation that the order would otherwise receive under the pro rata algorithm.

If the Price-Setting Order receives an allocation greater than the Guaranteed Percentage, the remainder of the order will be allocated to other displayed trading interest in the manner provided for Displayed Orders when the variation for Price-Setting Orders is not in effect (as provided in Rule 3307(b)(2)(A)). If the Price-Setting Order receives the Guaranteed Percentage, the System will then allocate round lot portions of the incoming order that are not allocated to the Price-Setting Order to other displayed trading interest within the System pro rata based on the size of such Displayed Orders (excluding the Price-Setting Order), rounding down to the nearest round lot. Next, portions of an order that would be executed in a size other than a round lot if they were allocated on a pro rata basis will be allocated for execution against available displayed trading interest (excluding the Price-Setting Order), one round lot at a time, in the order of the displayed size (measured at the time when the pro rata allocation began) of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. In the case of incoming orders with a size of less than one round lot, the Price-Setting Order will receive the Guaranteed Percentage of the order, and the remainder of the order will be allocated to available displayed trading interest in the order of the size of displayed trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.

By way of example, assume that Order 1 is on the PSX book to sell 1,000 shares at $10.01. If Order 2 is then entered onto the book to sell 1,000 shares at $10.00, Order 2 is presumptively the Price-Setting Order. Assume also that Order 3 to sell 3,000 shares at $10.00, and Order 4 to sell 1,000 shares at $10.00 are then entered onto the book. If an incoming order to buy 1,000 at $10.00 is then entered, 400 shares will be allocated to Order 2 based on the 40% Guaranteed Percentage for it as the Price-Setting Order.[8] The remaining shares will then be allocated among the other orders based on their displayed size as follows:

• Pro rata allocation of 400 shares to Order 3 ((3,000 ÷ 4,000) × 600, rounded down to the nearest round lot);

• Pro rata allocation of 100 shares to Order 4 ((1,000 ÷ 4,000) × 600, rounded down to the nearest round lot); and

• Remaining 100 shares to Order 3 (order with the largest original displayed size).

If the incoming order was an odd lot of 80 shares, the System would allocate 32 shares to Order 2 (40% allocated to the Price-Setting Order) and 48 shares to

[7] If Phlx determines to change the Guaranteed Percentage, it will file a proposed rule change to do so.

[8] If, before the incoming order was entered, another sell order was posted to the book at $9.99, it would have the potential to become the Price-Setting Order if it executed while still reflecting the best price in PSX. Once an order is executed as a Price-Setting Order, all previously entered orders that could have potentially been Price-Setting Orders are no longer eligible to be Price-Setting Orders.

Order 3 (resting order with the largest displayed size).

As noted above, if the allocation that a Price-Setting Order would receive via the pro rata algorithm provided for in Rule 3307(b)(2)(A) is greater than the Guaranteed Percentage, the Price-Setting Order would receive the higher allocation and remaining shares of the incoming order would be allocated as provided for in Rule 3307(b)(2)(A). For example, assume a Displayed Order to sell 1,000 shares at $10.01 resides on the PSX book (Order 1), a Displayed Order to sell 3,000 shares at $10.00 is entered and becomes the Price-Setting Order (Order 2), and additional Displayed Orders to sell at $10.00 with sizes of 1,000 shares (Order 3) and 1,000 shares (Order 4) are then entered. If an incoming order to buy 1,000 shares at $10.00 is entered, the System will allocate the incoming order as follow:

- 600 shares to Order 2 ((3,000 ÷ 5,000) × 1,000, resulting in an allocation in excess of the Guaranteed Percentage);
- 200 shares to Order 3 ((1,000 ÷ 5,000) × 1,000); and
- 200 shares to Order 4 ((1,000 ÷ 5,000) × 1,000).

Displayed Odd-Lot Orders

Following the processing of Displayed Orders with a size of one round lot or more, the System will allocate remaining shares of an incoming order among equally priced Displayed Orders with a size of less than one round lot, in the order of the size of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.

Non-Displayed Interest With a Size of One Round Lot or More

As among equally priced Non-Displayed Interest with a size of at least one round lot (excluding Minimum Quantity Orders), the System will allocate portions of incoming executable orders to Non-Displayed Interest within the System pro rata based on the size of Non-Displayed Interest, rounded down to the nearest round lot. Next, portions of an order that would be executed in a size other than a round lot if they were allocated on a pro rata basis will be allocated for execution against available Non-Displayed Interest, one round lot at a time, in the order of the size (measured at the time when the pro rata allocation began) of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. Incoming orders with a size of less than one round lot will be allocated against available Non-Displayed Interest in the order of the size of trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority. Thus, the algorithm with respect to Non-Displayed Interest with a size of one round lot or more is identical to the algorithm for Displayed Orders with a size of one round lot or more.

Minimum Quantity Orders

Minimum Quantity Orders are orders that will not execute unless a specified minimum quantity of shares can be obtained. Minimum Quantity Orders that post to the PSX book are not displayed, and upon entry must have a size and a minimum quantity condition of at least one round lot. In the event that the shares remaining in the size of the order following a partial execution thereof are less than the minimum quantity specified by the market participant entering the order, the minimum quantity value of the order is reduced to the number of shares remaining. Because they are non-displayed, Minimum Quantity Orders are given a lower priority of execution than Displayed Orders. Moreover, because a minimum quantity condition cannot necessarily be satisfied in a pro rata allocation system, the orders are given a lower priority than other Non-Displayed Interest with a size of one round lot or more. As among equally priced Minimum Quantity Orders, the System will allocate incoming executable orders to Minimum Quantity Orders within the System in the ascending order of the size of the minimum quantity conditions assigned to the orders. Thus, an order with a minimum quantity condition of 300 shares will be filled before an order with a minimum quantity condition of 400 shares. If there are two or more Minimum Quantity Orders with an equal minimum quantity condition, the System will determine the order of execution based on time priority.

Non-Displayed Odd-Lot Orders

As among equally priced Non-Displayed Interest with a size of less than one round lot, the System will allocate incoming orders based on the size of the Non-Displayed Interest, in the order of the size of the trading interest at that price (largest to smallest), or, as among orders with an equal size, based on time priority.

Selection of Applicable Algorithm and Notice to Member Organizations

The algorithm applicable to a particular security will be selected by the Exchange and listed on a publicly available Web site. The selection will be made by the President of the Exchange or another officer of the Exchange designated by the President for this purpose. The selection will be based on an ongoing assessment of the depth of liquidity made available by member organizations in particular stocks, with the goal of maximizing the displayed size, minimizing the quoted spread, and increasing the extent of PSX's time at the NBBO. Factors to be considered for each security would include the size of member organizations' quotes, the amount of time that PSX is at the NBBO, PSX market share, and observed changes in volume, average execution size, and average order size. As a general matter, the Exchange would examine these factors and consider adjusting the algorithm applicable to a security if it concluded that improvements in the security's performance on PSX might result. The Exchange expects that immediately following the implementation of this proposed rule change, most if not all securities will trade using the pro rata algorithm with the Price-Setting Order variation, with the goal of increasing the size of displayed liquidity in PSX, but that adjustments would then be made based on the observed performance of the securities. For example, if a security trading under the Price-Setting Order variation has large quoted size but PSX is generally not at the NBBO in the security, the Exchange would consider moving the security to the price/time algorithm as a means of encouraging market participants to quote more aggressively. Similarly, if PSX is employing the price/time algorithm and is at the NBBO consistently but with smaller size than the exchange considers ideal, the Exchange would consider adopting the pro rata algorithm with the variation for Price-Setting Orders as a means of maintaining the aggressive pricing from market participants while also encouraging larger quoted size, resulting in more time at the NBBO for larger size. The Exchange would also observe changes in PSX's market share and volume over time to determine if the applicable algorithm had a positive or negative effect on these metrics. In particular securities, the Exchange may also observe average execution size and/or average order size, with the goal of increasing both metrics. The Exchange may also conclude that if a group of similar securities (for example, certain exchange-traded funds) trade well using a particular algorithm, other securities with the same characteristics should also trade under that algorithm. Changes to the applicable algorithm, including the applicability of the variation for Price-Setting Orders, would be made

through a notice that is widely disseminated at least one month in advance of the change.[9]

2. Statutory Basis

Phlx believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and with Section 6(b)(5) of the Act [11] in particular, in that the proposal 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Phlx believes that the proposal has the potential to enhance the usefulness of PSX as a venue for trading cash equity securities by allowing the Exchange to adjust the execution algorithm applicable to a particular security to best suit its characteristics. Moreover, each component of the proposal—pro rata, the variation for Price-Setting Orders, and price/time—is itself consistent with the Act. Specifically, the Exchange believes that the use of the pro rata algorithm is consistent with the Act because it has the potential to encourage member organizations to display orders with greater size in order to receive a larger share of executions. Thus, the algorithm may facilitate transactions in securities and perfect the mechanism of a national market system by facilitating executions of larger orders with less impact on price. The proposal also has the potential to promote price discovery by providing a means to discourage the use of non-displayed liquidity. Moreover, the Commission has previously determined that PSX's prior pro rata algorithm was consistent with the Act because it ''may encourage participants, particularly those who wish to execute orders of large size, to display liquidity. . . This in turn could facilitate the efficient execution of large orders, and foster best execution and price discovery. A novel exchange priority system that is designed to achieve these goals also may foster competition and innovation.'' [12] The Exchange further notes that the use of an algorithm that deemphasizes the importance of speed would provide an additional trading option to market participants that may wish to seek alternatives to the prevailing market structure for US cash equities.

The proposed variation to the algorithm for Price-Setting Orders is similarly consistent with the national market system purposes of the Act because it maintains the potential benefits of the pro rata algorithm discussed above while also having the potential to encourage market participants to set the best price on PSX. Thus, the Exchange believes that the proposal has the potential to enhance price discovery on PSX, while still promoting competition among market participants to receive allocations of incoming orders by posting orders with larger sizes.

In addition, the proposal is similar in several respects to rules in effect at US options exchanges. Notably, NOM and several other options exchanges [13] have rules that allow the applicable exchange to determine the algorithm—pro rata or price/time—applicable to each security that it trades.[14] In addition, the proposed variation to the pro rata algorithm for Price-Setting Orders is similar in intent to rules of numerous US options exchanges under which a specialist is guaranteed a percentage allocation of an incoming order in consideration of its performance of specialist obligations.[15] Similarly, the Exchange's proposal is designed to provide a means of encouraging market participants to compete to provide substantial liquidity at the inside market by guaranteeing them a percentage allocation. However, unlike the guaranteed allocation for specialists, the proposed allocation would be available to any market participant quoting in a security to which the variation applied.[16] Additionally, the proposal could foster competition, as the allocation would be awarded based on performance. The trading participant's order that is given the Guaranteed Percentage must compete with orders of every other trading participant to earn that Guaranteed Percentage. Furthermore, one order earning the Guaranteed Percentage carries no weight as to whether another order for the same participant earns the Guaranteed Percentage; that is, each order must compete to earn the Guaranteed Percentage.

For securities that the Exchange believes are not best served by a pro rata allocation, the proposal allows the Exchange to have the flexibility to use a price/time algorithm that replicates the algorithm in use at other national securities exchanges. The Exchange is not proposing to modify the operation of this algorithm, which has also previously been determined to be consistent with the Act.[17] This algorithm is consistent with the purposes of the Act because it reflects a fair and logical means of allocating executions based on the price, time of entry, and display characteristics of posted orders.

The Exchange further believes that the process for determining the algorithm applicable to a particular security is consistent with the Act's purposes of perfecting the mechanisms of a national market system and protecting investors and the public interest. The rule allows the Exchange to select among alternatives, most aspects of which have already been determined by the Commission to be consistent with the Act. Moreover, by allowing adjustments, the rule will enable the Exchange to continually evaluate data and adapt the trading of securities to changing circumstances, with the goals of increasing displayed size and time at the inside and narrowing spreads. Finally, the Exchange believes that the requirement to provide market participants with at least one month notice of any change will ensure that market participants have adequate notice of changes to enable them to make any needed adjustments to their order routing practices.

B. Self-Regulatory Organization's Statement on Burden on Competition

Phlx does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance

[9] Based on input from its affiliated options exchanges that allow for similar variation of execution algorithms, the Exchange believes that even less notice would be adequate to allow market participants to adjust their systems to reflect changes. However, PSX is initially proposing one month notice to avoid any possible issues after the adoption of the new model. PSX may submit a proposed rule change to reduce the time in the future.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

[12] Securities Exchange Act Release No. 62877 (September 9, 2010), 75 FR 56633, 56635 (September 16, 2010) (SR–Phlx–2010–79).

[13] The former CBSX cash equities exchange, which recently ceased operations, also had such a rule.

[14] *See supra* n.6. It should be noted that these rules do not specify the factors to be considered by the exchange in selecting the applicable algorithm. The Exchange understands, however, that staff of NOM and BX Options apply factors similar to the ones proposed herein in making such selections.

[15] *See, e.g.,* PHLX Rule 1014(g).

[16] The proposed rule is also similar to CBOE Rule 43.1 and former CBSX Rule 52.1, which provide priority to the market participant that was first to establish a price (the ''Market Turner''), and to retain such priority in the event the market moves beyond, but then returns to, the Market Turner's price.

[17] Securities Exchange Act Release No. 69452 (April 25, 2013), 78 FR 25512 (May 1, 2013) (SR–Phlx–2013–24).

of the purposes of the Act, as amended.[18] Currently, PSX has minimal market share, and the Exchange believes that the proposal may enhance its competitiveness by offering a unique market model not currently offered by other national securities exchanges trading cash equities. Since use of PSX is entirely voluntary and numerous competitive alternatives exist, the change will not impose any burden on competition. Moreover, the Exchange's prior experience with use of a pro rata algorithm on PSX leads it to believe that although the market model may not draw significant volume of order flow away from other trading venues, nevertheless the model is attractive to some market participants and therefore is likely to enhance PSX's competitiveness.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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–Phlx–2014–24 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–Phlx–2014–24. 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–Phlx–2014–24, and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12527 Filed 5–29–14; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78f(b)(8).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72244; File No. SR–NASDAQ–2014–056]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program and Replacement of Penny Pilot Issues That Have Been Delisted

May 23, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on May 20, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ is filing with the Commission a proposal to amend Chapter VI, Section 5 (Minimum Increments) of the rules of the NASDAQ Options Market (''NOM'') to extend through December 31, 2014, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot''), and to change the date when delisted classes may be replaced in the Penny Pilot.[3]

The Exchange requests that the Commission waive the 30-day operative delay period to the extent needed for timely industry-wide implementation of the proposal.

The text of the amended Exchange rule is set forth immediately below.

Proposed new language is *underlined* and proposed deleted language is [bracketed].

NASDAQ Stock Market Rules

Options Rules

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot was established in March 2008 and was last extended in December 2013. *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026) (notice of filing and immediate effectiveness establishing Penny Pilot); and 71105 (December 17, 2013), 78 FR 77530 (December 23, 2013) (SR–NASDAQ–2013–154) (notice of filing and immediate effectiveness extending the Penny Pilot through June 30, 2014).

Chapter VI Trading Systems

* * * * *

Sec. 5 Minimum Increments

(a) The Board may establish minimum quoting increments for options contracts traded on NOM. Such minimum increments established by the Board will be designated as a stated policy, practice, or interpretation with respect to the administration of this Section within the meaning of Section 19 of the Exchange Act and will be filed with the SEC as a rule change for effectiveness upon filing. Until such time as the Board makes a change in the increments, the following principles shall apply:

(1)–(2) No Change.

(3) For a pilot period scheduled to expire on [June 30, 2014]*December 31, 2014,* if the options series is trading pursuant to the Penny Pilot program one (1) cent if the options series is trading at less than $3.00, five (5) cents if the options series is trading at $3.00 or higher, unless for QQQQs, SPY and IWM where the minimum quoting increment will be one cent for all series regardless of price. A list of such options shall be communicated to membership via an Options Trader Alert (''OTA'') posted on the Exchange's Web site. The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [January 1, 2014]*July 1, 2014.*

(4) No Change.

(b) No Change.

* * * * *

The text of the proposed rule change is available from NASDAQ's Web site at *http://nasdaq.cchwallstreet.com,* at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of and basis for the proposed rule change 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. NASDAQ 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 this filing is to amend Chapter VI, Section 5 to extend the Penny Pilot through December 31, 2014, and to change the date when delisted classes may be replaced in the Penny Pilot.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2014.

The Exchange proposes to extend the time period of the Penny Pilot through December 31, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2014. The replacement issues will be selected based on trading activity in the previous six months.[4]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal 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, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following July 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with 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 not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

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.

[4] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. The Exchange proposes in its Penny Pilot rule that replacement issues will be selected based on trading activity in the previous six months. The replacement issues would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2013 through May 31, 2014. The month immediately preceding the replacement issues' addition to the Pilot Program (i.e. June) would not be used for purposes of the six-month analysis.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

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) [7] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

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–NASDAQ–2014–056 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–056. 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 NASDAQ. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2014–056 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72238; File No. SR–NASDAQ–2014–055]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

May 23, 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 15, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to modify Chapter XV, entitled ''Options Pricing,'' at Section 2 governing pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, NOM proposes to amend its Routing Fees. While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on June 2, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Routing Fees in Chapter XV, Section 2(3) to recoup costs incurred by the Exchange to route orders to away markets.

Today, the Exchange assesses a Non-Customer a $0.95 per contract Routing Fee to any options exchange. The Customer [3] Routing Fee for option orders routed to NASDAQ OMX PHLX LLC (''PHLX'') is a $0.10 per contract Fixed Fee in addition to the actual transaction fee assessed. The Customer Routing Fee for option orders routed to NASDAQ OMX BX, Inc. (''BX Options'') is $0.10 per contract. The Customer Routing Fee for option orders routed to

[3] The term ''Customer'' or (''C'') applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)).

all other options exchanges [4] (excluding PHLX and BX Options) is a fixed fee of $0.20 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. If the away market pays a rebate, the Routing Fee is $0.10 per contract.

With respect to the fixed costs, the Exchange incurs a fee when it utilizes Nasdaq Execution Services LLC (''NES''),[5] a member of the Exchange and the Exchange's exclusive order router. Each time NES routes an order to an away market, NES is charged a clearing fee [6] and, in the case of certain exchanges, a transaction fee is also charged in certain symbols, which fees are passed through to the Exchange. The Exchange currently recoups clearing and transaction charges incurred by the Exchange as well as certain other costs incurred by the Exchange when routing to away markets, such as administrative and technical costs associated with operating NES, membership fees at away markets, Options Regulatory Fees (''ORFs''), staffing and technical costs associated with routing options. The Exchange assesses the actual away market fee at the time that the order was entered into the Exchange's System. This transaction fee is calculated on an order-by-order basis since different away markets charge different amounts.

The Exchange is proposing to increase Routing Fees to account for increased OCC fees and other increased costs associated with clearing, ORF and other operational costs. The Exchange proposes to increase Routing Fees for Non-Customer orders from $0.95 to $0.97 per contract. The Exchange also proposes to increase Customer Routing Fees as described herein. The Exchange proposes to increase Customer Routing Fees to PHLX from a Fixed Fee of $0.10 to $0.12 per contract, in addition to the actual transaction fee assessed. The Exchange proposes to increase Customer Routing Fees to BX Options from $0.10 to $0.12 per contract. The Exchange also proposes to amend Routing Fees to all other exchanges (except PHLX and BX Options) from $0.20 to $0.22 per contract, in addition to the actual transaction fee assessed, provided the away market does not pay a rebate. If the away market pays a rebate, the Routing Fee assessed would be $0.12 per contract, an increase from the current $0.10 per contract. The Exchange proposes these increases to recoup an additional portion of the costs incurred by the Exchange for routing these orders.

The Exchange is proposing to increase Non-Customer and Customer Routing Fees by $0.02 per contract to cover the increased costs of offering its members the opportunity to route to other options exchanges. With the recent increase by OCC [7] as well as increases in ORFs and NOM's operational expenses, the Exchange sees to further recoup a portion of increased costs with the increase to its Routing Fees.

Today the Exchange does not assess the actual transaction fee assessed by BX Options, rather the Exchange only assesses the Fixed Fee, because the Exchange would continue to retain the rebate to offset the cost to route orders to BX Options. This is the not the case for all orders routed to BX Options because not all Customer orders receive a rebate.[8] This will remain the same. Similarly, the Exchange is proposing to amend the Customer Routing Fee assessed when routing to all other options exchanges, if the away market pays a rebate, from a $0.10 to a $0.12 per contract Fixed Fee, in order to recoup an additional portion of the costs incurred by the Exchange for routing these orders. The Exchange does not assess the actual transaction fee assessed by the away market, rather the Exchange only assesses the Fixed Fee, because the Exchange would continue to retain the rebate to offset the cost to route orders to these away markets. This will remain the same.

2. Statutory Basis

NASDAQ believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act [10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which it operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that amending the Non-Customer and Customer Routing Fees by $0.02 per contracts is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Non-Customer and Customer orders. Specifically, the Exchange's proposal to increase Non-Customer fees from $0.95 to $0.97 per contract is reasonable because the additional $0.02 per contract fee will recoup increased costs borne by NOM.

The Exchange believes that amending the Customer Routing Fees for orders routed to PHLX from a Fixed Fee of $0.10 to $0.12 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Customer orders to PHLX. The Exchange will continue to also assess actual transaction fees assessed by PHLX for Customer orders.

The Exchange believes that amending the Customer Routing Fee for orders routed to BX Options from a Fixed Fee of $0.10 to $0.12 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Customer orders to BX Options, similar to the amount of Fixed Fee it proposes to assess for orders routed to PHLX. While the Exchange would continue to retain any rebate paid by BX Options, the Exchange does not assess the actual transaction fee that is charged by BX Options for Customer orders.

The Exchange believes that continuing to assess lower Fixed Fees to route Customer orders to PHLX and BX Options, as compared to other options exchanges, is reasonable as the Exchange is able to leverage certain infrastructure to offer those markets lower fees as explained further below.

The Exchange believes that increasing the fee for routing to all other options exchanges (other than PHLX and BX Options) from $0.20 to $0.22 per contact is reasonable because the increased fee would recoup costs associated with routing Customer orders, in addition to the actual transaction fee when no rebate is paid. Similarly, the Exchange believes that amending the Customer Routing Fee to other away markets, other than PHLX and BX Options, in the instance the away market pays a rebate from $0.10 to $0.12 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing orders to these away markets. While the Exchange

[4] Including BATS Exchange, Inc. (''BATS''), BOX Options Exchange LLC (''BOX''), the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Incorporated (''C2''), International Securities Exchange, LLC (''ISE''), the Miami International Securities Exchange, LLC (''MIAX''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE Amex'') and ISE Gemini, LLC (''Gemini'').

[5] The Exchange filed a proposed rule change to utilize Nasdaq Execution Services, LLC (''NES'') for outbound order routing. *See* Securities Exchange Act Release No. 71419 (January 28, 2014), 79 FR 6247 (February 3, 2014) (SR–NASDAQ–2014–007).

[6] OCC assessed a $0.01 per contract side. The fee has recently been increased from $0.01 to $0.02 per contract side. *See* Securities Exchange Act Release No. 71769 (March 21, 2014), 79 FR 17214 (March 21, 2014) (SR–OCC–2014–05).

[7] *Id.*

[8] BX Options pays a Customer Rebate to Remove Liquidity as follows: Customers are paid $0.32 per contract in All Other Penny Pilot Options (excluding BAC, IWM, QQQ, SPY and VXX) and $0.70 per contract in Non-Penny Pilot Options. *See* BX Options Rules at Chapter XV, Section 2(1).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4), (5).

would continue to retain any rebate paid by these away markets, the Exchange does not assess the actual transaction fee that is charged by the away market for Customer orders. The Fixed Fee for Customer orders is an approximation of the costs the Exchange will be charged for routing orders to away markets. As a general matter, the Exchange believes that the proposed fees for Customer orders routed to markets which pay a rebate, such as BX Options and other away markets, would allow it to recoup and cover a portion of the costs of providing optional routing services for Customer orders because it better approximates the costs incurred by the Exchange for routing such orders. While each destination market's transaction charge varies and there is a cost incurred by the Exchange when routing orders to away markets, including, OCC clearing costs, administrative and technical costs associated with operating NES, membership fees at away markets, ORFs and technical costs associated with routing options, the Exchange believes that the proposed Routing Fees will enable it to recover the increased costs it incurs to route Customer orders to away markets.

The Exchange believes that amending the Non-Customer Routing Fees from $0.95 to $0.97 per contract is equitable and not unfairly discriminatory because the Exchange would assess the same Non-Customer Routing Fee to all Non-Customer orders routed away. The Exchange believes that amending the Customer Routing Fee for orders routed to PHLX from a Fixed Fee of $0.10 to $0.12 per contract, in addition to the actual transaction fee, is equitable and not unfairly discriminatory because the Exchange would assess the same Fixed Fee to all orders routed to PHLX in addition to the transaction fee assessed by that market. With respect to BX Options, the Exchange believes that amending the Customer Routing Fee for orders routed to BX Options from a Fixed Fee of $0.10 to $0.12 per contract is equitable and not unfairly discriminatory because the Exchange would assess the same Fixed Fee to all Customer orders routed to BX Options. With respect routing Customer orders to all other away markets (except PHLX and BX Options) the Exchange believes that amending the Customer Routing Fee from $0.20 to $0.22 per contract, in addition to the actual transaction fee assessed) is equitable and not unfairly discriminatory because the Exchange would assess the same fee to all Customer orders routed to away markets, provided the away market does not pay a rebate. The Exchange believes that increasing the Routing Fee to away markets (other than PHLX and BX Options), when the away market pays a rebate, from $0.10 to $0.12 per contract is equitable and not unfairly discriminatory because all Customer orders routed to away markets (other than PHLX and BX Options) would be assessed the same fee, provided the away market paid a rebate.

The Exchange would uniformly assess a $0.12 per contract Fixed Fee to orders routed to NASDAQ OMX exchanges because the Exchange is passing along the saving realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when those orders are routed to PHLX or BX Options and is providing those savings to all market participants. Furthermore, it is important to note that when orders are routed to an away market they are routed based on price first.[11] The Exchange believes that it is equitable and not unfairly discriminatory to assess a fixed cost of $0.12 per contract to route orders to PHLX and BX Options because the cost, in terms of actual cash outlays, to the Exchange to route to those markets is lower. For example, costs related to routing to PHLX and BX Options are lower as compared to other away markets because NES is utilized by all three exchanges to route orders.[12] NES and the three NASDAQ OMX options markets have a common data center and staff that are responsible for the day-to-day operations of NES. Because the three exchanges are in a common data center, Routing Fees are reduced because costly expenses related to, for example, telecommunication lines to obtain connectivity are avoided when routing orders in this instance. The costs related to connectivity to route orders to other NASDAQ OMX exchanges are lower than the costs to route to a non-NASDAQ OMX exchange. When routing orders to non-NASDAQ OMX exchanges, the Exchange incurs costly connectivity charges related to telecommunication lines, membership and access fees, and other related costs when routing orders. Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[13] Also, orders are routed to an away market based on price first.[14]

[11] *See* NASDAQ Rules at Chapter VI, Section 11(e) (Order Routing).

[12] *See* Chapter VI, Section 11 of the BX Options and NOM Rules.

[13] *See* note 12.

[14] *Id.*

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposal creates a burden on intra-market competition because the Exchange is applying the same Routing Fee increase of $0.02 per contract to all market participants. The Exchange will continue to assess separate Customer Routing Fees. Customers will continue to receive the lowest fees as compared to Non-Customers when routing orders, as is the case today. Other options exchanges also assess lower Routing Fees for customer orders as compared to Non-Customer orders.[15]

The Exchange's proposal would allow the Exchange to continue to recoup its costs when routing both Non-Customer and Customer orders. The Exchange continues to pass along savings realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when Customer orders are routed to PHLX and BX Options and is providing those savings to all market participants. Today, other options exchanges also assess fixed routing fees to recoup costs incurred by the exchange to route orders to away markets.[16] Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[17] Also, orders are routed to an away market based on price first.[18]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[19] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the

[15] BATS assesses lower customer routing fees as compared to non-customer routing fees per the away market. For example BATS assesses Phlx customer routing fees of $0.45 per contract and an ISE non-customer routing fee of $0.65 per contract. *See* BATS BZX Exchange Fee Schedule.

[16] *See* CBOE's Fees Schedule and ISE's Fee Schedule.

[17] *See* note 12.

[18] *Id.*

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

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–NASDAQ–2014–055 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–055. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2014–055 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12518 Filed 5–29–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72241; File No. SR–NASDAQ–2014–027]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the PowerShares Multi-Strategy Alternative Portfolio of PowerShares Actively Managed Exchange-Traded Fund Trust

May 23, 2014.

I. Introduction

On March 24, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares (''Shares'') of the PowerShares Multi-Strategy Alternative Portfolio (''Fund'') under Nasdaq Rule 5735. The proposed rule change was published for comment in the **Federal Register** on April 11, 2014.[3] The Commission received no comments on the proposal. On May 21, Nasdaq filed Amendment No. 1 to the proposal.[4] The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares. The Shares will be offered by PowerShares Actively Managed Exchange-Traded Fund Trust (''Trust''). The Trust is registered with the Commission as an investment company as defined by the Investment Company Act of 1940 (''Investment Company Act'').[5] The Fund is a series of the Trust.

Invesco PowerShares Capital Management LLC will be the investment adviser (''Adviser'') to the Fund. The Fund may use one or more sub-advisers.[6] Invesco Distributors, Inc. (''Distributor'') will be the principal underwriter and distributor of the Shares. The Bank of New York Mellon will act as the administrator, accounting agent, custodian, and transfer agent for the Fund.

The Exchange represents that the Adviser is not a broker-dealer although it is affiliated with the Distributor, which is a broker-dealer.[7] The Adviser has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange also represents that the Shares will be subject to Nasdaq Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares[8] and that for initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Act.[9]

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[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71892 (Apr. 7, 2014), 79 FR 20262 (''Notice'').

[4] In Amendment No. 1, Nasdaq amended the proposed rule change to: (i) Narrow the scope of the Fund's investments to exclude non-U.S. exchange traded index options; and (ii) specify where quotation and last sale information could be found for underlying exchange traded equities, options, and futures.

[5] The Trust has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission. *See* Registration Statement filed on November 27, 2013 (File Nos. 333–147622 and 811–22148). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the1940 Act. *See* Investment Company Act Release No. 28171 (February 27, 2008) (File No. 812–13386).

[6] The Exchange states that no sub-adviser had been selected as of the date of filing of the Notice. *See* Notice *supra* note 3, 79 FR at 20263, n.6.

[7] *See id.* at 20263. The Exchange states in the event (a) the Adviser becomes newly affiliated with a broker-dealer (or becomes a registered broker-dealer), or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, if applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. *See id.* at 20263.

[8] *See id.* at 20267.

[9] *See* 17 CFR 240.10A–3. *See also* Notice, *supra* note 3 at 20267.

The Exchange has made the following additional representations and statements in describing the Fund and its investment strategy, including portfolio holdings and investment restrictions:

Principal Investments

According to the Exchange, the Fund's investment objective will be to seek positive total returns that have low correlation to the broader securities markets. The Fund seeks to achieve its investment objective by actively investing in a combination of a varying number of market neutral and other investment strategies (''Strategies'') that aim to capture non-traditional risk premia across asset classes.

The Adviser will allocate the weightings of the Fund's investments across the multiple Strategies according to a rules-based methodology and will reallocate the Fund's assets among Strategies to achieve the Fund's investment objective. The Strategies may include, but are not limited to, quantitative, volatility risk premium and carry Strategies. The Strategies are similar to the strategies included in its benchmark, and the Fund may hold the same types of instruments in similar weightings as the benchmark. The Adviser is not obliged to track the performance of the benchmark and will use proprietary portfolio management techniques to seek to exceed the benchmark's performance.

The Fund may take both long and short positions in exchange-traded equity securities and equity index futures.[10] The Fund also may take a long and a short position in various currencies by investing in currency forward and/or futures contracts.[11]

Additionally, the Fund may invest in index options.[12] In following various Strategies, the Fund may purchase and sell interest rate futures, including Eurodollar interest rate futures or Euro Euribor interest rate futures, and Chicago Board Options Exchange Volatility Index futures contracts.[13]

The Subsidiary

The Fund may seek to gain exposure to these various derivative investments through investments in a subsidiary (''Subsidiary''), which in turn would make investments in those derivatives and other instruments. If utilized, the Subsidiary would be wholly-owned and controlled by the Fund, and its investments would be consolidated into the Fund's financial statements.

Should the Fund invest in the Subsidiary, that investment may not exceed 25% of the Fund's total assets at each quarter-end of the Fund's fiscal year. Further, should the Fund invest in the Subsidiary, it would be expected to provide the Fund with exposure to futures contracts and other derivatives within the limits of Subchapter M of the Internal Revenue Code applicable to investment companies, such as the Fund, which limit the ability of investment companies to invest directly in derivative instruments.

The Subsidiary would be able to invest in the same asset classes in which the Fund may invest, and the Subsidiary would be subject to the same general investment policies and restrictions as the Fund, except that, unlike the Fund, which must invest in derivatives in compliance with the requirements of Subchapter M of the Internal Revenue Code, federal securities laws and the Commodity Exchange Act, the Subsidiary may invest without limitation in futures contracts. According to the Exchange, references to the investment strategies and risks of the Fund include the investment strategies and risks of the Subsidiary.[14]

Other Investments

The Fund may invest in U.S. government securities, money market instruments, cash and cash equivalents (*e.g.,* corporate commercial paper) to provide liquidity and to collateralize its investments in derivative instruments.

The Fund may invest in: (i) Short-term obligations issued by the U.S. Government;[15] (ii) short term negotiable obligations of commercial banks, fixed time deposits and bankers' acceptances of U.S. and foreign banks and similar institutions;[16] and (iii) commercial paper rated at the date of purchase ''Prime-1'' by Moody's Investors Service, Inc. or ''A–1+'' or ''A–1'' by Standard & Poor's or, if unrated, of comparable quality, as the Adviser of the Fund determines.

In addition, the Fund may invest in non-exchange listed securities of other investment companies (including money market funds) beyond the limits permitted under the 1940 Act, subject to certain terms and conditions set forth in a Commission exemptive order issued pursuant to Section 12(d)(1)(J) of the 1940 Act.[17]

Investment Restrictions

The Fund may not concentrate its investments (*i.e.,* invest more than 25% of the value of its net assets) in securities of issuers in any one industry or group of industries. This restriction will not apply to obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities.

The Subsidiary's shares will be offered only to the Fund, and the Fund will not sell shares of the Subsidiary to other investors. The Fund and the Subsidiary will not invest in any non-U.S. equity securities (other than shares of the Subsidiary).

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities or other illiquid assets (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities or other illiquid assets. Illiquid securities and other illiquid assets include those subject to contractual or other restrictions on resale and other instruments or assets that lack readily available markets as determined in accordance with Commission staff guidance.

Additional information regarding the Trust, Fund, Subsidiary, and Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions and taxes, calculation of net asset value per share (''NAV''), availability of information, trading rules and halts, and surveillance procedures, among other things, can be

[10] These equity securities, including exchange-traded equity securities of registered investment companies, and equity index futures will be traded on U.S. exchanges or non-U.S. exchanges that are members of the Intermarket Surveillance Group (''ISG'').

[11] Currency futures contracts will be traded on U.S. exchanges or non-U.S. exchanges that are ISG members. Currency forward contracts will be traded over-the-counter.

[12] Index options will be traded on U.S. exchanges that are ISG members. *See* Notice, *supra* note 3, at 20263, n.12. *See also* Amendment No. 1, *supra,* note 4.

[13] These futures contracts will be traded on U.S. exchanges or non-U.S. exchanges that are ISG members. *See id.* at 20263, n.13.

[14] *See id.* at 20264.

[15] The Fund may invest in U.S. government obligations. Obligations issued or guaranteed by the U.S. Government, its agencies and instrumentalities include bills, notes and bonds issued by the U.S. Treasury, as well as ''stripped'' or ''zero coupon'' U.S. Treasury obligations representing future interest or principal payments on U.S. Treasury notes or bonds.

[16] Time deposits are non-negotiable deposits maintained in banking institutions for specified periods of time at stated interest rates. Banker's acceptances are time drafts drawn on commercial banks by borrowers, usually in connection with international transactions.

[17] Investment Company Act Release No. 30238 (October 23, 2012) (File No. 812–13820).

found in the Notice or the Registration Statement, as applicable.[18]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of Section 6 of the Act [19] and the rules and regulations thereunder applicable to a national securities exchange.[20] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[21] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Fund and the Shares must comply with the requirements of Nasdaq Rule 5735 to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[22] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans.[23] Quotation and last sale information for any underlying exchange-traded equity will also be available via the quote and trade service of their respective primary exchanges, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans.[24] Quotation and last sale information for any underlying exchange-traded options will also be available via the quote and trade service of their respective primary exchanges and through the Options Price Reporting Authority.[25] Quotation and last sale information for any underlying exchange-traded futures contracts will be available via the quote and trade service of their respective primary exchanges.[26] In addition, the Intraday Indicative Value (as defined in Nasdaq Rule 5735(c)(3)) will be based upon the current value of the components of the Disclosed Portfolio (as defined in Nasdaq Rule 5735(c)(2)), will be available on the NASDAQ OMX Information LLC proprietary index data service,[27] and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session.[28] On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio,[29] which will form the basis for the Fund's calculation of NAV at the end of the business day.[30] The NAV of the Fund will be determined once each business day, normally as of the close of trading on the New York Stock Exchange (normally 4:00 p.m. Eastern time).[31] Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services.[32] Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.[33] Intra-day, executable price quotations for the securities and other assets held by the Fund will be available from major broker-dealer firms or on the exchange on which they are traded, as applicable.[34] Intra-day price information will also be available through subscription services, such as Bloomberg, Markit, and Thomson Reuters, which can be accessed by authorized participants and other investors.[35] The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.[36]

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the issuer of the Shares that the NAV will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.[37] Further, trading in the Shares will be subject to Nasdaq 5735(d)(2)(D), which sets forth circumstances under which trading in the Shares may be halted.[38] The Exchange may halt trading in the Shares if trading is not occurring in the securities or the financial instruments constituting the Disclosed Portfolio or if other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[39] Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[40] The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees.[41] The Exchange states that the Adviser is not a broker-dealer and although it is affiliated a broker-dealer, the Adviser has implemented a fire wall with

[18] *See* Notice and Registration Statement, *supra* notes 3 and 5, respectively.

[19] 15 U.S.C. 78(f).

[20] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[23] *See* Notice, *supra* note 3, 79 FR at 20267.

[24] *See* Amendment No. 1, *supra* note 4.

[25] *See id.*

[26] *See id.*

[27] According to the Exchange, the NASDAQ OMX Global Index Data Service is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for exchange-traded funds. *See* Notice, *supra* note 3, 79 FR at 20266.

[28] *See id.*

[29] The Disclosed Portfolio will include, as applicable, the names, quantity, percentage weighting and market value of securities and other assets held by the Fund and the Subsidiary and the characteristics of such assets. *See id.*

[30] The Web site information will be publicly available at no charge. *See id.*

[31] *See id.* at 20265.

[32] *See id.* at 20267.

[33] *See id.*

[34] *See id.* 20266.

[35] *See id.* at 20267.

[36] *See id.* at 20266.

[37] *See id* at 20267.

[38] *See id.*

[39] *See id. See also* 5735(d)(2)(C) (providing additional considerations for the suspension of trading in or removal from listing of Managed Fund Shares on the Exchange). With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. *See* Notice, *supra* note 3, 79 FR at 20267.

[40] *See* Nasdaq Rule 5735(d)(2)(B)(ii).

[41] *See* Notice, *supra* note 3, 79 FR at 20267.

respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange also states that in the event (a) the Adviser becomes, or becomes newly affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate regarding access to information concerning the composition of or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the portfolio.[42]

In support of this proposal, the Exchange has made representations, including:

(1) The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities.

(2) The Shares will be subject to Nasdaq Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.

(3) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(4) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (c) how information regarding the Intraday Indicative Value is disseminated; (d) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) Trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

(6) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of the ISG[43] and FINRA may obtain trading information regarding trading in the Shares and exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement.

(7) For initial and continued listing, the Fund must be in compliance with Rule 10A–3 under the Exchange Act.[44]

(8) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.

(9) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment); will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained; and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets.

(10) The Fund will not be operated in a manner designed to seek a multiple of the performance of an underlying reference index.

(11) The Fund's investments will be consistent with the Fund's investment objective.

This approval order is based on all of the Exchange's representations and description of the Fund, including those set forth above and in the Notice.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–027, and should be submitted on or before June 20, 2014.

V. Accelerated Approval of Proposed Rule Change, As Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to

[42] *See supra* note 7 and accompanying text.

[43] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[44] 17 CFR 240.10A–3.

the thirtieth day after the date of publication of notice in the **Federal Register**. The amendment clarifies where price information can be found for certain underlying exchange traded assets, and thereby provides support that the overlying Shares will be fairly priced. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[45] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[46] that the proposed rule change (SR–NASDAQ–2014–027), as modified by Amendment No 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[47]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12521 Filed 5–29–14; 8:45 am]

BILLING CODE 8011–01–P

[45] 15 U.S.C. 78s(b)(2).

[46] 15 U.S.C. 78s(b)(2).

[47] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72246; File No. SR–BX–2014–027]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program

May 23, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on May 20, 2014, NASDAQ OMX BX, Inc. (''Exchange'' or ''BX'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX is filing with the Commission a proposal to amend Chapter VI, Section 5 (Minimum Increments) to amend Chapter VI, Section 5 (Minimum Increments) to: Extend through December 31, 2014, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot''), and to change the date when delisted classes may be replaced in the Penny Pilot.[3]

The Exchange requests that the Commission waive the 30-day operative delay period to the extent needed for timely industry-wide implementation of the proposal.

The text of the amended Exchange rule is set forth immediately below.

Proposed new language is *underlined* and proposed deleted language is [bracketed].

NASDAQ OMX BX Rules

Options Rules

* * * * *

Chapter VI Trading Systems

* * * * *

Sec. 5 Minimum Increments

(a) The Board may establish minimum quoting increments for options contracts traded on BX Options. Such minimum increments established by the Board will be designated as a stated policy, practice, or interpretation with respect to the administration of this Section within the meaning of Section 19 of the Exchange Act and will be filed with the SEC as a rule change for effectiveness upon filing. Until such time as the Board makes a change in the increments, the following principles shall apply:

(1) If the options series is trading at less than $3.00, five (5) cents;

(2) If the options series is trading at $3.00 or higher, ten (10) cents; and

(3) For a pilot period scheduled to expire on [June 30, 2014]*December 31, 2014,* if the options series is trading pursuant to the Penny Pilot program one (1) cent if the options series is trading at less than $3.00, five (5) cents if the options series is trading at $3.00 or higher, unless for QQQQs, SPY and IWM where the minimum quoting increment will be one cent for all series regardless of price. A list of such options shall be communicated to membership via an Options Trader Alert (''OTA'') posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [January 1, 2014]*July 1, 2014.*

(4) No Change.

(b) No Change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Chapter VI, Section 5 to extend the Penny Pilot through December 31, 2014, and to change the date when delisted classes may be replaced in the Penny Pilot.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2014.

The Exchange proposes to extend the time period of the Penny Pilot through December 31, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2014. The replacement issues will be selected based on trading activity in the previous six months.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot was established in June 2012 and extended in December 2013. *See* Securities Exchange Act Release Nos. 67256 (June 26, 2012), 77 FR 39277 (July 2, 2012) (SR–BX–2012–030) (order approving BX option rules and establishing Penny Pilot); and 71107 (December 17, 2013), 78 FR 77528 (December 23, 2013) (SR–BX–2013–061) (notice of filing and immediate effectiveness extending the Penny Pilot through June 30, 2014).

[4] The replacement issues will be announced to the Exchange's membership via an Options Trader

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal 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, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following July 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with 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 not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) [7] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2014–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2014–027. 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 BX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–BX–2014–027 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12526 Filed 5–29–14; 8:45 am]

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Alert (OTA) posted on the Exchange's Web site. The Exchange proposes in its Penny Pilot rule that replacement issues will be selected based on trading activity in the previous six months. The replacement issues would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2013 through May 31, 2014. The month immediately preceding the replacement issues' addition to the Pilot Program (i.e. June) would not be used for purposes of the six-month analysis.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72240; File No. SR–OC–2014–01]

Self-Regulatory Organizations; OneChicago, LLC; Notice of Filing of Proposed Rule Change to Suspend Competitive Trading of EFPs

May 23, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (the ''Act''),[1] notice is hereby given that on May 23, 2014, OneChicago, LLC (''OneChicago,'' ''OCX,'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule changes described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons. OneChicago has also filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). OneChicago filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'') [2] on May 13, 2014.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

OneChicago is proposing to file with the SEC Notice to Members (''NTM'') 2014–5. NTM 2014–5 suspends the trading of competitive Exchange of Future for Physical (''EFP'') transactions. After the close of trading on May 12, 2014, market participants may no longer execute transactions in competitive EFPs on the OCX.BETS central limit order book. Market participants may, however, continue to transact privately-negotiated, off-exchange EFPs and report the futures portion of such trades through the Exchange's block and EFP system called OCX.BETS in accordance with OCX Rule 416.

The rule change is attached as *Exhibit 4* to the filing submitted by the Exchange but is not attached to the published notice of the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OneChicago included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. 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 OneChicago's filing is to suspend, until further notice, competitive trading of EFPs on the OneChicago System. OneChicago is taking this action due to concerns expressed by the SEC Division of Trading and Markets with respect to OneChicago's offering of competitive EFP transactions.

2. Statutory Basis

OneChicago believes that the proposed rule change is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and national market system. OneChicago believes that suspending transactions with uncertain regulatory requirements will allow market participants to execute only those types of transactions that are certain to comply with the Act and the CEA.

B. Self-Regulatory Organization's Statement on Burden on Competition

OneChicago does not believe that the rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because it applies to all market participants equally.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the OneChicago proposed rule change have not been solicited and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change became effective on May 12, 2014.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[5]

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–OC–2014–01 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–OC–2014–01. 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

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78(f)(b)(5).

[5] 15 U.S.C. 78s(b)(1).

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–OC–2014–01, and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12520 Filed 5–29–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72243; File No. SR–MIAX–2014–21]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 510 To Extend the Penny Pilot Program

May 23, 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 19, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Rule 510, Interpretations and Policies .01 to extend the pilot program for the quoting and trading of certain options in pennies (the ''Penny Pilot Program'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is a participant in an industry-wide pilot program that provides for the quoting and trading of certain option classes in penny increments (the ''Penny Pilot Program'' or ''Program''). Specifically, the Penny Pilot Program allows the quoting and trading of certain option classes in minimum increments of $0.01 for all series in such option classes with a price of less than $3.00; and in minimum increments of $0.05 for all series in such option classes with a price of $3.00 or higher. Options overlying the PowerShares QQQ Trust (''QQQQ'')®, SPDR S&P 500 Exchange Traded Funds (''SPY''), and iShares Russell 2000 Index Funds (''IWM''), however, are quoted and traded in minimum increments of $0.01 for all series regardless of the price. The Penny Pilot Program was initiated at the then existing option exchanges in January 2007 and currently includes more than 300 of the most active option classes. The Penny Pilot Program is currently scheduled to expire on June 30, 2014. The purpose of the proposed rule change is to extend the Penny Pilot Program in its current format through December 31, 2014.

In addition to the extension of the Penny Pilot Program through December 31, 2014, the Exchange will replace any Penny Pilot issues that have been delisted with the next most actively traded multiply listed option classes that are not yet included in the Penny Pilot Program. The replacement issues will be selected based on trading activity in the previous six months and will be added to the Penny Pilot Program on the second trading day following July 1, 2014. Please note, the month immediately preceding a replacement class's addition to the Pilot program (*i.e.,* June) will not be used for purposes of the six-month analysis. Thus, a replacement added on the second trading day following July 1, 2014 will be identified based on trading activity from December 1, 2013 through May 31, 2014. Rule 510 has been updated to reflect the new date replacement issues will be added to the Penny Pilot Program.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)[3] of the Act in general, and furthers the objectives of Section 6(b)(5)[4] 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 proposed rule change, which extends the Penny Pilot Program for six months, allows the Exchange to continue to participate in a program that has been viewed as beneficial to traders, investors and public customers and viewed as successful by the other options exchanges participating in it.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. In addition, consistent with previous practices, the Exchange believes the other options exchanges will be filing similar extensions of the Penny Pilot Program.

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [5] and Rule 19b–4(f)(6) thereunder.[6] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6)(iii) [8] thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [9] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–21 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–2014–21. 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 20549–1090, 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–2014–21 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12523 Filed 5–29–14; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(6).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6)(iii). 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.

[9] 15 U.S.C. 78s(b)(2)(B).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72245; File No. SR–Phlx–2014–37]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Extension of the Exchange's Penny Pilot Program and Replacement of Penny Pilot Issues That Have Been Delisted

May 23, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on May 20, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Phlx Rule 1034 (Minimum Increments) to extend through December 31, 2014, the Penny Pilot Program in options classes in certain issues (''Penny Pilot'' or ''Pilot''), and to change the date when delisted classes may be replaced in the Penny Pilot.[3]

The Exchange requests that the Commission waive the 30-day operative delay period to the extent needed for timely industry-wide implementation of the proposal.

The text of the amended Exchange rule is set forth immediately below.

Proposed new language is *underlined* and proposed deleted language is [bracketed].

NASDAQ OMX PHLX Rules

Options Rules

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Penny Pilot was established in January 2007 and was last extended in December 2013. *See* Securities Exchange Act Release Nos. 55153 (January 23, 2007), 72 FR 4553 (January 31, 2007) (SR–Phlx–2006–74) (notice of filing and approval order establishing Penny Pilot); and 71106 (December 17, 2013), 78 FR 77509 (December 23, 2013) (SR–Phlx–2013–123) (notice of filing and immediate effectiveness extending the Penny Pilot through June 30, 2014).

Rule 1034. Minimum Increments

(a) Except as provided in sub-paragraphs (i)(B) and (iii) below, all options on stocks, index options, and Exchange Traded Fund Shares quoting in decimals at $3.00 or higher shall have a minimum increment of $.10, and all options on stocks and index options quoting in decimals under $3.00 shall have a minimum increment of $.05.

(i)(A) No Change.

(B) For a pilot period scheduled to expire [June 30, 2014]*December 31, 2014* (the ''pilot''), certain options shall be quoted and traded on the Exchange in minimum increments of $0.01 for all series in such options with a price of less than $3.00, and in minimum increments of $0.05 for all series in such options with a price of $3.00 or higher, except that options overlying the PowerShares QQQ Trust (''QQQQ'')®, SPDR S&P 500 Exchange Traded Funds (''SPY''), and iShares Russell 2000 Index Funds (''IWM'') shall be quoted and traded in minimum increments of $0.01 for all series regardless of the price. A list of such options shall be communicated to membership via an Options Trader Alert (''OTA'') posted on the Exchange's Web site.

The Exchange may replace any pilot issues that have been delisted with the next most actively traded multiply listed options classes that are not yet included in the pilot, based on trading activity in the previous six months. The replacement issues may be added to the pilot on the second trading day following [January 1, 2014]*July 1, 2014.*

(C) No Change.

(ii)–(v) No Change.

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Phlx Rule 1034 to extend the Penny Pilot through December 31, 2014, and to change the date when delisted classes may be replaced in the Penny Pilot.

Under the Penny Pilot, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot is currently scheduled to expire on June 30, 2014.

The Exchange proposes to extend the time period of the Penny Pilot through December 31, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2014. The replacement issues will be selected based on trading activity in the previous six months.[4]

This filing does not propose any substantive changes to the Penny Pilot Program; all classes currently participating in the Penny Pilot will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the potential increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal 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, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following July 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with 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 not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[4] The replacement issues will be announced to the Exchange's membership via an Options Trader Alert (OTA) posted on the Exchange's Web site. The Exchange proposes in its Penny Pilot rule that replacement issues will be selected based on trading activity in the previous six months. The replacement issues would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2013 through May 31, 2014. The month immediately preceding the replacement issues' addition to the Pilot Program (i.e. June) would not be used for purposes of the six-month analysis.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

19(b)(3)(A)[7] of the Act and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

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–Phlx–2014–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–37. 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 Phlx. 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–Phlx–2014–37 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72242; File No. SR–OCC–2014–09]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Concerning the Consolidation of the Governance Committee and Nominating Committee into a Single Committee, Changes to the Nominating Process for Directors, and Increasing the Number of Public Directors on The Options Clearing Corporation's Board of Directors

May 23, 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 13, 2014, The Options Clearing Corporation (''OCC'') 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 OCC.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would amend OCC's By-Laws regarding its Nominating Committee (''NC'') and the Charter for OCC's Governance Committee (''GC'') to consolidate the two Committees into a single Governance and Nominating Committee (''GNC''), make changes to OCC's nomination process for Directors and increase the number of Public Directors on OCC's Board of Directors. Conforming amendments to these changes are also proposed to OCC's Stockholders Agreement, Board of Directors Charter and Fitness Standards for Directors.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

OCC is proposing to amend its By-Laws and Governance Committee Charter to combine the current NC and GC to establish a single GNC, make changes concerning OCC's nomination process for Directors and to increase the number of Public Directors on OCC's Board of Directors (''Board''). The proposed modifications are based on recommendations from the GC in the course of carrying out its mandate of reviewing the overall corporate governance of OCC and recommending improvements to the structure of OCC's Board. In part, the GC's recommendations stem from suggestions of an outside consultant that was retained to review and report on OCC's governance structure in relationship to industry governance practices. To conform to these proposed changes OCC is also proposing to make certain edits to its Stockholders Agreement, Board of Directors Charter and Fitness Standards for Directors.

Currently, the GC operates pursuant to its own Charter.[4] The NC is not a Board level Committee and does not operate pursuant to a charter, however, provisions in Article III of OCC's By-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] OCC also filed the proposed change as an advance notice under Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act titled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Payment, Clearing and Settlement Supervision Act''). 12 U.S.C. 5465(e)(1). *See* AN–OCC–2014–802.

[4] Securities Exchange Act Release Nos. 71030 (Dec. 11, 2013), 78 FR 7612 (Dec. 16, 2013) (SR–OCC–2013–18); 71083 (Dec. 16, 2013), 78 FR 77182 (Dec. 20, 2013) (SR–OCC–2013–807).

Laws prescribe certain aspects of the NC's structure and operation. OCC is proposing to apply to the GNC many of the existing provisions of the relevant By-Laws and GC Charter that apply to the NC and GC. Where OCC is proposing amendments to the existing By-Laws and GC Charter, they are discussed below.

Certain provisions of Article III govern the role the NC plays in nominating persons as Member Directors [5] on OCC's Board as well as the composition and structure of the NC itself. The NC is required to endeavor to achieve balanced representation in its Member Director and Non-Director Member nominees, giving due consideration to business activities and geographic distribution.

Presently, the NC is composed of seven total members: One Public Director and six Non-Director Members.[6] The Public Director member, who is nominated by the Executive Chairman with the approval of a majority of the Board, generally serves a three year term, unless he or she ceases to be a Public Director. The six Non-Director Members nominated by the NC and selected by OCC's stockholders are divided into two equal classes of three members, and the classes serve staggered two year terms.[7] By comparison, the GC Charter requires the current GC to have not fewer than five directors and to include at least one Public Director, at least one Exchange Director, and at least one Member Director. It also provides that no Management Directors may serve on the Committee.

OCC's Board currently has 19 members consisting of nine Member Directors, five Exchange Directors, three Public Directors, who under Article III, Section 6A of OCC's By-Laws, may not be affiliated with any national securities exchange or national securities association or any broker or dealer in securities, and OCC's Executive Chairman and President, who are Management Directors. Based on recommendations from the GC in the course of review of OCC's overall corporate governance, OCC is proposing certain amendments detailed below to merge OCC's NC, GC and their related responsibilities into a single GNC and increase the number of Public Directors from three to five.

a. Proposed Amendments Common to the By-Laws and Other OCC Governance Documents

Certain of the proposed changes would amend the existing By-Laws as well as other governance documents of OCC. For example, conforming edits would be made throughout the By-Laws and GC Charter to delete NC and GC references and in many cases those references would be replaced with references to the GNC.

(1) GNC Composition

The new GNC would be composed of a minimum of three total members: At least one Public Director, at least one Exchange Director and at least one Member Director. To reflect this change, OCC would eliminate in Section 4 of Article III the requirement for six Non-Director Members, add requirements for at least one Member Director and one Exchange Director, and modify the current requirement for one Public Director to instead require that there must be *at least* one Public Director. The proposed composition for the GNC already mirrors the existing composition specified in the GC Charter. Therefore, no changes are proposed to the current GC Charter in that respect, other than the elimination of the requirements that the GNC have no fewer than five directors. That limitation would be eliminated with the goal of providing the Board with greater flexibility to determine the optimal size and composition of the GNC, so long as the composition also facilitates diverse representation by satisfying the proposed requirement for at least one GNC representative from each of the Member Director, Exchange Director and Public Director categories.

(2) GNC Member Appointment Process and Term Limits

The members of the GNC would be appointed annually by the Board from among certain Board members recommended by the GNC after consultation with OCC's Executive Chairman, and GNC Members would serve at the pleasure of the Board. The GNC's Chairman (''GNC Chair'') would be designated from among the GNC's Public Directors. Provisions implementing these changes would be added to Section 4 of Article III to entirely supplant the class and term limit structure and nominations process that currently applies to the NC and its Non-Director Members and Public Director, and references to Non-Director Members would be removed from the By-Laws. Section II.A. of the GC Charter would also be amended to reflect this structure for GNC nominations and appointments.

(3) Number of Public Directors and Member Directors

OCC is proposing to amend its By-Laws to increase the number of Public Directors on its Board from three to five and to make certain other changes related to the overall composition of the Board and the classification and term of office of Public Directors. The proposed change in the number of Public Directors from three to five would reconstitute OCC's Board with a total of 21 directors. OCC continues to believe that, as indicated in OCC's initial 1992 proposal to add Public Directors to its Board,[8] Public Directors broaden the mix of viewpoints and business expertise that is represented on the Board. Accordingly, OCC believes that the input and expertise of two more Public Directors will further benefit OCC in the administration of its affairs in respect of the markets that it serves, and in the discharge of its obligations as a systemically important financial market utility. In addition, the decision to add two more Public Directors is consistent with the principles discussed in the Commission's recent release on standards for covered clearing agencies.[9] In particular, the additional Public Directors would facilitate OCC's compliance with the public interest requirements of Section 17A of the Act and allow OCC to balance potentially competing viewpoints of various stakeholders in its decision making.

The proposed changes would remove a provision that currently is designed under certain conditions to automatically adjust the number of Member Directors serving on the Board. Article III, Section 1 requires that if the aggregate number of Exchange Directors and Public Directors equals at least nine, the total number of Member Directors must be automatically increased to always exceed that number by one. This provision would be removed to provide the Board with greater flexibility to be able to determine its optimal composition. OCC also proposes to make corresponding changes to Article III, Section 3 under

[5] Under Article III, Section 2 every Member Director must be either a Clearing Member or a representative of a Clearing Member Organization.

[6] Under Sections 4 and 5 of Article III, a Non-Director Member of the NC must be a representative of a Clearing Member and no person associated with the same Clearing Member Organization as a member of the NC may be nominated by the NC for a position as a Member Director on the Board of Directors or a Non-Director Member of the NC for the ensuing year.

[7] This tiered structure eliminated the complete turnover of the members of the NC each year and fostered greater continuity among its elected members. Securities Exchange Act Release No. 29437 (July 12, 1991), 56 FR 33319 (July 19, 1991) (SR–OCC–91–11).

[8] Securities Exchange Act Release No. 30328 (January 31, 1992), 57 FR 4784 (February 7, 1992) (SR–OCC–1992–02).

[9] Securities Exchange Act Release No. 71699 (March 12, 2014), 79 FR 16866 (March 26, 2014).

which it would remove provisions that provide for the classification and term of office of Member Directors where the number of Member Directors increases based on the provision in Article III, Section 1 that OCC proposes to delete. The proposed changes also remove a provision that reduces the number of Member Directors if the number is above nine and exceeds the sum of the number of Exchange Directors and the number of Public Directors by more than one, because as a result of the deletion of the above provision in Article III, Section 1, the number of Member Directors would be fixed at nine.

OCC is also proposing certain amendments to its Stockholders Agreement, Board of Directors Charter and Fitness Standards for Directors, Clearing Members and Others. In each case, conforming changes would be made to recognize the merger of the Nominating Committee and Governance Committee into the GNC as a standing Committee of the Board and reflect the role it would play in OCC's director nomination process. The proposed modifications to the Board Charter and Fitness Standards would reflect the increase in the number of Public Directors serving on the Board from three to five and the removal of the provision that currently is designed under certain conditions to automatically adjust the number of Member Directors serving on the Board. The criteria specified in the Fitness Standards for Directors, Clearing Members and Others for use in considering Member Director nominees would also be revised for consistency with the criteria proposed to be added to Article III, Section 5 designed to achieve balanced Board representation.

The Stockholders Agreement also contains proposed amendments to replace the term Chairman with Executive Chairman. This parallels a separate proposed amendment by OCC to implement this change in its By-Laws and Rules, but a consolidated amendment to the Stockholders Agreement is proposed for ease of administration.

b. Proposed Amendments to By-Laws Only

As explained in more detail below, certain of the proposed changes would require amendments only to OCC's existing By-Laws. One such example is that Sections 2 and 5 of Article III would be amended to remove prohibitions against representation of the same Clearing Member Organization on the Board and the NC.[10] This barrier would be eliminated since GNC members will be selected from among the members of the Board under the new approach.

(1) Balanced Representation

The NC's responsibility to endeavor to achieve balanced representation among Clearing Members on the Board would be carried over to the GNC. The proposed amendments would also add more detailed guidance for the GNC concerning how to achieve balanced Board representation. Specifically, the GNC would be required to assure that not all of the Member Directors represent the Clearing Member Organizations having the largest volume of business with OCC during the prior year and that the mix of Member Directors includes Clearing Member Organizations primarily engaged in agency trading on behalf of retail customers or individual investors.

(2) Nomination and Election Process

In place of the existing structure under which the NC nominates candidates to be Non-Director Members, who are not also required to be Board members, the Board would appoint members to the GNC from among the Board's members who are recommended by the GNC. This change requires certain proposed modifications to the nomination and election process currently reflected in Article III, Section 5. Changes are also proposed that would change the deadlines for nominations of Member Directors by both the GNC and Clearing Members, and OCC would preserve the petition process by which Clearing Members may nominate additional candidates for Member Director positions on the Board. In recognition of the elimination of the concept of Non-Director Members, several provisions in Section 5 of Article III addressing the ability of stockholders to elect or nominate Non-Director Members of the NC would be deleted. In relevant part, however, these provisions would be retained to the extent they apply to the ability of stockholders under certain conditions to nominate and elect Member Directors of the Board.

(3) Public Directors

Proposed changes to Section 6A of Article III would require the GNC to nominate Public Directors for election by OCC's stockholders and to use OCC's fitness standards in making such nominations. Presently, OCC's Executive Chairman makes Public Director nominations with Board approval. Changes are also proposed to help clarify the class structure and term limits of Public Directors that are independent of changes proposed to facilitate the formation of the GNC. These changes would specify that, aside from the Class II Public Director who was elected to the Board at the 2011 annual meeting, two other Public Directors were appointed to the Board prior to its 2013 annual meeting, one designated as a Class I Public Director and the other designated as a Class III Public Director. Generally, the three year terms for Public Directors with staggered expiration for each class would be preserved, however, an exception would be added for the initial Class I and III Public Directors.

The proposed changes to Article III, Section 6A would also provide for the classification of the two new Public Directors, who will be first appointed or elected after the 2014 annual meeting. One of the new Public Directors will be designated as a Class I Public Director, and the other will be designated as a Class III Public Director. The proposed changes also establish the times at which the successors of the two new Public Directors will be elected. The successor of the new Public Director that is a Class III Public Director will be elected at the 2015 annual meeting of stockholders, and the successor of the new Public Director that is a Class I Public Director will be elected at the 2016 annual meeting.

(4) Disqualifications and Filling Vacancies and Newly Created Directorships

The disqualification provisions in Article III, Section 11 would be revised to reflect that any determination to disqualify a director would be effective and result in a vacancy only if the GNC makes a recommendation for disqualification in addition to an affirmative vote for disqualification by a majority of the whole Board. The By-Laws currently provide that if a Member Director vacancy is filled by the Board, the person filling the vacancy will serve until the next scheduled election for the relevant class of Member Director and a successor is elected. However, if the term for that class of Member Director extends beyond the Board's next annual meeting the vacancy must be filled by a person who is recommended by the Nominating Committee. Proposed changes to these terms in respect of the GNC would require the Board in all cases to appoint a person who is recommended by the GNC. Similarly,

[10] A Clearing Member Organization is a Clearing Member that is a legal entity rather than a natural person.

Public Director vacancies would be required to be filled by the Board as generally provided for in Section 6A of Article III, including with regard to candidates being nominated by the GNC using OCC's fitness standards for directors. Provisions concerning filling vacancies with respect to the NC would be deleted, consistent with its elimination in favor of the GNC.

(5) Ministerial Changes

The proposed changes to Article III also include certain ministerial changes. A reference to stockholder exchanges in the interpretation and policy to Section 6 would be replaced by the defined term Equity Exchanges, and a reference in Section 14 to notice by telegram would be changed to facsimile to reflect current means of communication.

c. Proposed Amendments to the GC Charter Only

Certain of the proposed amendments relating to the creation of the GNC would apply only to OCC's existing GC Charter. These amendments are discussed below.

(1) GNC Purpose

The statement of purpose in the GC Charter would be revised to reflect the GNC's larger scope of responsibilities. The existing GC purpose of reviewing the overall corporate governance of OCC would be maintained, along with language clarifying that this review would be performed on a regular basis and that recommendations concerning Board improvements should be made when necessary. The GNC Charter would also provide that the GNC assists the Board in identifying, screening and reviewing individuals qualified to serve as directors and by recommending candidates to the Board for nomination for election at the annual meeting of stockholders or to fill vacancies. The GNC Charter would also specify that the GNC would develop and recommend to the Board, and oversee the implementation of, a Board Code of Conduct.

(2) GNC Membership and Organization

The requirement in the GC Charter that the GC hold four meetings annually would be modified to also permit the GNC to call additional meetings as it deems appropriate.[11] The GC Charter requirement for regular reporting to the Board on Committee activities by the GC chair or a designee would be revised in favor of placing the reporting responsibility solely on the GNC Chair and requiring the GNC Chair to make timely reports to the Board on important issues discussed at GNC meetings. Taking into consideration certain pre-established guidelines in the GNC Charter, the GNC Chair would also be given responsibility for determining whether minutes should be recorded at any executive session. Aside from this exception for executive sessions, GNC meeting minutes would be required to be recorded. The GNC Charter would also create a position to be filled by an OCC officer who would assist the GNC and liaise between it and OCC's staff.

(3) GNC Authority

As in the case of the existing GC, the GNC would have authority to inquire into any matter relevant to its purpose and responsibilities in the course of carrying out its duties. The GNC Charter would further specify that in connection with any such inquiry the GNC would have access to all books, records, facilities and personnel of OCC. Unlike the existing GC Charter, the GNC Charter would not provide express authority for the GNC to rely on members of OCC's management for assistance. Instead, this relationship between the GNC and OCC's management would be more specifically addressed through the role of the newly created staff liaison position. Additional revisions to the GC Charter would also establish that the GNC Chair would not have discretion to take unilateral action on behalf of the Committee, even in special circumstances.

(4) Board Composition

Without limiting the GNC to particular activities, the GNC Charter would specify certain responsibilities meant to guide the GNC in achieving its purposes, including with respect to its role in the development of the Board's composition. As an overarching goal, the GNC's Charter would require it to pursue development of a Board comprised of individuals who have a reputation for integrity and represent diverse professional backgrounds as well as a broad spectrum of experience and expertise. The GNC Charter would also prescribe more detailed responsibilities designed to further this goal. For example, the GNC would be required to conduct periodic reviews of the composition of the Board against the goal, including whether the Board reflects the appropriate balance of types of directors, business specialization, technical skills, diversity and other qualities.[12] The GNC would be required to recommend policies and procedures to the Board for identifying and reviewing Board nominee candidates, and it would implement and oversee the effectiveness of those policies, including with regard to criteria for Board nominees. Using criteria approved by the Board, the GNC would identify, screen and review persons who it determines are qualified to serve as directors. This process would also extend to incumbent directors concerning any potential re-nomination. In all cases, the GNC would only recommend candidates to the Board for nomination for election after consulting with OCC's Executive Chairman. In the event that a sitting director offers to resign because of a change in occupation or business association, the GNC would be responsible for reviewing whether continued service is appropriate and making a recommendation of any action, consistent with OCC's By-Laws and Rules, that should be taken by the Board. The GNC would also undertake periodic reviews of term limits for certain directors and recommend changes to these limits where appropriate.

(5) Governance Practices

The GNC would have responsibility for reviewing the Board's Charter for consistency with regulatory requirements, transparency of the governance process and other sound governance practices. Currently, this is a GC function, and certain GC Charter amendments are proposed to help further detail the GNC's review responsibilities. These include a general responsibility to recommend changes, as the GNC deems appropriate, to the Board concerning Committee Charters. This would include the GNC Charter, which the GNC would be required to review annually.[13] In connection with a periodic review of Board Committee structure, the GNC would advise the Board regarding related matters of structure, operations and charters. Furthermore, and in each case after consultation with OCC's Executive Chairman, the GNC would recommend to the Board for its approval certain directors for Committee service as well as for assignment as Committee chair persons.

[11] This would bring the Governance and Nominating Committee Charter in line with the Charters of OCC's other Board Committees.

[12] The GNC would also review director conflicts of interest and the manner in which any such conflicts are to be monitored and resolved.

[13] As part of the annual review, the GNC would also submit the GNC Charter to the Board for re-approval, including any changes the GNC deems advisable.

The GNC would develop and recommend to the Board the annual process used by the Board and Board Committees for self-evaluation of their role and performance in the governance of OCC. The GNC would also be responsible for coordinating and providing oversight of that process. Corporate governance principles applicable to OCC would be developed by the GNC for recommendation to the Board, and the GNC would review them at least once a year.

(6) Other Proposed GC Charter Amendments

The GNC Charter would require the Committee to regularly evaluate its performance and the performance of its individual members and provide results of such assessments to the Board. It would also require an annual report to be prepared by the GNC and delivered to the Board regarding the GNC's activities for the preceding year, and the GNC would be required to include a statement that it carried out all of its GNC Charter responsibilities. In addition to such responsibilities, the GNC would generally be empowered to perform any other duties that it deems necessary or appropriate and consistent with the GNC Charter or as may otherwise be further delegated to it by the Board.

d. Fair Representation Requirement for Clearing Agencies

Section 17A(b)(3)(C) of the Act requires the rules of a clearing agency to assure fair representation of its shareholders (or members) and participants [14] in the selection of its directors and administration of its affairs.[15] The Act does not define fair representation but instead reserves to the Commission the authority to determine whether a clearing agency's rules give fair voice to participants and shareholders or members in the selection of directors and administration of affairs. On this subject, the Division of Market Regulation's Announcement of Standards for the Registration of Clearing Agencies provides that a clearing agency's procedures concerning fair representation are evaluated on a case-by-case basis but that a clearing agency could comply with the standard, including with respect to board nominations, through the use of a nominating committee composed of and selected by participants or their representatives.[16] Subsequent Commission guidance in this area also provides that the entity responsible for nominating individuals for membership on the board of directors should be obligated by by-law or rule to make nominations with a view toward assuring fair representation of the interests of shareholders and a cross-section of the community of participants.[17]

OCC believes for several reasons that the proposed amendments to the By-Laws and GC Charter would continue to assure fair representation of OCC's shareholders and participants in the selection of its directors and the administration of its affairs. First, as the body responsible for nominating Member Director and Public Director candidates to OCC's Board, the GNC would be composed of and selected by OCC's participants and shareholders or their representatives because, along with at least one Public Director, the GNC would be composed of Board members who represent OCC's Clearing Members and equity exchanges. Furthermore, the GNC would be obligated by OCC's By-Laws and the GNC Charter to make nominations that serve the interests of shareholders and a cross-section of participants because it would be required to nominate candidates with a view toward: Assuring that the Board consists of, among other things, individuals who have a reputation for integrity and represent diverse professional backgrounds and a broad spectrum of experience and expertise; that not all Member Directors of the Board would represent the largest Clearing Member Organizations; and that the mix of Member Directors on the Board should include representatives of Clearing Member Organizations primarily engaged in agency trading on behalf of retail customers or individual investors. Finally, rather than prescribing pre-set term limits, OCC believes that having GNC members serve at the pleasure of the Board would help foster continuity on the GNC and thereby strengthen the quality of the representation of OCC's participants and shareholders in the administration of its affairs.

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A(b)(3)(C) of the Act,[18] and the rules and regulations thereunder because by creating the GNC and requiring it to in part be composed of and selected by representatives of OCC's participants and also requiring it to nominate candidates to the Board with a view toward, among other things, assuring diverse professional backgrounds and a broad spectrum of experience and expertise, the proposed changes would help assure fair representation of OCC's shareholders and participants in the selection of OCC's directors and the administration of its affairs. OCC also believes the proposed rule change is consistent with Rule 17Ad–22(d)(8) [19] because by, among other things, creating a framework that requires the GNC to be composed of representatives of at least one Member Director, Exchange Director and Public Director, requiring the GNC to endeavor to develop a Board that represents a broad range of skills and experience and increasing the number of Public Directors the proposed changes would help ensure that OCC continues to have clear and transparent governance arrangements that fulfill the public interest requirements of Section 17A of the Act, support the objectives of OCC's owners and participants and promote the effectiveness of OCC's risk management procedures. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.[20] Changes to the rules of a clearing agency may have an impact on the participants in a clearing agency, their customers, and the markets that the clearing agency serves. This proposed rule change primarily affects certain Clearing Members and participant exchanges, through their respective representative directors, in terms of how they would participate in OCC's governance process on the Board and Board Committees. For example, OCC believes that the proposed formation of the GNC would help to consolidate and improve the efficiency of Board level action regarding roles and responsibilities that

[14] In relevant part, a clearing agency participant is defined in Section 3(a)(24) of the Act as ''any person who uses a clearing agency to clear or settle securities transactions or to transfer, pledge, lend, or hypothecate securities. . .''

[15] 15 U.S.C. 78q–1(b)(3)(C). The statute further provides that one way of establishing that the representation of participants is fair is by affording them a reasonable opportunity to acquire voting stock of the clearing agency in reasonable proportion to their use.

[16] Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41 (June 23, 1980) (citing in relevant part Securities Exchange Act Release 14531 (March 6, 1978), 43 FR 10288, 10291 (March 10, 1978) regarding proposed Commission-level standards for clearing agency registration). The Division of Market Regulation is now known as the Division of Trading and Markets.

[17] Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167, 45172 (October 3, 1983) (Depository Trust Co., et. al.; Order).

[18] 15 U.S.C. 78q–1(b)(3)(C).

[19] 17 CFR 240.17Ad–22(d)(8).

[20] 15 U.S.C. 78q–1(b)(3)(I).

are related but are currently performed separately by the NC and GC and that adding two Public Directors to the Board would broaden the mix of viewpoints and business expertise that informs the administration of OCC's affairs with respect to the markets that it serves. These proposed modifications would not disadvantage or favor any particular user in relationship to another user because they relate to the overarching governance structure of OCC that affects all users and does not relate directly to any particular service or particular use of OCC's facilities.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies and would not impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[21]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2014–09 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–OCC–2014–09. 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 20549–1090 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 OCC and on OCC's Web site: *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_14_09.pdf.*

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–OCC–2014–09 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12522 Filed 5–29–14; 8:45 am]

BILLING CODE 8011–01–P

[21] OCC also filed the proposed rule change as an advance notice under Section 806(e)(1) of the Payment, Clearing and Settlement Supervision Act. *See supra* note 3.

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72239; File No. SR–BX–2014–026]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

May 23, 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 16, 2014, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposed to amend Chapter XV, Section 2 entitled ''BX Options Market—Fees and Rebates''. Specifically, the Exchange is proposing to amend Routing Fees. While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on June 2, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Routing Fees in Chapter XV, Section 2(3) to recoup costs incurred by the Exchange to route orders to away markets.

Today, the Exchange assesses a Non-Customer a $0.95 per contract Routing Fee to any options exchange. The Customer [3] Routing Fee for option orders routed to NASDAQ OMX PHLX LLC (''PHLX'') and The NASDAQ Options Market LLC (''NOM'') is a $0.10 per contract Fixed Fee in addition to the actual transaction fee assessed. The Customer Routing Fee for option orders routed to all other options exchanges [4] (excluding PHLX and NOM) is a fixed fee of $0.20 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. If the away market pays a rebate, the Routing Fee is $0.10 per contract.

With respect to the fixed costs, the Exchange incurs a fee when it utilizes Nasdaq Execution Services LLC (''NES''),[5] a member of the Exchange and the Exchange's exclusive order router. Each time NES routes an order to an away market, NES is charged a clearing fee [6] and, in the case of certain exchanges, a transaction fee is also charged in certain symbols, which fees are passed through to the Exchange. The Exchange currently recoups clearing and transaction charges incurred by the Exchange as well as certain other costs incurred by the Exchange when routing to away markets, such as administrative and technical costs associated with operating NES, membership fees at away markets, Options Regulatory Fees (''ORFs''), staffing and technical costs associated with routing options. The Exchange assesses the actual away market fee at the time that the order was entered into the Exchange's System. This transaction fee is calculated on an order-by-order basis since different away markets charge different amounts.

The Exchange is proposing to increase Routing Fees to account for increased OCC fees and other increased costs associated with clearing, ORFs and other operational costs. The Exchange proposes to increase Routing Fees for Non-Customer orders from $0.95 to $0.97 per contract. The Exchange also proposes to increase Customer Routing Fees as described herein. The Exchange proposes to increase Customer Routing Fees to NOM and PHLX from a Fixed Fee of $0.10 to $0.12 per contract, in addition to the actual transaction fee assessed. The Exchange also proposes to amend Routing Fees to all other exchanges (except NOM and PHLX) from $0.20 to $0.22 per contract, in addition to the actual transaction fee assessed, provided the away market does not pay a rebate. If the away market pays a rebate, the Routing Fee assessed would be $0.12 per contract, an increase from the current $0.10 per contract. The Exchange proposes these increases to recoup an additional portion of the costs incurred by the Exchange for routing these orders.

The Exchange is proposing to increase Non-Customer and Customer Routing Fees by $0.02 per contract to cover the increased costs of offering its members the opportunity to route to other options exchanges. With the recent increase by OCC [7] as well as increases in ORFs and BX's operational expenses, the Exchange seeks to further recoup a portion of increased costs with the increase to its Routing Fees.

The Exchange is proposing to amend the Customer Routing Fee assessed when routing to all other options exchanges, if the away market pays a rebate, from a $0.10 to a $0.12 per contract Fixed Fee, in order to recoup an additional portion of the costs incurred by the Exchange for routing these orders. The Exchange does not assess the actual transaction fee assessed by the away market, rather the Exchange only assesses the Fixed Fee, because the Exchange would continue to retain the rebate to offset the cost to route orders to these away markets. This will remain the same.

2. Statutory Basis

BX believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [8] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act [9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which it operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that amending the Non-Customer and Customer Routing Fees by $0.02 per contracts is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Non-Customer and Customer orders. Specifically, the Exchange's proposal to increase Non-Customer fees from $0.95 to $0.97 per contract is reasonable because the additional $0.02 per contract fee will recoup increased costs borne by BX.

The Exchange believes that amending the Customer Routing Fees for orders routed to NOM and PHLX from a Fixed Fee of $0.10 to $0.12 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing Customer orders to NOM or PHLX. The Exchange will continue to also assess actual transaction fees assessed by NOM and PHLX for Customer orders.

The Exchange believes that continuing to assess lower Fixed Fees to route Customer orders to NOM and PHLX, as compared to other options exchanges, is reasonable as the Exchange is able to leverage certain infrastructure to offer those markets lower fees as explained further below.

The Exchange believes that increasing the fee for routing to all other options exchanges (other than NOM and PHLX) from $0.20 to $0.22 per contact is reasonable because the increased fee would recoup costs associated with routing Customer orders, in addition to the actual transaction fee when no rebate is paid. Similarly, the Exchange believes that amending the Customer Routing Fee to other away markets, other than NOM and PHLX, in the instance the away market pays a rebate from $0.10 to $0.12 per contract is reasonable because the Exchange desires to recoup an additional portion of the cost it incurs when routing orders to these away markets. While the Exchange would continue to retain any rebate paid by these away markets, the Exchange does not assess the actual transaction fee that is charged by the away market for Customer orders. The

[3] The term ''Customer'' or (''C'') applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)).

[4] Including BATS Exchange, Inc. (''BATS''), BOX Options Exchange LLC (''BOX''), the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Incorporated (''C2''), International Securities Exchange, LLC (''ISE''), the Miami International Securities Exchange, LLC (''MIAX''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE Amex'') and ISE Gemini, LLC (''Gemini'').

[5] The Exchange filed a proposed rule change to utilize Nasdaq Execution Services, LLC (''NES'') for outbound order routing. *See* Securities Exchange Act Release No. 71420 (January 28, 2014), 79 FR 6256 (February 3, 2014) (SR–BX–2014–004).

[6] OCC assessed a $0.01 per contract side. The fee has recently been increased from $0.01 to $0.02 per contract side. *See* Securities Exchange Act Release No. 71769 (March 21, 2014), 79 FR 17214 (March 21, 2014) (SR–OCC–2014–05).

[7] *Id.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4), (5).

Fixed Fee for Customer orders is an approximation of the costs the Exchange will be charged for routing orders to away markets. As a general matter, the Exchange believes that the proposed fees for Customer orders routed to markets which pay a rebate would allow it to recoup and cover a portion of the costs of providing optional routing services for Customer orders because it better approximates the costs incurred by the Exchange for routing such orders. While each destination market's transaction charge varies and there is a cost incurred by the Exchange when routing orders to away markets, including, OCC clearing costs, administrative and technical costs associated with operating NES, membership fees at away markets, ORFs and technical costs associated with routing options, the Exchange believes that the proposed Routing Fees will enable it to recover the increased costs it incurs to route Customer orders to away markets.

The Exchange believes that amending the Non-Customer Routing Fees from $0.95 to $0.97 per contract is equitable and not unfairly discriminatory because the Exchange would assess the same Non-Customer Routing Fee to all Non-Customer orders routed away. The Exchange believes that amending the Customer Routing Fee for orders routed to NOM and PHLX from a Fixed Fee of $0.10 to $0.12 per contract, in addition to the actual transaction fee, is equitable and not unfairly discriminatory because the Exchange would assess the same Fixed Fee to all orders routed to NOM or PHLX in addition to the transaction fee assessed by that market.

With respect to routing Customer orders to all other away markets (except NOM and PHLX) the Exchange believes that amending the Customer Routing Fee from $0.20 to $0.22 per contract, in addition to the actual transaction fee assessed) is equitable and not unfairly discriminatory because the Exchange would assess the same fee to all Customer orders routed to away markets, provided the away market does not pay a rebate. The Exchange believes that increasing the Routing Fee to away markets (other than NOM and PHLX), when the away market pays a rebate, from $0.10 to $0.12 per contract is equitable and not unfairly discriminatory because all Customer orders routed to away markets (other than NOM and PHLX) would be assessed the same fee, provided the away market paid a rebate.

The Exchange would uniformly assess a $0.12 per contract Fixed Fee to orders routed to NASDAQ OMX exchanges because the Exchange is passing along the saving realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when those orders are routed to NOM or PHLX and is providing those savings to all market participants. Furthermore, it is important to note that when orders are routed to an away market they are routed based on price first.[10] The Exchange believes that it is equitable and not unfairly discriminatory to assess a fixed cost of $0.12 per contract to route orders to NOM and PHLX because the cost, in terms of actual cash outlays, to the Exchange to route to those markets is lower. For example, costs related to routing to NOM and PHLX are lower as compared to other away markets because NES is utilized by all three exchanges to route orders.[11] NES and the three NASDAQ OMX options markets have a common data center and staff that are responsible for the day-to-day operations of NES. Because the three exchanges are in a common data center, Routing Fees are reduced because costly expenses related to, for example, telecommunication lines to obtain connectivity are avoided when routing orders in this instance. The costs related to connectivity to route orders to other NASDAQ OMX exchanges are lower than the costs to route to a non-NASDAQ OMX exchange. When routing orders to non-NASDAQ OMX exchanges, the Exchange incurs costly connectivity charges related to telecommunication lines, membership and access fees, and other related costs when routing orders. Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[12] Also, orders are routed to an away market based on price first.[13]

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposal creates a burden on intra-market competition because the Exchange is applying the same Routing Fee increase of $0.02 per contract to all market participants. The Exchange will continue to assess separate Customer Routing Fees. Customers will continue to receive the lowest fees as compared to Non-Customers when routing orders, as is the case today. Other options exchanges also assess lower Routing Fees for customer orders as compared to non-customer orders.[14] Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[15] Also, orders are routed to an away market based on price first.[16]

The Exchange's proposal would allow the Exchange to continue to recoup its costs when routing both Non-Customer and Customer orders. The Exchange continues to pass along savings realized by leveraging NASDAQ OMX's infrastructure and scale to market participants when Customer orders are routed to NOM and PHLX and is providing those savings to all market participants. Today, other options exchanges also assess fixed routing fees to recoup costs incurred by the exchange to route orders to away markets.[17]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[18] 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.

[10] *See* BX Rules at Chapter VI, Section 11(e) (Order Routing).

[11] *See* Chapter VI, Section 11 of the NOM and BX Rules and PHLX Rule 1080(m)(iii).

[12] *See* note 11.

[13] *Id.*

[14] BATS assesses lower customer routing fees as compared to non-customer routing fees per the away market. For example BATS assesses Phlx customer routing fees of $0.45 per contract and an ISE non-customer routing fee of $0.65 per contract. *See* BATS BZX Exchange Fee Schedule.

[15] *See* note 11.

[16] *Id.*

[17] *See* CBOE's Fees Schedule and ISE's Fee Schedule.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2014–026 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2014–026. 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–BX–2014–026 and should be submitted on or before June 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12519 Filed 5–29–14; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

In the Matter of Asia Global Holdings Corp., Ikona Gear International, Inc., Imagin Molecular Corp. (n/k/a The Planet Bottle Corporation), Sungold International Holdings Corp., and Westergaard.com, Inc., Order of Suspension of Trading File No. 500–1

May 28, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Asia Global Holdings Corp. because it has not filed any periodic reports since the period ended June 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ikona Gear International, Inc. because it has not filed any periodic reports since the period ended May 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Imagin Molecular Corp. (n/k/a The Planet Bottle Corporation) because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sungold International Holdings Corp. because it has not filed any periodic reports since the period ended August 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Westergaard.com, Inc. because it has not filed any periodic reports since the period ended June 30, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on May 28, 2014, through 11:59 p.m. EDT on June 10, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–12669 Filed 5–28–14; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13971 and #13972]

Florida Disaster Number FL–00100

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4177–DR), dated 05/06/2014.

Incident: Severe storms, tornadoes, straight-line winds, and flooding.

Incident Period: 04/28/2014 through 05/06/2014.

Effective Date: 05/21/2014.

Physical Loan Application Deadline Date: 07/07/2014.

EIDL Loan Application Deadline Date: 02/06/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Florida, dated 05/06/2014 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Jackson

Contiguous Counties: (Economic Injury Loans Only):

Florida: Calhoun Gadsden Liberty

Alabama: Houston

Georgia: Seminole

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2014–12556 Filed 5–29–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Women's Business Council; Quarterly Public Meeting

AGENCY: National Women's Business Council, SBA.

ACTION: Notice of open public meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time,

and agenda for its public meeting of the National Women's Business Council. The meeting will be open to the public.

DATES: June 25th, 2014 from 11:30 a.m. Eastern Time to 1:00 p.m. Eastern Time. This meeting will take place virtually.

ADDRESSES: Please contact Krystal Glass at *Krystal.glass@nwbc.gov* to receive information on the virtual meeting.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the National Women's Business Council. The National Women's Business Council is tasked with providing policy recommendations on issues of importance to women business owners to the President, Congress, and the SBA Administrator. The purpose of the meeting is to provide updates on the NWBC's action items for fiscal year 2014 included but not limited to procurement, access to capital, access to markets, young and high-growth women entrepreneurs. The topics to be discussed will include an update from each of the NWBC's committees, a mid-year report and engagement strategy update.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to attend must email their interest to *krystal.glass@nwbc.gov* no later than June 18th, 2014.

Those needing special accommodation in order to attend or participate in the meeting, please contact *krystal.glass@nwbc.gov* no later than June 18th, 2014.

For more information, please visit our Web site at *www.nwbc.gov.*

Dated: May 23, 2014.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2014–12559 Filed 5–29–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Annual Meeting of the Regional Small Business Regulatory Fairness Boards Office of the National Ombudsman

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open meeting of the Regional Small Business Regulatory Fairness Boards.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date, time and agenda for the annual board meeting of the ten Regional Small Business Regulatory Fairness Boards. The meeting is open to the public.

DATES: The meeting will be held on: Thursday, June 26, 2014 from 9:00 a.m. to 5:00 p.m. EST and Friday, June 27, 2014 from 9:00 a.m. to 4:00 p.m. EST.

ADDRESSES: The meeting will be at the SBA Headquarters Building, 409 3rd Street SW., Eisenhower Conference Center, Concourse Level, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the meeting of the Regional Regulatory Fairness Boards. The Regional Regulatory Fairness Boards are tasked to advise the National Ombudsman on matters of concern to small businesses relating to enforcement activities of agencies and to report on substantiated instances of excessive enforcement actions against small business concerns, including any findings or recommendations of the Board as to agency enforcement practice or policy.

The purpose of the meeting is to discuss the following topics related to the Regional Small Business Regulatory Fairness Boards:

Regulating to Empower All Members of the Small Business Community: SBA Program Updates
—Q & As
—Regulatory Outlook from the Office of Information and Regulatory Affairs (OIRA)
—Jumpstart Our Business Startups (JOBS) Act Update
—Affordable Care Act (ACA) Updates related to Small Business
—Regulatory Update from SBA Office of Advocacy
—Regional Board Meetings
—Ethics and Standard of Conduct Briefing for Regional Regulatory Fairness Board members

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Regulatory Fairness Boards must contact José Méndez, Case Management Specialist, Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416 before June 18, 2014 by phone (202) 205–2417, fax (202) 481–5719 or email *ombudsman-events@sba.gov.*

Additionally, if you need accommodations because of a disability or require additional information, please contact José Méndez as well.

For more information on the Office of the National Ombudsman, please visit our Web site at *www.sba.gov/ombudsman.*

Dated: May 22, 2014.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2014–12557 Filed 5–29–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Regulatory Fairness Hearing; Region III Regulatory Fairness Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Hearing of the Regional Small Business Regulatory Fairness Board.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date and time of the National Regulatory Fairness Hearing. This hearing is open to the public.

DATES: The hearing will be held on Wednesday, June 25, 2014 from 9:30 a.m. to 1:00 p.m. (EST).

ADDRESSES: The meeting will be at the Environmental Protection Agency (EPA), William Jefferson Clinton East Building at 1201 Constitution Avenue NW., Room 1153, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the meeting for Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting their members.

FOR FURTHER INFORMATION CONTACT: The hearing is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Region III Regulatory Fairness Board must contact José Méndez by June 16, 2014 in writing, by fax or email in order to be placed on the agenda. For further information, please contact José Méndez, Case Management Specialist, Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416, by phone (202) 205–6178 and fax (202) 481–5719. Additionally, if you need accommodations because of a disability or require additional information, please contact José Méndez as well.

For more information on the Office of the National Ombudsman, see our Web site at *www.sba.gov/ombudsman.*

Sincerely,

Dated: May 22, 2014.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2014–12608 Filed 5–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8748]

Notice of Meeting of Advisory Committee on International Law

A meeting of the Department of State's Advisory Committee on International Law will take place on Friday, June 20, 2014, from 10:00 a.m. to 5:00 p.m. at the George Washington University Law School, Michael K. Young Faculty Conference Center, 716 20th Street NW., 5th Floor, Washington, DC. Principal Deputy Legal Adviser Mary McLeod will chair the meeting, which will be open to the public up to the capacity of the meeting room. The meeting will include discussions on a variety of international law topics.

Members of the public who wish to attend should contact the Office of the Legal Adviser by June 16 at *lermanjb@state.gov* or 202–776–8442 and provide their name, professional affiliation, address, and phone number. A valid photo ID is required for admission to the meeting. Attendees who require reasonable accommodation should make their requests by June 13. Requests received after that date will be considered but might not be possible to accommodate.

Dated: May 21, 2014.

Jonas Lerman,

Attorney-Adviser, Office of the Legal Adviser, Executive Director, Advisory Committee on International Law, United States Department of State.

[FR Doc. 2014–12584 Filed 5–29–14; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 8749]

Issuance of an Amendment of the Presidential Permit for the City of Laredo, Texas for the Laredo World Trade Bridge

SUMMARY: The Department of State issued an amendment to the Presidential Permit to the City of Laredo on May 22, 2014, allowing the Laredo World Trade Bridge to carry certain hazardous materials. In making this determination, the Department provided public notice of the proposed amendment (79 FR 40821, July 8, 2013), offered the opportunity for comment, and consulted with other federal agencies, as required by Executive Order 11423, as amended.

FOR FURTHER INFORMATION CONTACT: Steven Kameny, Mexico Border Affairs Officer, via email at *WHA-BorderAffairs@state.gov*, by phone at 202 647–9894 or by mail at Office of Mexican Affairs—Room 3924, Department of State, 2201 C St. NW., Washington, DC 20520. Information about Presidential permits is available on the Internet at *http://www.state.gov/p/wha/rt/permit/.*

SUPPLEMENTARY INFORMATION: The following is the text of the issued permit:

By virtue of the authority vested in me as Under Secretary for Political Affairs, including those authorities under Executive Order 11423, 33 FR 11741, as amended by Executive Order 12847 of May 17, 1993, 58 FR 29511, Executive Order 13284 of January 23, 2003, 68 FR 4075, and Executive Order 13337 of April 30, 2004, 69 FR 25299; and Department of State Delegation of Authority 118–2 of January 26, 2006; I hereby amend as set forth herein the permission granted in the Presidential Permit signed on October 7, 1994, to the City of Laredo, Texas (hereinafter referred to as ''permittee '') to construct, operate, and maintain an international vehicular and pedestrian bridge between Laredo, Webb County, Texas and Nuevo Laredo, Tamaulipas, Mexico.

* * * * *

1. Article 13(2) of the Presidential Permit signed on October 7, 1994, is amended and replaced in its entirety with the following provision:

(2) The permittee shall route all hazardous materials from the downtown bridges to the United States facilities at Colombia Solidarity Bridge, or to the United States facilities at Laredo World Trade Bridge. However, U.S. Department of Transportation (USDOT) Table I Materials—Explosives, Radioactive, Poison Gas, and Other Toxic Compounds (as defined in USDOT 49 Code of Federal Regulations [CFR] 172.504[e]) shall not be routed to Laredo World Trade Bridge.

2. The permittee shall not commence the transit of hazardous materials over Laredo World Trade Bridge until it has been informed that the Government of the United States and the Government of Mexico have exchanged diplomatic notes confirming that both governments authorize the commencement of such transit of hazardous materials.

3. Aside from the amendment to Article 13(2) detailed above, the Presidential Permit signed on October 7, 1994, remains unaltered and in effect.

In witness whereof, I, Wendy R. Sherman, Under Secretary of State for Political Affairs, have hereunto set my hand this 22 day of May 2014 in the City of Washington District of Columbia.

Wendy R. Sherman,

Under Secretary for Political Affairs.

Kevin M. O'Reilly,

Director, Office of Mexican Affairs, Bureau of Western Hemisphere Affairs, U.S. Department of State.

[FR Doc. 2014–12585 Filed 5–29–14; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twentieth Meeting: RTCA Special Committee 217—Aeronautical Databases Joint with EUROCAE WG–44—Aeronautical Databases

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Notice of RTCA Special Committee 217—Aeronautical Databases Joint with EUROCAE WG–44—Aeronautical Databases.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 217—Aeronautical Databases being held jointly with EUROCAE WG–44—Aeronautical Databases.

DATES: The meeting will be held June 16–20, 2014 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be hosted by FedEx, FedEx Corporate HQ, 942 Shady Grove Rd., Memphis, TN.

FOR FURTHER INFORMATION CONTACT: Sophie Bousquet, *SBousquet@rtca.org*, 202–330–0663 or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of RTCA Special Committee 217—Aeronautical Databases held jointly with EUROCAE WG–44—Aeronautical Databases. The agenda will include the following:

Monday, June 16 2014, Opening Plenary

- Co-Chairmen's remarks and introductions
- Approve minutes from 19th meeting
- Review and approve meeting agenda for 20th meeting
- Schedule and working arrangements for this week
- Review of joint WG–1/WG–2 Action Items

- Continuation, ''Data Terms Definitions'' Review

Monday Thru Thursday, June 16–19—Working Group One (WG1)—DO–200A/ED–76—Stephane Dubet

- Review of WG–1 Action Items Status
- B. Document Editor, Status and Review
- C. Discussion and progress on ED–76/DO–200A update
- D. Process to develop a first mature draft update to ED76/DO200A

Working Group Two (WG2)—DO–272/DO–276/DO 291—John Kasten

- WG–2 Action Item Status Review
- CEN TC 377 Update (if available)
- Sub-Group Status Reports (Content, Connectivity, Consistency, etc)
- Document Editor, Status and Review
- Review of Working Papers, Discussion Papers, Information Papers, others

Friday Morning, June 20 2014, Closing Plenary Session (9:00 a.m. to Noon)

- Presentation of WG1 and WG2 conclusions
- Working arrangements for the remaining work
- Review of action items
- Next meetings, dates and locations
- Any other business and Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting.

Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 23 2014.

Mohannad Dawoud,

Management Analyst, Business Operations Group, ANG–A12, Federal Aviation Administration.

[FR Doc. 2014–12568 Filed 5–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Meeting: RTCA Program Management Committee

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Notice of RTCA Program Management Committee Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Program Management Committee.

DATES: The meeting will be held June 17, from 8:30 a.m.–1:30 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a Program Management Committee meeting. The agenda will include the following:

June 17

- WELCOME AND INTRODUCTIONS
- REVIEW/APPROVE Meeting Summary
  - March 18, 2014, RTCA Paper No. 095–14/PMC–1203
- PUBLICATION CONSIDERATION/APPROVAL
  - Final Draft, Revised Document, DO–317A—Minimum Operational Performance Standards (MOPS) for Aircraft Surveillance Applications (ASA) System, RTCA Paper No. 102–14/PMC–1204, prepared by SC–186
  - Final Draft, New Document, Safety and Performance Requirements Document for CDTI Assisted Visual Separation (CAVS), RTCA Paper No. 103–14/PMC–1205, prepared by SC–186.
  - Final Draft, Revised Document, DO–326—Airworthiness Security Process Specification, RTCA Paper No. 104–14/PMC–1206, prepared by SC–216.
  - Final Draft, New Document, Information Security Guidance for Continuing Airworthiness, RTCA Paper No. 105–14/PMC–1207, prepared by SC–216.
  - Final Draft, Appendices to Document, DO–262A—Minimum Operational Performance Standards for Avionics Supporting Next Generation Satellite Systems (NGSS), RTCA Paper No. 111–14/PMC–1210, prepared by SC–222.
- INTEGRATION and COORDINATION COMMITTEE (ICC)
  - Activity Report—ATC Wind Study
- ACTION ITEM REVIEW
  - PMC Ad Hoc—Standards Overlap and Alignment—Discussion—Status
  - PMC Ad Hoc—Part 23 ARC Report—Areas/Recommendations for RTCA Support—Discussion—Status
  - RTCA Policy on Propriety Information—Discussion
- DISCUSSION
  - Selective Calling Equipment—Discussion—Possible New Special Committee to Update RTCA DO–93—Minimum Performance Standards—Airborne Selective Calling Equipment
  - SC–213—Enhanced Flight Vision Systems & Synthetic Vision Systems—Discussion—Revised Terms of Reference
  - SC–224—Airport Security Access Control Systems—Discussion—Revised Terms of Reference
  - SC–229—Emergency Locator Transmitters (ELTS)—Discussion—Revised Terms of Reference
  - NAC—Status Update
  - FAA Actions Taken on Previously Published Documents—Report
  - Special Committees—Chairmen's Reports and Active Inter-Special Committee Requirements Agreements (ISRA)—Review
  - European/EUROCAE Coordination—Status Update
  - Discuss/Review EUROCAE new Work Group—99, Portable Electronic Devices
    - Discuss/Review EUROCAE new Work Group—100, Remote and Virtual Towers
    - Discuss/Review EUROCAE Work Group—82, New Air-Ground Data Link Technologies
- OTHER BUSINESS
- SCHEDULE for COMMITTEE DELIVERABLES and NEXT MEETING DATE

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 23, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–12574 Filed 5–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, FHWA and the Advisory Council on Historic Preservation (ACHP).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, the Fresno Fulton Mall Reconstruction Project, located on the pedestrian mall segments of Fulton, Merced, Mariposa and Kern Streets in the City of Fresno in the County Fresno, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 27, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Kirsten Helton, Senior Environmental Planner, Caltrans, 855 M Street, Suite 200, Fresno, CA 93721, 559–445–6461 between the hours of 8:00 a.m. and 5:00 p.m. weekdays, or email at *Kirsten.Helton@dot.ca.gov*.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Fulton Mall Reconstruction Project [Federal ID# TCSPL–5060(263)] is located in the Downtown area of the city of Fresno on the Fulton Mall and includes the pedestrian mall segments of Fulton, Merced, Mariposa, and Kern Streets, which comprise eleven linear blocks that were open to traffic prior to 1964 but now do not allow public vehicle access. The project proposes to reconstruct the Fulton Mall as a ''complete streets'' project by reintroducing vehicle traffic lanes to the existing pedestrian mall. The total length of the new roadways would be 0.74 mile. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI) for the project, approved on May 21, 2014, and in other documents in the FHWA project records. The EA/ FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist6*.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4335].
2. Land: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C 303]; Section 6(f) of the Land and Water Conservation Act [36 U.S.C 59 Section 6(f)(3)].
3. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
4. Air: Clean Air Act [23 U.S.C. 109(i) and 42 U.S.C 7521(a)].
5. Water: Clean Water Act [33 U.S.C. 1344].
6. Federal Endangered Species Act [16 U.S.C. 1531–1543]; Migratory Bird Treaty Act [16 U.S.C. 760c–760g].
7. Social and Economic: NEPA implementation [23 U.S.C 109(h); Civil Rights Act of 1964 [42 U.S.C. 200(d)(–200(d)(1)].
8. Executive Orders: E.O. 13112 Invasive Species; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: May 23, 2014.

Jermaine Hannon,

Director, Program Development, Federal Highway Administration, Sacramento, California.

[FR Doc. 2014–12580 Filed 5–29–14; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on Special Permit Applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, Subpart B), notice is hereby given of the actions on special permits applications in (April to April 2014). The mode of transportation involved are identified by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the sections cited were those in effect at the time certain special permits were issued.

Issued in Washington, DC, on May 13, 2014.

Donald Burger,

Chief, Special Permits and Approvals Branch.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
MODIFICATION SPECIAL PERMIT GRANTED			
15577–M	Olin Corporation, Oxford, MS	49 CFR 172.101 column 8, 173.62(b), 173.60(b)(8), 172.300(d).	To modify the special permit to authorize a contract carrier.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
14867–M	GTM Manufacturing, LLC, Amarillo, TX.	49 CFR 173.302a and 173.304.	To modify the special permit to authorize a 30 year service life for the cylinders, add a Division 2.3 material and remove the water jacket as a test Method.
14296–M	GasCon (Pty) Ltd. Elsies River 7480.	49 CFR 178.274(b)(1), and 178.276(b)(1).	To modify the special permit to authorize the latest revision of the ASME, Section VIII Division 2.
15847–N	Safariland, LLC, Jacksonville, FL.	49 CFR 173.4a	To authorize the transportation in commerce of Nitric acid up to 65% as an excepted quantity by cargo aircraft only. (modes 1, 4).
15985–N	Space Exploration Technologies Corp., Hawthorne, CA.	49 CFR Part 172 and 173	To authorize the transportation in commerce of certain hazardous material as part of the Falcon Space capsule without requiring shipping papers, marking and labeling. (mode 1).
16079–N	Wal-Mart Stores East, LP, Bentonville, AR.	49 CFR 171.2(k)	To authorize the transportation in commerce of certain used cylinders containing Helium, compressed as fully regulated without first determining that a hazardous material is present. (mode 1).
EMERGENCY SPECIAL PERMIT GRANTED			
12706–M	Hexagon Ragasco As Raufoss	49 CFR 173.34; 173.201; 173.301; 173.304.	To modify the special permit to authorize an alternative test and inspection procedure.
16127–N	Linde Gas North America LLC, Murray Hill, NJ.	49 CFR 171.23(a)(1) and 171.23(a)(2)(ii).	To authorize the transportation in commerce of certain non-DOT Specification foreign cylinders containing Neon by motor vehicle and cargo vessel (modes 1, 3).
16135–N	Austin Powder Company, Cleveland, OH.	49 CFR, Necessary to prevent significant economic impact.	To authorize the transportation in commerce of ammonium nitrate by cargo air in amounts exceeding what is currently authorized. (mode 4).
16147–N	Michigan State Police, Lansing, MI.	49 CFR 171–180	To authorize the transportation in commerce of certain hazardous materials in support of the recovery and relief efforts within the flood disaster areas Newaygo and Osceola Counties in Michigan. (mode 1).
NEW SPECIAL PERMIT WITHDRAWN			
16134–N	Massachusetts Department of Public Health, Jamaica Plain, MA.	49 CFR 49 CFR Parts 106, 107 and 171–180.	We are requesting party status to Special Permit DOT SP 14599 to authorize the transportation in commerce of packages of non hazardous material identified as ''Biological substance, Category B'', for purposes of shipping and packaging srill conducted to evaluate bioterrorism and chemical terrorism preparedness. (modes 1, 4).
DENIED			
7616–M	Request by Mississippi Export Railroad Company, Moss Point, MS April 16, 2014.		
15996–N	Request by University of York York, April 10, 2014. To authorize the transportation in commerce of 53 non-DOT specification EU certified cylinders from the United Kingdom into the U.S. Territory of Guam for the atmospheric research field campaign ''CONTRAST''.		

[FR Doc. 2014–12438 Filed 5–29–14; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits.

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for and the processing of special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

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

Address Comments To: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(6); 49 CFR 1.53(b)).

Issued in Washington, DC, on May 13, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Docket No.	Applicant	Regulation(s) affected	Name of special permit thereof
			NEW SPECIAL PERMITS	
16131–N		Pacific Scientific PSEMC, Hollister, CA.	49 CFR 171.8	To authorize the transportation in commerce of UNO367 Fuzes, detonating in UN4G packaging with a capacity greater than 450 liters. (modes 1, 2, 3, 4).
16137–N		Diversified Laboratory Repair, Gaithersburg, MD.	49 CFR, 49 CFR 173.196	To authorize the transportation in commerce of certain infectious substances in special packagings (freezers). (mode 1).
16142–N		Nantong CIMC Tank and Equipment Co. Ltd., Jiangsu, Province.	49 CFR, 178.274(b), 178.276(b)(1).	To authorize the manufacture, marking, sale and use of UN T75 Code Portable tanks that are designed, constructed, certified and stamped in accordance with Section VIII Division 1, latest edition of the ASME Code. (modes 1, 2, 3).
16144–N		Stage FX, Inc., Columbus, MT.	49 CFR, 173.56(b) and 172.320.	To authorize the transportation in commerce of certain Class 1 materials without EX classification for approximately 15 Miles by motor vehicle. (mode 1).
16145–N		Bering Air, Inc. Nome, AK	49 CFR, 49 CFR 172.101 Column (8C), 173.241, 173.242, 175.310.	To authorize the transportation in commerce of certain flammable and combustible liquids in alternative packaging having a capacity of 119 gallons or more by air. (modes 1, 4).
16146–N		U.S. Department of Defense (DOD) Scott AFB, IL.	49 CFR 171.22(e), 172.101 Hazardous Materials Table Column (9B), International Civil Aviation Organization's Technical Instructions Part 3, Chapter 2, Table 3–1 Columns 12 and 13.	To authorize the transportation in commerce of certain Division 1.1, 1.2 and 1.3 explosives that are forbidden for transportation by cargo aircraft. (mode 4).
16149–N		Reclamation Technologies, Inc. dba, A-Gas Remtec Bowling Green, OH.	49 CFR 171.23(a)(4) and 173.304a.	To authorize the transportation in and commerce of certain non-DOT specification cylinders containing refrigerant gas for recovery and disposal. (modes 1, 3).
16154–N		Patriot Fireworks, LLC Ann Arbor, MI.	49 CFR 172.101 Column (8C) and 173.62.	To authorize the transportation in commerce of certain consumer fireworks in a bulk packaging consisting of an ISO-standard freight container in which authorized explosives are packed on wooden or metal shelving systems which are waived from marking and labeling. (mode 1).
16155–N		B.J. Alan Company dba Phantom Fireworks Canfield, OH.	49 CFR 172.101 Column (8C) and 173.62.	To authorize the transportation in commerce of certain fireworks in UN certified large packagings. (mode 1).

[FR Doc. 2014–12437 Filed 5–29–14; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 27, 2014.

The Department of the Treasury will submit the following information collection request 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 30, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion 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 maybe found at *www.reginfo.gov.*

Office of the Assistant Secretary for Financial Markets

OMB Number: 1505–0224.

Type of Review: Revision of a currently approved collection.

Title: New Issue Bond Program and Temporary Credit and Liquidity Program.

Abstract: Authorized under section 304(g) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)) and Section 306(l) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l), as amended by the Housing and Economic Recovery Act (HERA) of 2008 (Pub. L. 110–289; approved July 30, 2008) the Department of the Treasury (Treasury) implemented two programs under the HFA (Housing Finance Agency) Initiative. The statute provides the Secretary authority to purchase securities and obligations of Fannie Mae and Freddie Mac (the GSEs) as he determines necessary to stabilize the financial markets, prevent disruptions in the availability of mortgage finance, and to protect the taxpayer. On December 4, 2009, the Secretary made the appropriate determination to authorize the two programs of the HFA Initiative: The New Issue Bond Program (NIBP) and the Temporary Credit and Liquidity Program (TCLP). Under the NIBP, Treasury purchased securities from the GSEs backed by mortgage revenue bonds issued by participating state and local HFAs. Under the TCLP, Treasury purchased a participation

interest from the GSEs in temporary credit and liquidity facilities provided to participating HFAs as a liquidity backstop on their variable-rate debt. In order to properly manage the two programs of the initiative, continue to protect the taxpayer, and assure compliance with the Programs' provisions, Treasury instituted a series of data collection requirements to be completed by participating HFAs and furnished to Treasury through the GSEs.

Affected public: State, Local, and Tribal Governments.

Estimated Annual Burden Hours: 4,574.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–12564 Filed 5–29–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Identifying Information Associated With Persons Whose Property and Interests in Property Are Blocked Pursuant to Executive Order 13661 of March 16, 2014, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine.''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing additional identifying information associated with seven individuals listed in the Annex to Executive Order 13661of March 16, 2014, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine,'' whose property and interests in property are therefore blocked.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions, Compliance & Evaluations, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW. (Treasury Annex), Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On March 16, 2014, the President issued Executive Order 13661, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine'' (the ''Order''), pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06). The Order was effective at 12:01 a.m. eastern daylight time on March 17, 2014.

The Annex to the Order lists seven individuals whose property and interests in property are blocked pursuant to the Order. OFAC is publishing additional identifying information associated with these individuals.

The listings for these individuals on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

GLAZYEV, Sergey (a.k.a. GLAZYEV, Sergei); DOB 01 Jan 1961; POB Zaporozhye, Ukraine; Presidential Advisor (individual) [UKRAINE2].

KLISHAS, Andrei (a.k.a. KLISHAS, Andrey); DOB 09 Nov 1972; POB Yekaterinburg, Sverdlovsk, Russia; Chairman of the Russian Federation Council Committee on Constitutional Law, Judicial and Legal Affairs and the Development of Civil Society (individual) [UKRAINE2].

MATVIYENKO, Valentina Ivanovna; DOB 07 Apr 1949; POB Shepetovka, Khmelnitsky, Ukraine; Federation Council Speaker; Chairman of the Russian Federation Council (individual) [UKRAINE2].

MIZULINA, Yelena (a.k.a. MIZULINA, Elena; a.k.a. MIZULINA, Elena Borisovna; a.k.a. MIZULINA, Yelena Borisovna); DOB 09 Dec 1954; POB Bui, Kostroma, Russia; State Duma Deputy; Chairman of the State Duma Committee on Family, Women and Children (individual) [UKRAINE2].

ROGOZIN, Dmitry Olegovich (a.k.a. ROGOZIN, Dmitriy; a.k.a. ROGOZIN, Dmitry); DOB 21 Dec 1963; POB Moscow, Russia; Deputy Prime Minister of the Russian Federation (individual) [UKRAINE2].

SLUTSKY, Leonid (a.k.a. SLUTSKIY, Leonid; a.k.a. SLUTSKY, Leonid E.; a.k.a. SLUTSKY, Leonid Eduardovich); DOB 04 Jan 1968; State Duma Deputy; Chairman of the Committee on Affairs of the Commonwealth of Independent States (CIS); First Deputy Chairman of the Committee on International Affairs; Chairman of the Russian World Fund Administration (individual) [UKRAINE2].

SURKOV, Vladislav Yurievich; DOB 21 Sep 1964; POB Solntsevo, Lipetsk, Russia; Presidential Aide (individual) [UKRAINE2].

Dated: May 20, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–12541 Filed 5–29–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

United States Mint

Citizens Coinage Advisory Committee; Public Meeting

ACTION: Notification of Citizens Coinage Advisory Committee June 2, 2014, Public Meeting.

SUMMARY: Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for June 2, 2014.

Date: June 2, 2014.

Time: 3:00 p.m. to 4:00 p.m.

Location: This meeting will occur *via teleconference.* Interested members of the public may attend the meeting at the United States Mint, 801 9th Street NW., Washington, DC, Conference Room A.

Subject: Discussion of candidate designs for a medal in honor of Israeli President Shimon Peres.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

FOR FURTHER INFORMATION CONTACT: William Norton, United States Mint Liaison to the CCAC; 801 9th Street NW., Washington, DC 20220, or call 202–354–7200.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: May 23, 2014.

Richard A. Peterson,

Deputy Director, United States Mint.

[FR Doc. 2014–12566 Filed 5–29–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0031]

Proposed Information Collection (Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to determine a claimant's eligibility for specially adapted housing grant.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 29, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0031'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

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, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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: Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing, VA Form 26–4555c.

OMB Control Number: 2900–0031.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans complete VA Form 26–4555c to apply for specially adapted housing grant. VA will use the data collected to determine if it is economically feasible for a veteran to reside in specially adapted housing and to compute the proper grant amount.

Affected Public: Individuals or households.

Estimated Annual Burden: 350 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,400.

Dated: May 27, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–12571 Filed 5–29–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0065]

Proposed Information Collection (Request for Employment Information in Connection With Claim for Disability Benefits) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine a claimant's eligibility for increased disability benefits based on employability.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 29, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0065'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

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, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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: Request for Employment Information in Connection with Claim for Disability Benefits, VA Form 21–4192.

OMB Control Number: 2900–0065.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4192 is used to request employment information from a claimant's employer. The collected data is used to determine the claimant's eligibility for increased disability benefits based on unemployability.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 15,000 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 60,000.

Dated: May 27, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veteran Affairs.

[FR Doc. 2014–12567 Filed 5–29–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans Rural Health Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Veterans Rural Health Advisory Committee will meet on June 24–25, 2014, in Room 717, 1100 First Street NE., Washington, DC, from 9 a.m. to 5 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on health care issues affecting enrolled Veterans residing in rural areas. The Committee examines programs and policies that impact the provision of VA health care to enrolled Veterans residing in rural areas, and discusses ways to improve and enhance VA services for these Veterans.

The agenda will include updates from the Committee Chairman and the Director of the Veterans Health Administration Office of Rural Health (ORH), as well as presentations on Delivery Models of Care, Recruitment and Retention of Rural Providers, Telehealth and Program Structures.

Public comments will be received at 4:30 p.m. on June 25, 2014. Interested parties in attending the meeting should contact Mr. Elmer D. Clark, by mail at ORH, 1100 First Street NE., Room 633F, Washington, DC 20002, or by email at *Elmer.Clark2@va.gov,* or by fax (202) 632–8609. Individuals scheduled to speak are invited to submit a 1–2 page summary of their comments for inclusion in the official meeting record.

Rebecca Schiller,

Committee Management Office.

[FR Doc. 2014–12540 Filed 5–29–14; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 79 Friday,

No. 104 May 30, 2014

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1

Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2014–0051, Sequence No. 1]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–74; Introduction

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

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–74. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov.*

DATES: For effective dates and comment dates see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–74 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–74

Item	Subject	FAR Case	Analyst
I	Commercial and Government Entity Code	2012–024	Loeb.
II	Repeal of the Recovery Act Reporting Requirements	2014–016	Glover.
III	Expansion of Applicability of the Senior Executive Compensation Benchmark	2012–017	Chambers.
IV	Contractor Comment Period, Past Performance Evaluations	2012–028	Glover.
V	Defense Base Act	2012–016	Chambers.

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–74 amends the FAR as specified below:

Item I—Commercial and Government Entity Code (FAR Case 2012–024)

This final rule adds subpart 4.18, ''Commercial and Government Entity Code,'' and related provisions and clauses, to the FAR. The new subpart requires the use of Commercial and Government Entity (CAGE) codes, including North Atlantic Treaty Organization (NATO) Cage (NCAGE) codes for foreign entities, for awards valued above the micro-purchase threshold. The final rule also requires offerors, if owned by another entity, to identify that entity during System for Award Management (SAM) registration. The rule effective date is November 1, 2014.

Item II—Repeal of the Recovery Act Reporting Requirements (FAR Case 2014–016)

This final rule adopts as final, with changes, two interim rules published on March 31, 2009, and July 2, 2010, under FAR case numbers 2009–009 and 2010–008. The interim rules amended the FAR to implement reporting requirements of the American Recovery and Reinvestment Act in subpart 4.15, 42.15, and clause 52.204–11, American Recovery and Reinvestment Act-Reporting Requirements. Future reporting requirements after January 31, 2014, were repealed by section 627 of Division E of the Consolidated Appropriations Act, FY 2014 (Pub. L. 113–76). The reporting Web site has closed for future reporting. This rule does not change the reporting required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA) on existing contracts, as implemented in FAR subpart 4.14 and clause 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards. Therefore, contractors and agencies are still required to continue their FFATA reporting on existing contracts, as implemented in FAR subpart 4.14 and clause 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards.

Item III—Expansion of Applicability of the Senior Executive Compensation Benchmark (FAR Case 2012–017)

This final rule adopts, without change, the interim rule published on June 26, 2013, at 78 FR 38535. The interim final rule amended the FAR by expanding the reach of the limitation on allowability of compensation for certain contractor personnel from a contractor's five most highly paid executives to all employees, but only for contracts with the Department of Defense (DoD), the National Aeronautical and Space Administration (NASA), and Coast Guard. The interim rule implemented section 803 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). Prior to the interim rule, this limitation on the allowability of compensation, which is an amount set annually by the Office of Federal Procurement Policy, applied only to a contractor's five most highly paid executives at each of their home office(s) and any segments that report directly to the contractors headquarters, and covered all Federal agencies. Under the interim and this final rule, the application of this limitation to a contractor's five most highly paid executives continues for agencies other than DoD, NASA, and the Coast Guard. Because most contracts awarded to small businesses are awarded on a competitive, fixed-price basis, the impact of this compensation limitation on small businesses will be minimal.

Item IV—Contractor Comment Period, Past Performance Evaluations (FAR Case 2012–028)

This final rule implements sections 853 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) and 806 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011; 10 U.S.C. 2302 Note). These statutes require the Government to provide past performance information to source selection officials more quickly and to

give contractors 14 calendar days from the date of delivery of past performance evaluations to submit comments, rebuttals, or additional information for inclusion in the past performance database. The evaluations will be posted to the database no later than 14 days after the evaluations are provided to the contractor. If a contractor has submitted comments to the Government and the Government has not closed the evaluation (*i.e.,* reconciled the comments), the evaluation as well as any contractor comment will be posted to the database automatically 14 days after the evaluations are provided to the contractor. In this case, the database will apply a ''Contractor Comment Pending Government Review'' notification to the evaluation. Once the Government completes the evaluation, the database will be updated the following day and remove this notification. Contractors will also still be allowed to submit comments after the 14-day period.

Item V—Defense Base Act (FAR Case 2012–016)

This final rule amends the FAR to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901, *et seq.*) as extended by the Defense Base Act (42 U.S.C. 1651, *et seq.*). This Act provides disability compensation, medical benefits, and death benefits, for certain employment outside of the United States. The rule only clarifies the current responsibilities of contractors under the Defense Base Act and Department of Labor (DOL) regulations, and does not initiate or impose any new administrative or performance requirements. This final rule has no impact on small business entities since it is merely clarifying already existing statutory and DOL regulatory requirements, and imposes no new requirements.

Dated: May 22, 2014.

William Clark,

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

Federal Acquisition Circular (FAC) 2005–74 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–74 is effective May 30, 2014 except for item I, which is effective *November 1, 2014,* and items IV and V, which are effective *July 1, 2014.*

Dated: May 20, 2014.

Richard Ginman,

Director, Defense Procurement and Acquisition Policy.

Dated: May 22, 2014.

Jeffrey A. Koses,

Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Dated: May 20, 2014.

Ronald A. Poussard,

Director, Contract Management Division, National Aeronautics and Space Administration.

[FR Doc. 2014–12411 Filed 5–29–14; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 4, 12, 22, and 52

[FAC 2005–74; FAR Case 2012–024; Item I; Docket No. 2012–0024, Sequence No. 1]

RIN 9000–AM49

Federal Acquisition Regulation; Commercial and Government Entity Code

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to require the use of Commercial and Government Entity (CAGE) codes, including North Atlantic Treaty Organization (NATO) CAGE (NCAGE) codes for foreign entities, for awards valued at greater than the micro-purchase threshold. The CAGE code is a five-character alpha-numeric identifier used extensively within the Federal Government. The rule will also require offerors, if owned by another entity, to identify that entity.

DATES: *Effective:* November 1, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Procurement Analyst, at 202–501–0650, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–74, FAR Case 2012–024.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 78 FR 23194 on April 18, 2013, soliciting public comments on the proposed rule and received one response.

DoD, GSA, and NASA are revising the FAR to require that offerors provide their CAGE codes to contracting officers and that, if owned by another entity, offerors will provide, in a new provision with their representations and certifications, the CAGE codes and names of such entity or entities. For those offerors located in the United States or its outlying areas that register in the System for Award Management (SAM), a CAGE code is assigned as part of the registration process. If SAM registration is not required, the offeror must request and obtain a CAGE code from the Defense Logistics Agency (DLA) Contractor and Government Entity (CAGE) Branch. A CAGE code is not required when a condition described at FAR 4.605(c)(2) applies and the acquisition is funded by an agency other than DoD or NASA. Offerors located outside the United States will obtain an NCAGE from their NATO Codification Bureau or, if not a NATO member or sponsored nation, from the NATO Support Agency (NSPA).

The Federal procurement community strives toward greater measures of transparency and reliability of data, to facilitate achievement of rigorous accountability of procurement dollars, processes, and compliance with regulatory and statutory acquisition requirements, *e.g.,* the Federal Funding and Accountability and Transparency Act of 2006 (Pub. L. 109–282, 31 U.S.C. 6101 note). Increased transparency and accuracy of procurement data broaden the Government's ability to implement fraud detection technologies restricting opportunities for mitigating occurrences of fraud, waste, and abuse of taxpayer dollars.

To further the desired increases in traceability and transparency, this rule uses the unique identification that a CAGE code provides, coupled with vendor representation of ownership and owner CAGE code. The CAGE code is a five-character alpha-numeric identifier used extensively within the Federal Government and will provide for standardization across the Federal Government. This rule will support successful implementation of business tools that provide insight into—

—Federal spending patterns across corporations;

—Traceability in tracking performance issues across corporations;
—Contractor personnel outside the United States; and
—Supply chain traceability and integrity efforts.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comment in the development of the final rule. A discussion of the comment and the changes made to the rule as a result of the comment are provided as follows:

A. Summary of Significant Changes

1. Modification of the definitions within the new provision at 52.204–17; ''owner'' has been deleted and the definitions of ''immediate owner'' and ''highest-level owner'' clarified so that—

a. Ownership is defined as having ownership or control, and the definition of immediate owner includes examples of the indicators of control; and

b. An immediate owner has at most one highest-level owner.

2. Direction was added to paragraph (b) of the provision to enable offerors comprised of more than one entity, *i.e.,* joint ventures, to respond appropriately.

B. Analysis of Public Comment

Comment: The respondent indicated that the purposes of the changes in the proposed rule are not clear and make commenting on the rule difficult. For example, how does this rule support greater traceability or integrity of the supply chain? What is the Government's objective? Will contractors be required to have CAGE codes for every site at which work is performed? Does the proposed rule intend to add a CAGE code for the shipment function?

Response: The purpose of the rule, as stated in the background section of the preamble for the final rule is to (1) support successful implementation of business tools that seek insight into Federal spending patterns across corporations; (2) facilitate traceability in the tracking of performance issues across corporations; (3) provide insight on contractor personnel outside the United States (at a corporate/full organization level); and (4) support supply chain traceability and integrity efforts. The use of the CAGE code provides a Government-managed unique identifier for these entities; and the final rule provides a mechanism for the entities themselves to identify their hierarchical structure to the Government.

The final rule requires a CAGE code assignment for the entity (with its specific name and physical address) to whom the Government awards the contractual instrument, *i.e.,* that entity noted on the front page of the contract document; and the final rule requires obtaining the immediate and highest-level owner's CAGE codes and legal names. The rule does not require CAGE code assignment to shipping and performance locations.

Comment: The respondent indicated that the proposed rule adds additional costs to the process not recognized in the proposed rule. This relates to usability issues with SAM. The respondent stated that the rule did not adequately support the burden estimates within the rule and noted that industry conducted a hierarchy assessment and this took well over an hour without the additional revalidations required by SAM. The respondent suggested republishing the rule for public comment after clarifying the issues raised.

Response: Obtaining a CAGE code is already a requirement for an active registration in SAM and for its predecessors the Online Representations and Certifications (ORCA) and the Central Contractor Registration (CCR) database. This final rule does not impose any new burden in that regard. Burden for registration in SAM was re-assessed as part of the rulemaking in the FAR case (FAR Case 2011–021) that established that requirement. Additionally, this final rule does not require the use of SAM to obtain the CAGE code(s) for the immediate owner or highest-level owner, although registration in SAM could be accomplished for U.S. registrants since U.S. registrants are assigned a CAGE code upon registration. It is true that it may take some time for larger organizations to update all contractor SAM registrations to include the immediate and highest-level owner CAGE information (if the contractor has hundreds of SAM records and if it updates them centrally and at the same time). However, including the data on an individual registration or on a renewal basis should not result in any significant additional time.

Comment: The respondent indicated that the proposed rule is unclear on the treatment of companies owned by foreign entities and U.S. based companies with business units performing work overseas for the U.S. Government.

Response: Foreign entities would not be exempted from this requirement. The rule also applies to U.S. companies, regardless of where work is performed.

Comment: The respondent stated that the proposed rule is unclear on the treatment of foreign Governments.

Response: Foreign governments, if receiving contracts from the U.S. Government, are required to have an NCAGE code as a result of this rule. In all practicality, if they are registered in SAM as they should be, they already do have an NCAGE code. For the questions related to ownership, foreign governments would indicate that they have no higher level owner.

Comment: The respondent indicated that the proposed rule is unclear on the treatment of commercial entities. Will purely commercial companies be required to have CAGEs? How will primes deal with commercial companies that do not wish to obtain a CAGE? How will primes address hierarchy issues associated with commercial companies that have a CAGE? How will additional costs be addressed? Are primes responsible for the currency of their commercial company subcontractor reporting?

Response: The rule applies to contractors with commercial contracts based upon the Councils' determination that applying this requirement to commercial contracts is necessary to fulfill the purpose of the rule. All entities reported as an immediate owner or highest-level owner of the offeror under the rule must have CAGE Codes. This final rule does not require subcontractors to have CAGE codes.

Comment: The respondent indicated that the rule is unclear on how Limited Liability Companies (LLCs) and joint ventures are to be treated. Also the definitions of owner, immediate owner and highest-level owner need to be clarified.

Response: The definitions have been clarified and the issue of joint ventures has been specifically addressed in the representation. Being a single legal entity, an LLC will be treated as any other offeror would. In addition, the term ''business entity'' was revised to use the term ''entity'' which, in this context, means a ''legal entity'', such as those entities listed at FAR 4.102.

Comment: The respondent stated that the requirement to provide ownership and control information on a proposal/contract basis is reversed by this rule and requires a large amount of resources. The respondent questioned why this information cannot be addressed when the CAGE is established. Managing at the proposal/contract level implies that changes in ownership and control would require a contract modification rather than CAGE code updates. Ownership and control

information is managed centrally within many large government contractors.

Response: The implementation of this requirement will occur by incorporating the collection of data into the annual representations and certifications section of a prime contractor's SAM registration. This means that contractors will only be required to provide the information once and then update/renew it on an annual basis when they renew their SAM registration. As for later offers, the FAR requires the offeror to either update SAM or list the updated information on the offer (see 52.204–8(d)).

Comment: The respondent indicated that corporate linkage information is already being provided by Dun and Bradstreet in SAM by DUNS Number.

Response: There is some corporate linkage in SAM provided by the commercial entity, Dun & Bradstreet (D&B); however, the methodology by which D&B establishes ownership is proprietary and does not necessarily conform to the definitions in this case. The final rule instead establishes the use of a Government-managed unique identifier governed by established international rules (under NATO). Additionally, the rule provides the contractor the opportunity to provide what it believes is the correct information, rather than relying on information from an outside commercial source.

Comment: The respondent indicated that the proposed rule at FAR subpart 4.18 does not address which system is the master record for CAGE code information; it fails to outline the order of precedence for CAGE systems, particularly between the DLIS Master Cage code listing and SAM.

Response: The planned implementation will be to collect the information via SAM, as a part of the contractor's registration. That information collected will be transmitted to the actual CAGE code system, managed by the Defense Logistics Agency (DLA) on behalf of the Federal Government.

Comment: The respondent indicated that Standard Form (SF) 26, 30, 33, and Optional Form (OF) 307 forms already provide a place to input the CAGE code, which is not mentioned in the proposed rule.

Response: The standard forms referenced actually only provide a field for ''Code'' which is not specifically identified as the CAGE code, although DoD uses it that way.

III. Principal Changes to the FAR Resulting From This Rule

A. Changes to FAR Part 4

1. FAR 4.1202. A new provision for ownership or control of offeror is added to the list of representations and certifications under FAR 4.1202.

2. Addition of FAR subpart 4.18, Commercial and Government Entity Code. A new subpart is added to include scope, policy, and definitions for the subpart. Offerors are required to provide their CAGE codes to the contracting officer, to represent if they are owned by another entity, and, if so, give the legal name and CAGE code for the entity(s), unless a condition listed at FAR 4.605(c)(2) applies and the acquisition is funded by an agency other than DoD or NASA. The subpart also gives instruction to contracting officers to verify the CAGE codes provided.

3. A definition of ''Commercial and Government Entity code'' is provided. The definition encompasses both the CAGE code for entities located in the United States or its outlying areas, and the NCAGE code if the code is assigned by a NATO Codification Bureau or NATO Support Agency (NSPA).

4. The rule includes definitions of ''highest-level owner'' and ''immediate owner.'' The intent behind defining ''ownership'' is to describe how entities relate to one another in terms of their hierarchical relationships. The final rule established the definitions as follows:

- *Highest-level owner* means the entity that owns or controls an immediate owner of the offeror or that owns or controls one or more entities that own or control an immediate owner of the offeror. No entity owns or exercises control of the highest-level owner.
- *Immediate owner* means an entity other than the offeror, that has direct control of the offeror. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

5. The term ''business entity'' was revised to the term ''entity'' throughout the rule. In this context, the term ''entity'' means a ''legal entity'', such as those entities listed at FAR 4.102.

B. Changes to FAR Subpart 12.3

With respect to commercial items, changes to the list of other required provisions and clauses at FAR 12.301(d) are included to reflect that CAGE code reporting and maintenance are applicable to commercial items. This is accomplished by including the new provision, FAR 52.204–16, Commercial and Government Entity Code Reporting, and the new clause, FAR 52.204–18, Commercial and Government Entity Code Maintenance.

C. Changes to FAR Part 52

1. A new provision, FAR 52.204–16, Commercial and Government Entity Code Reporting, has been added, providing information on obtaining CAGE codes and requiring offerors to provide their CAGE codes.

2. A new provision, FAR 52.204–17, Ownership or Control of Offeror, requires the offeror to identify if it is owned by another entity(s) and, if so, to provide the legal name and CAGE code of such entity(s).

3. A new clause, FAR 52.204–18, Commercial and Government Entity Code Maintenance, provides instructions to contractors to maintain accurate CAGE information in the CAGE file and to inform their contracting officers if their CAGE codes change.

4. The rule also amends the FAR provision 52.204–8, Annual Representations and Certifications, by including the new provision 52.204–17, Ownership or Control of Offeror.

5. The rule also amends the provision at 52.212–3, Offeror Representations and Certifications—Commercial Items, by including definitions and ownership representations.

IV. 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.

V. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

A number of initiatives have surfaced in and across the Federal Government which have specific implication to the Federal

procurement community. Goals of these initiatives, which include the Federal Funding Accountability and Transparency Act (Pub. L. 108–282, 31 U.S.C. 6101 note), further the President's commitment to make the Federal Government transparent and accountable to the American people. The changes identified in this rule will further the procurement community's efforts toward greater measures of transparency and reliability of data, reducing occurrences of fraud, waste, and abuse of taxpayer dollars.

This change will require use of the Commercial and Government Entity (CAGE) code referred to as North Atlantic Treaty Organization (NATO) CAGE (NCAGE) code for foreign entities, a five-character alpha-numeric identifier used extensively within the Federal Government that will provide for vendor identification standardization. Further, the change will couple vendor use of CAGE code with vendor identification of ownership and owner CAGE code. This change will lead to increases in data traceability and transparency, thereby broadening the Government's ability to, among other things, implement fraud detection technologies.

The rule will require vendors that do not already have a CAGE to obtain one. Only vendors that meet a registration exception of FAR subpart 4.11, but not an exception to subpart 4.6, will need to separately obtain a CAGE. It is estimated that 2,154 vendors will be required to obtain a CAGE code. It is estimated that 741 of these vendors are small businesses.

This rule would also affect offerors that are owned by another entity. This rule would require an offeror to represent that, if it is owned by another entity, it has entered the CAGE code and name of that entity. Approximately 413,808 unique vendors submitted offers for Federal Government awards in Fiscal Year 2011, and approximately 275,872 of these offers were from unique small businesses.

There were no public comments submitted by the Chief Counsel for Advocacy of the Small Business Administration.

There are no significant alternatives to accomplish the stated objectives of this rule.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

VI. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) applies. The rule contains information collection requirements. The Office of Management and Budget (OMB) has cleared this information collection requirement under OMB Control Number 9000–0185, titled: Commercial and Government Entity Code. In response to the notice of proposed rulemaking and the request for comment on the burden estimates, one respondent did question the burden estimates. The respondent indicated that the rule adds additional costs to the process not recognized in the rule. This relates to usability issues with SAM. The respondent indicated that, as a pilot, industry conducted hierarchy assessment and this took well over an hour without the additional revalidations required by SAM. The respondent requested that the FAR Council republish the rule for public comment after clarifying the issues raised.

The FAR Council determined that a revision to the Paperwork Burden is not warranted. Obtaining a CAGE code is already a requirement for an active registration in SAM and for its predecessors the Online Representations and Certifications (ORCA) and the Central Contractor Registration (CCR) database. This final rule applies no new burden in that regard. Burden for registration in SAM was re-assessed as part of the rulemaking in the FAR case (FAR Case 2011–021) that established that requirement. Additionally, this final rule does not require the use of SAM to obtain the CAGE code(s) for the immediate owner or highest-level owner; although registration in SAM could be accomplished to do so for U.S. registrants (as U.S. registrants are assigned a CAGE code upon registration). It is true that it may take some time in larger organizations to update all of the contractor's SAM registrations to include the immediate and highest-level owner CAGE information (if the contractor has hundreds of SAM records and it is updating them centrally and at the same time). However, including the data on an individual registration or renewal basis should not result in any significant additional time.

List of Subjects in 48 CFR Parts 1, 4, 12, 22, and 52

Government procurement.

Dated: May 22, 2014.

William Clark,

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

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 4, 12, 22, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 4, 12, 22, and 52 continues to read as follows:

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

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106 in the table following the introductory text, by adding in sequence, FAR segments ''52.204–16'', ''52.204–17'', and ''52.204–18'' and the corresponding OMB Control Number ''9000–0185''.

PART 4—ADMINISTRATIVE MATTERS

■ 3. Amend section 4.605 by adding a sentence to the end of paragraph (b) to read as follows:

4.605 Procedures.

* * * * *

(b) * * * (For a discussion of the Commercial and Government Entity (CAGE) Code, which is a different identification number, see subpart 4.18.)

* * * * *

■ 4. Amend section 4.1202 by redesignating paragraphs (e) through (bb) as paragraphs (f) through (cc), respectively; and adding a new paragraph (e) to read as follows:

4.1202 Solicitation provision and contract clause.

* * * * *

(e) 52.204–17, Ownership or Control of Offeror.

* * * * *

■ 5. Add subpart 4.18 to read as follows:

Subpart 4.18—Commercial and Government Entity Code

Sec.

4.1800 Scope of subpart.
4.1801 Definitions.
4.1802 Policy.
4.1803 Verifying CAGE codes prior to award.
4.1804 Solicitation provisions and contract clause.

Subpart 4.18—Commercial and Government Entity Code

4.1800 Scope of subpart.

(a) This subpart prescribes policies and procedures for identification of commercial and government entities. The Commercial and Government Entity (CAGE) code system may be used, among other things, to—

(1) Exchange data with another contracting activity, including contract administration activities and contract payment activities;

(2) Exchange data with another system that requires the unique identification of a contractor entity; or

(3) Identify when offerors are owned or controlled by another entity.

(b) For information on the Data Universal Numbering System (DUNS)

number, which is a different identification number, see 4.605 and the provisions at 52.204–6 and 52.204–7.

4.1801 Definitions.

As used in this part—

Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Contractor and Government Entity (CAGE) Branch to identify a commercial or government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Contractor and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as an NCAGE code.

Highest-level owner means the entity that owns or controls an immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror. No entity owns or exercises control of the highest level owner.

Immediate owner means an entity, other than the offeror, that has direct control of the offeror. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

4.1802 Policy.

(a) *Commercial and Government Entity code.* (1) Offerors shall provide the contracting officer the Commercial and Government Entity (CAGE) code assigned to that offeror's location prior to the award of a contract action above the micro-purchase threshold, when there is a requirement to be registered in SAM or a requirement to have a DUNS Number in the solicitation.

(2) The contracting officer shall include the contractor's CAGE code in the contract and in any electronic transmissions of the contract data to other systems when it is provided in accordance with paragraph (a)(1) of this section.

(b) *Ownership or control of offeror.* Offerors, if owned or controlled by another entity, shall provide the contracting officer with the CAGE code and legal name of that entity prior to the award of a contract action above the micro-purchase threshold, when there is a requirement to be registered in SAM or a requirement to have a DUNS Number in the solicitation.

4.1803 Verifying CAGE codes prior to award.

(a) Contracting officers shall verify the offeror's CAGE code by reviewing the entity's registration in the System for Award Management (SAM). Active registrations in SAM have had the associated CAGE codes verified.

(b) For entities not required to be registered in SAM, the contracting officer shall validate the CAGE code using the CAGE code search feature at *http://www.dlis.dla.mil/cage_welcome.asp*.

4.1804 Solicitation provisions and contract clause.

(a) Insert the provision at 52.204–16, Commercial and Government Entity Code Reporting, in all solicitations that include—

(1) 52.204–6, Data Universal Numbering System Number; or

(2) 52.204–7, System for Award Management.

(b) Insert the provision at 52.204–17, Ownership or Control of Offeror, in all solicitations that include the provision at 52.204–16, Commercial and Government Entity Code Reporting.

(c) Insert the clause at 52.204–18, Commercial and Government Entity Code Maintenance, in all solicitations and contracts when the solicitation contains the provision at 52.204–16, Commercial and Government Entity Code Reporting.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

■ 6. Amend section 12.301 by revising paragraph (d) to read as follows:

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

* * * * *

(d) *Other required provisions and clauses.* Notwithstanding prescriptions contained elsewhere in the FAR, when acquiring commercial items, contracting officers shall be required to use only those provisions and clauses prescribed in this part. The provisions and clauses prescribed in this part shall be revised, as necessary, to reflect the applicability of statutes and executive orders to the acquisition of commercial items.

(1) Insert the provision at 52.204–16, Commercial and Government Entity Code Reporting, when there is a requirement to be registered in SAM or a requirement to have a DUNS Number in the solicitation.

(2) Insert the clause at 52.204–18, Commercial and Government Entity Code Maintenance, when there is a requirement to be registered in SAM or a requirement to have a DUNS Number in the solicitation.

(3) Insert the provision at 52.209–7, Information Regarding Responsibility Matters, as prescribed in 9.104–7(b).

(4) Insert the clause at 52.225–19, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission outside the United States, as prescribed in 25.301–4.

(5) Insert the clause at 52.232–40, Providing Accelerated Payments to Small Business Subcontractors, as prescribed in 32.009–2.

* * * * *

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1006 [Amended]

■ 7. Amend section 22.1006 by—

■ a. Removing from paragraph (a)(2)(i)(C) ''52.204–8(c)(2)(iii) or (iv)'' and adding ''52.204–8(c)(2)(iv) or (v)'' in its place;

■ b. Removing from paragraph (e)(2)(i) ''52.204–8(c)(2)(iii)'' and adding ''52.204–8(c)(2)(iv)'' in its place; and

■ c. Removing from paragraph (e)(4)(i) ''52.204–8(c)(2)(iv)'' and adding ''52.204–8(c)(2)(v)'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Amend section 52.204–8 by—

■ a. Revising the date of the provision;

■ b. Redesignating paragraphs (c)(2)(i) through (c)(2)(vii) as paragraphs (c)(2)(ii) through (c)(2)(viii), respectively; and

■ c. Adding a new paragraph (c)(2)(i).

The revised and added text reads as follows:

52.204–8 Annual Representations and Certifications.

* * * * *

Annual Representations and Certifications (Nov 2014)

* * * * *

(c) * * *

(2) * * *

____(i) 52.204–17, Ownership or Control of Offeror.

* * * * *

■ 9. Add section 52.204–16 to read as follows:

52.204–16 Commercial and Government Entity Code Reporting.

As prescribed in 4.1804(a), use the following provision:

Commercial and Government Entity Code Reporting (Nov 2014)

(a) *Definition.* As used in this provision—

Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Contractor and Government Entity (CAGE) Branch to identify a commercial or Government entity; or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Contractor and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as an NCAGE code.

(b) The Offeror shall enter its CAGE code in its offer with its name and address or otherwise include it prominently in its proposal. The CAGE code entered must be for that name and address. Enter ''CAGE'' before the number. The CAGE code is required prior to award.

(c) CAGE codes may be obtained via—

(1) Registration in the System for Award Management (SAM) at *www.sam.gov.* If the Offeror is located in the United States or its outlying areas and does not already have a CAGE code assigned, the DLA Contractor and Government Entity (CAGE) Branch will assign a CAGE code as a part of the SAM registration process. SAM registrants located outside the United States and its outlying areas shall obtain a NCAGE code prior to registration in SAM (see paragraph (c)(3) of this provision).

(2) *The DLA Contractor and Government Entity (CAGE) Branch.* If registration in SAM is not required for the subject procurement, and the offeror does not otherwise register in SAM, an offeror located in the United States or its outlying areas may request that a CAGE code be assigned by submitting a request at *http://www.dlis.dla.mil/cage_welcome.asp.*

(3) *The appropriate country codification bureau.* Entities located outside the United States and its outlying areas may obtain an NCAGE code by contacting the Codification Bureau in the foreign entity's country if that country is a member of NATO or a sponsored nation. NCAGE codes may be obtained from the NSPA if the foreign entity's country is not a member of NATO or a sponsored nation. Points of contact for codification bureaus and NSPA, as well as additional information on obtaining NCAGE codes, are available at *http://www.dlis.dla.mil/Forms/Form_AC135.asp.*

(d) Additional guidance for establishing and maintaining CAGE codes is available at *http://www.dlis.dla.mil/cage_welcome.asp.*

(e) When a CAGE Code is required for the immediate owner and/or the highest-level owner by 52.204–17 or 52.212–3(p), the Offeror shall obtain the respective CAGE Code from that entity to supply the CAGE Code to the Government.

(f) Do not delay submission of the offer pending receipt of a CAGE code.

(End of Provision)

■ 10. Add section 52.204–17 to read as follows:

52.204–17 Ownership or Control of Offeror.

As prescribed in 4.1804(b), use the following provision:

Ownership of Control of Offeror (Nov 2014)

(a) *Definitions.* As used in this provision—

Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Contractor and Government Entity (CAGE) Branch to identify a commercial or government entity, or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Contractor and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as an NCAGE code.

Highest-level owner means the entity that owns or controls an immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror. No entity owns or exercises control of the highest level owner.

Immediate owner means an entity, other than the offeror, that has direct control of the offeror. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

(b) The Offeror represents that it [__] has or [__] does not have an immediate owner. If the Offeror has more than one immediate owner (such as a joint venture), then the Offeror shall respond to paragraph (c) and if applicable, paragraph (d) of this provision for each participant in the joint venture.

(c) If the Offeror indicates ''has'' in paragraph (b) of this provision, enter the following information:

Immediate owner CAGE code: _____

Immediate owner legal name: _____

(*Do not use a ''doing business as'' name*)

Is the immediate owner owned or controlled by another entity?: [__] Yes or [__] No.

(d) If the Offeror indicates ''yes'' in paragraph (c) of this provision, indicating that the immediate owner is owned or controlled by another entity, then enter the following information:

Highest-level owner CAGE code: _____

Highest-level owner legal name: _____

(Do not use a ''doing business as'' name)

(End of provision)

■ 11. Add section 52.204–18 to read as follows:

52.204–18 Commercial and Government Entity Code Maintenance.

As prescribed in 4.1804(c), use the following clause:

Commercial and Government Entity Code Maintenance (Nov 2014)

(a) *Definition.* As used in this clause—

Commercial and Government Entity (CAGE) code means—

(1) An identifier assigned to entities located in the United States or its outlying areas by the Defense Logistics Agency (DLA) Contractor and Government Entity (CAGE) Branch to identify a commercial or government entity, or

(2) An identifier assigned by a member of the North Atlantic Treaty Organization (NATO) or by the NATO Support Agency (NSPA) to entities located outside the United States and its outlying areas that the DLA Contractor and Government Entity (CAGE) Branch records and maintains in the CAGE master file. This type of code is known as an NCAGE code.

(b) Contractors shall ensure that the CAGE code is maintained throughout the life of the contract. For contractors registered in the System for Award Management (SAM), the DLA Contractor and Government Entity (CAGE) Branch shall only modify data received from SAM in the CAGE master file if the contractor initiates those changes via update of its SAM registration. Contractors undergoing a novation or change-of-name agreement shall notify the contracting officer in accordance with subpart 42.12. The contractor shall communicate any change to the CAGE code to the contracting officer within 30 days after the change, so that a modification can be issued to update the CAGE code on the contract.

(c) Contractors located in the United States or its outlying areas that are not registered in SAM shall submit written change requests to the DLA Contractor and Government Entity (CAGE) Branch. Requests for changes shall be provided on a DD Form 2051, Request for Assignment of a Commercial and Government Entity (CAGE) Code, to the address shown on the back of the DD Form 2051. Change requests to the CAGE master file are accepted from the entity identified by the code.

(d) Contractors located outside the United States and its outlying areas that are not registered in SAM shall contact the appropriate National Codification Bureau or NSPA to request CAGE changes. Points of contact for National Codification Bureaus and NSPA, as well as additional information on obtaining NCAGE codes, are available at *http://www.dlis.dla.mil/Forms/Form_AC135.asp.*

(e) Additional guidance for maintaining CAGE codes is available at *http://www.dlis.dla.mil/cage_welcome.asp.*

(End of Clause)

■ 12. Amend section 52.212–3 by—

■ a. Revising the date of the provision;

■ b. Revising the introductory text of the provision;

■ c. Amending paragraph (a) by adding, in alphabetical order, the definitions

''Highest-level owner'' and ''Immediate owner'';

■ d. Removing from the second paragraph of (b)(2) ''(c) through (o)'' and adding ''(c) through (p)'' in its place; and

■ e. Adding paragraph (p).

The revised and added text reads as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

Offeror Representations and Certifications—Commercial Items (Nov 2014)

The Offeror shall complete only paragraph (b) of this provision if the Offeror has completed the annual representations and certification electronically via the System for Award Management (SAM) Web site accessed through *http://www.acquisition.gov.* If the Offeror has not completed the annual representations and certifications electronically, the Offeror shall complete only paragraphs (c) through (p) of this provision.

(a) * * *

Highest-level owner means the entity that owns or controls an immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror. No entity owns or exercises control of the highest level owner.

Immediate owner means an entity, other than the offeror, that has direct control of the offeror. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

* * * * *

(p) *Ownership or Control of Offeror.* (Applies in all solicitations when there is a requirement to be registered in SAM or a requirement to have a DUNS Number in the solicitation.

(1) The Offeror represents that it [__] has or [__] does not have an immediate owner. If the Offeror has more than one immediate owner (such as a joint venture), then the Offeror shall respond to paragraph (2) and if applicable, paragraph (3) of this provision for each participant in the joint venture.

(2) If the Offeror indicates ''has'' in paragraph (p)(1) of this provision, enter the following information:

Immediate owner CAGE code:

_____

Immediate owner legal name:

_____

(*Do not use a ''doing business as'' name*)

Is the immediate owner owned or controlled by another entity: [__] Yes or [__] No.

(3) If the Offeror indicates ''yes'' in paragraph (p)(2) of this provision, indicating that the immediate owner is owned or controlled by another entity, then enter the following information:

Highest-level owner CAGE code:

_____

Highest-level owner legal name:

_____

(*Do not use a ''doing business as'' name*)

(End of provision)

* * * * *

[FR Doc. 2014–12387 Filed 5–29–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 42, and 52

[FAC 2005–74; FAR Case 2014–016; Item II; Docket No. 2014–0016, Sequence No. 1]

RIN 9000–AM77

Federal Acquisition Regulation; Repeal of the Recovery Act Reporting Requirements

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA have adopted as final, with changes, two interim rules amending the Federal Acquisition Regulation (FAR) to revise the clause on Recovery Act reporting procedures. This final rule implements a section of the Consolidated Appropriations Act, 2014, by repealing the reporting requirements of the American Recovery and Reinvestment Act of 2009.

DATES: *Effective:* May 30, 2014.

Applicability: In accordance with FAR 1.108(d)(3), Contracting Officers may, at their discretion, modify existing contracts to amend 52.204–11 in paragraph (c) to add a statement that ''Starting February 1, 2014, future reporting is not required.''

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, at 202–501–1448 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–74, FAR Case 2014–016.

SUPPLEMENTARY INFORMATION:

I. Background

Section 627 of Division E of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76), repealed the contractor reporting requirements that were in section 1512(c) of Division A of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111–5). Starting February 1, 2014, future reporting is not required. A message has been posted at *www.federalreporting.gov* notifying Federal contractors of this change. As of March 20, 2014, the Web site is closed for future reporting.

Section 627 also amended section 1512(d) to replace the requirement that agencies make publicly available the information previously reported by contractors under section 1512(c) with the requirement that each agency that made recovery funds available to any recipient, make publicly available detailed spending data as prescribed by the Office of Management and Budget and pursuant to the Federal Funding Accountability and Transparency Act of 2006 (FFATA) (Pub. L. 109–282).

Although Federal contractors and agencies are not required after January 31, 2014, to comply with future reporting requirements of the Recovery Act, which were implemented in FAR subpart 4.15, 42.15, and the clause at 52.204–11, American Recovery and Reinvestment Act—Reporting Requirements, contractors and agencies are still required to continue their FFATA reporting on existing contracts, as implemented in FAR subpart 4.14 and clause 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards.

To notify the acquisition community of this change the following steps were taken: (1) The Civilian Agency Acquisition Council (CAAC) issued CAAC letter 2014–02 titled ''Class Deviation from the Federal Acquisition Regulation (FAR) to Repeal the American Recovery and Reinvestment Act of 2009 (the Recovery Act) Reporting Requirement'' on February 20, 2014; and (2) DoD issued a deviation titled ''Class Deviation-Repeal of the Recovery Act Reporting Requirements'' dated March 11, 2014.

II. Discussion and Analysis

DoD, GSA, and NASA published an interim rule under FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 (Recovery Act)—Reporting Requirements, in the **Federal Register** at 74 FR 14639 on March 31, 2009, and notices published at 74 FR 42877 on August 25, 2009, and at 74 FR 48971 on September 25, 2009. DoD, GSA, and NASA published in the **Federal Register** a separate interim rule under FAR Case 2010–008, Recovery Act Subcontract Reporting Procedures, at 75 FR 38684 on July 2, 2010, and a correction published at 75 FR 43090 on July 23,

2010. Responses to the interim rule published under 2009–009 were received from 39 respondents, and one respondent commented on the interim rule published under FAR Case 2010–008.

The CAAC and the Defense Acquisition Regulations Council (DARC) reviewed the public comments received.

However, due to the repeal of the Recovery Act reporting requirements, the two FAR cases under which the interim rules were published have been closed into this FAR Case 2014–016, which adopts the interim rules as a final rule, with changes. This final rule deletes the obsolete text at FAR subpart 4.15 and 52.204–11 and makes conforming changes at 42.1501(a)(5) and 52.212–5(b)(5).

Therefore, the comments received with regard to the two previously published interim rules that addressed applicability, definitions, Web sites, the reporting requirements, paperwork burden, and impact on small business, are no longer relevant.

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, GSA, and NASA have prepared a final regulatory flexibility analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

The objective of this final rule is to delete the reporting requirements at FAR subpart 4.15 and the clause at 52.204–11, American Recovery and Reinvestment Act Reporting Requirements. The two prior interim rules (2009–009 and 2010–008), which established the current FAR coverage, have been closed into this final rule. This is necessary because section 627 of Division E of the Consolidated Appropriations Act, 2014, amended Title XV of Division A of the American Recovery and Reinvestment Act, FY 2014 (Pub. L. 111–5), including repeal of the contractor reporting requirements.

Although comments were received on the two prior interim rules, these comments are no longer relevant, because the reporting requirements have been deleted, and there is no further burden on any entity, small or large, that is associated with Recovery Act reporting.

An initial report, with quarterly updates, was required from all Federal contractors that received awards funded by the Recovery Act. As of March 15, 2010, the Federal Procurement Data System (FPDS) indicated that there were 36,680 Recovery Act awards, including modifications, totaling $43,716,219,816. Of the Recovery Act prime contract awards, 39.5%, or 14,501 were made to small businesses. The number of first-tier subcontractors estimated to participate in Recovery Act awards was 73,360. Of these 73,360 Recovery Act first-tier subcontractors, it was estimated that 40%, or 29,344, were small businesses.

Performance of most contracts awarded using Recovery Act funds is already complete. Therefore, we estimate that not more than several hundred small entities will be positively impacted by the elimination of the reporting requirements.

The reports being deleted were probably prepared by a company contract administrator or contract manager or a company subcontract administrator. The information required in the report was primarily information that companies would maintain for their own business purposes including, but not limited to, contract or other award number, the dollar amount of invoices, the supplies or services delivered, a broad assessment of progress towards completion, the estimated number of new jobs created or retained resulting from the award, and first-tier subcontract information (or aggregate information if the subcontract is less than $25,000, or the subcontractor is an individual or had gross income in the previous tax year of less than $300,000). While most of the data elements imposed only one-time burden collection, some required quarterly updates.

Deletion of the Recovery Act reporting requirements from the FAR has eliminated all economic impact of the two prior interim FAR rules on small entities.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

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). This final rule repealed the contractor reporting requirements that were in section 1512(c) of Division A of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111–5). Therefore, a request will be submitted to OMB to cancel OMB clearances 9000–0166, 9000–0167, 9000–0168, 9000–0169, and 9000–0176. As a result of this action, the public burden for reporting recovery actions has been reduced by 419,019 hours. However, even though Federal contractors and agencies are not required after January 31, 2014, to comply with future reporting requirements of the Recovery Act, which were implemented in FAR subparts 4.15 and 42.15, and the clause at 52.204–11, American Recovery and Reinvestment Act—Reporting Requirements, both groups are still required to continue their FFATA reporting on existing contracts, as implemented in FAR subpart 4.14 and clause 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards and that reporting requirement is covered under a separate collection.

List of Subjects in 48 CFR Parts 4, 42, and 52

Government procurement.

Dated: May 22, 2014.

William Clark,

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

Interim Rules Adopted as Final With Changes

Accordingly, the interim rules amending 48 CFR parts 4 and 52, which were published in the **Federal Register** at 74 FR 14639, March 31, 2009, and at 75 FR 38684, July 2, 2010, are adopted as final with the following changes:

■ 1. The authority citation for 48 CFR parts 4, 42, and 52 continues to read as follows:

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

PART 4—ADMINISTRATIVE MATTERS

Subpart 4.15 [Removed and Reserved]

■ 2. Remove and reserve Subpart 4.15.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

42.1501 [Amended]

■ 3. Amend section 42.1501 by removing from paragraph (a)(5) ''subparts 4.14 and 4.15'' and adding ''subpart 4.14'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.204–11 [Removed and Reserved]

■ 4. Remove and reserve section 52.204–11.

■ 5. Amended section 52.212–5 by—

■ a. Revising the date of the clause; and

■ b. Removing and reserving paragraph (b)(5).

The revised text reads as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (May 2014)

* * * * *

[FR Doc. 2014–12393 Filed 5–29–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 31 and 52

[FAC 2005–74; FAR Case 2012–017; Item III; Docket No. 2012–0017, Sequence No. 1]

RIN 9000–AM38

Federal Acquisition Regulation; Expansion of Applicability of the Senior Executive Compensation Benchmark

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are adopting as final, without change, an interim rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act of 2012. This section expands the application of the senior executive compensation benchmark to a broader group of contractor employees on contracts awarded by DoD, NASA, and the Coast Guard. The senior executive compensation benchmark amount limits the reimbursement of contractor employee compensation costs.

DATES: *Effective:* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Edward N. Chambers, Procurement Analyst, at 202–501–3221 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–74, FAR Case 2012–017.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 78 FR 38535, on June 26, 2013 to implement section 803 of the National Defense Authorization Act for Fiscal Year 2012. The interim rule required in FAR 31.205–6(p) that the incurred compensation costs for all contractor employees on all DoD, NASA, and Coast Guard contracts awarded on or after December 31, 2011, be subject to the senior executive compensation amount. The reference to 31.205–6(p) in FAR 52.216–7 was also updated to reflect this revision in 31.205–6(p).

Section 803(c)(2) stated that the expanded reach of the compensation cap ''shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act'' (which was December 31, 2011). This final rule addresses only the prospective application of section 803, *i.e.,* to contracts awarded on or after its enactment (December 31, 2011). A separate proposed rule (FAR Case 2012–025) was published in the **Federal Register** at 78 FR 38539, on June 26, 2013 to address the retroactive application of section 803 to contracts that had been awarded before its enactment.

A technical correction was published in the **Federal Register** at 78 FR 70481, on November 25, 2013, correcting the dates in 31.205–6(p)(2)(ii).

Three respondents submitted comments on the interim rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the public comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Significant Changes

Based on a review of the public comments, discussed below, the Councils have concluded that no change to the interim rule is necessary.

B. Analysis of Public Comments

1. Retroactive Application of Rule Not Appropriate

Comment: Respondents submitted comments stating that it was inappropriate to retroactively apply the rule. These comments included:

(a) The interim rule creates a breach of contract per case law cited in the General Dynamics and ATK Launch Systems decisions. Thus, the effective date of the interim rule should be June 26, 2013 (the effective date of the interim rule) and not the date of the statute (January 1, 2012).

(b) The interim rule's premise that section 803 of the NDAA must automatically prevail for contracts signed prior to the effective date of the rule but after enactment of the NDAA is incorrect. It is well established in the Federal Courts that a contract that conflicts with Federal statute should still be honored.

(c) Case law has established that statutory language which explicitly requires the issuance of implementing regulations is not self-executing but instead takes effect upon the promulgation of implementing regulations.

(d) The Government was mistaken in its conclusion that the holdings in the General Dynamics and ATK Launch Systems decisions cited in the preamble would impact only contracts awarded before the effective date of the statute. A close reading of those decisions reveals the Government would also be in breach of FAR 52.216–7 in implementing this interim rule because it attempts to impose its requirements on contracts awarded before the published date of the interim rule (June 26, 2013).

(e) The retroactive application of this rule is expressly prohibited per FAR 1.108(d).

Response: Section 803(c)(2) states that the expanded reach of the compensation cap ''shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act'' (which was December 31, 2011). This final rule addresses only the prospective application of section 803, *i.e.,* to contracts awarded on or after its enactment (December 31, 2011). A separate proposed rule (FAR Case 2012–025) was published in the **Federal Register** at 78 FR 38539 on June 26, 2013 to address the retroactive application of section 803 to contracts that had been awarded before its enactment.

FAR 1.108(d) does not expressly prohibit retroactive application of FAR changes, but instead states that unless otherwise specified, FAR changes apply to solicitations issued on or after the effective date of the change. In this instance, however, section 803(c)(2) of the National Defense Authorization Act for Fiscal Year 2012 explicitly states that that the expanded reach of the compensation cap ''shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act'' (which was December 31, 2011). Therefore, in accordance with the National Defense Authorization Act for Fiscal Year 2012 and consistent with FAR 1.108(d), the specified effective date for this rule is January 1, 2012. The General Dynamics and ATK Launch Systems decisions only addressed contracts that predate the enactment of the statute; those decisions did not specifically address contracts awarded during the period beginning on the date of enactment of the underlying statute through the date before implementation of the statute in the regulations. The Councils are required to implement the statute in the FAR to the maximum extent that is legally permissible.

2. Exceptions for Scientists and Engineers Must Be Addressed

Comment: One respondent believed that the expansion of the executive compensation cap to all contractor employees and the exceptions for scientists and engineers must align. Any future Defense Federal Acquisition Supplement rule relative to exception for scientist and engineers would be in conflict with this interim rule.

Response: This rule does not prohibit DoD from considering an exception for scientists and engineers.

3. Urgent and Compelling Determination Inappropriate

Comment: One respondent stated that the urgent and compelling determination in the preamble was inappropriate. These comments included the following:

(a) The statement in the preamble that urgent and compelling reasons exist to issue an interim rule without public comment was reached in error because the interim rule does impose reporting, recordkeeping, or other information collection requirements.

(b) The 18-month time period to issue the interim rule is inconsistent with the statement that urgent and compelling reasons existed to issue the interim rule. If truly urgent and compelling, the interim rule would have been issued much sooner.

Response: There are no reporting or record keeping burdens associated with the interim or final rule that require the approval of the Office of Management and Budget. The determination to issue the interim rule prior to the receipt of public comments was necessary because it allowed agencies to immediately implement the requirements of the law. The delay in issuing the interim rule was necessary to resolve issues in the development of the interim rule and obtain necessary clearances. The delay did not alleviate the urgency of implementing the rule in the FAR.

4. Impact on Contractors' Ability To Perform

Comment: One respondent stated that application of an arbitrary cap on the compensation of all contractor employees will reduce contractors' ability to attract and retain experienced and talented individuals and will jeopardize contractors' ability to support Government mission critical requirements. The respondent also believed that the rule was a disincentive and created a barrier to commercial and small businesses entering the Federal Government market. With tight profit margins on Federal Government contracts, companies will evaluate viability of entering such a market that now imposes executive compensation caps which will lower profit margins even more.

Response: GAO Report 13–566, issued June 2013, ''Defense Contractors Information on the Impact of Reducing the Cap on Employee Compensation Costs,'' did not draw any conclusions on the impact of compensation caps. However, it found that less than .4 percent of employees would be affected if the cap were set at the President's salary of $400,000 and the vast majority of these would be executive employees. Further, using the caps established by the Office of Federal Procurement Policy for 2010 through 2012, GAO found that fewer than .1 percent of employees were affected, all of whom were executive employees (page 13 of report). In the case of small businesses surveyed, these businesses reported to GAO that they would only be minimally affected, or not affected, should the cap be reduced as low as $237,700, because they generally did not offer compensation above this threshold (page 23 of report). The FAR was revised (by the interim rule for this FAR case) to incorporate section 803 of the National Defense Authorization Act for Fiscal Year 2012 that mandated the expansion of the application of the contractor employee compensation cap.

5. Financial Impact on Contractors

Comment: One respondent commented that this rule will have a direct impact on company cash flows that will act as a disincentive to contractors considering entering the Government market. Furthermore, this rule will lower profit margins and have a negative impact on cash flow which will force current contractors out of the Government market and weaken the defense industrial base.

Response: The FAR was revised to implement section 803 of the National Defense Authorization Act for Fiscal Year 2012 that mandated the expansion of the application of the contractor employee compensation cap.

6. Potential To Reduce Industrial Base

Comment: One respondent believed that application of this rule is contrary to Government policy to encourage small business participation in the Government market. In fact, contractors are given specific requirements for small business participation in Government contracts and this rule impacts the ability of contractors to comply with these requirements.

Response: This rule was established to implement the National Defense Authorization Act for Fiscal Year 2012. The Councils do not anticipate that this rule will have a significant economic impact on a substantial number of small businesses.

7. Additional Recordkeeping Requirements

Comment: Some respondents stated that the statement ''imposes no reporting, recordkeeping, or other information collection requirements'' is unrealistic since contractors will need to adjust their accounting systems to capture data required by this rule and maintain more than one billing structure.

Response: The rule does not contain any additional information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act.

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 a significant regulatory action and, therefore, was 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, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* because, per data from the Federal Procurement Data System for fiscal year 2013, most contracts awarded to small entities are awarded on a competitive, fixed-price basis, and do not require application of the cost principle contained in this rule. With extremely few exceptions, compensation to small business employees remains below the compensation caps.

The rule imposes no reporting, recordkeeping, or other information collection requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules, and there are no known significant alternatives to the rule.

No comments were filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the rule and no changes were made to the rule.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The final 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 31 and 52

Government procurement.

Dated: May 22, 2014.

William Clark,

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

Interim Rule Adopted As Final Without Change

Accordingly, the interim rule amending 48 CFR parts 31 and 52 which was published in the **Federal Register** at 78 FR 38535 on June 26, 2013 is adopted as a final rule without change.

[FR Doc. 2014–12408 Filed 5–29–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 42

[FAC 2005–74; FAR Case 2012–028; Item IV; Docket No. 2012–0028, Sequence No. 1]

RIN 9000–AM40

Federal Acquisition Regulation; Contractor Comment Period, Past Performance Evaluations

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement provisions of law that change the period allowed for contractor comments on past performance evaluations and require that past performance evaluations be made available to source selection officials sooner.

DATES: *Effective:* July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, at 202–501–1448 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–74, FAR Case 2012–028.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 78 FR 48123 on August 7, 2013, under FAR Case 2012–028, to implement section 853 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) and section 806 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011; 10 U.S.C. 2302 Note). Section 853, entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Executive Agency Source Selection Decisions,'' and section 806, entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Source Selection Decisions,'' require revisions to the acquisition regulations on past performance evaluations at FAR subpart 42.15 so that contractors are provided ''up to 14 calendar days . . . from the date of delivery'' of past performance evaluations ''to submit comments, rebuttals, or additional information pertaining to past performance'' for inclusion in the database. In addition, paragraph (c) of both sections 853 and 806 requires that agency evaluations of contractor performance, including any information submitted by contractors, be ''included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information'' to the contractor.

Ten respondents submitted comments on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council (the Councils) reviewed the public comments in the development of the final rule. A discussion of the comments is provided in the following sections.

A. Analysis of Changes

No changes were made from the proposed rule as a result of the public comments.

B. Analysis of Public Comments

1. Contractor Response Time of Fourteen Days

Comments: Almost all respondents commented on the burden imposed on contractors to submit comments in a maximum of 14 days, especially given that FAR 42.1503 provides ''a minimum of 30 days'' for contractors to provide comments, rebuttals, or additional information. One respondent cited statistics from the Contractor Performance Assessment Rating System (CPARS) Program Office for DoD past performance evaluations completed in FY 2010–2012:

Percentage	Contractor response times
19	No comments provided.
43	Comments provided within 14 days.
30	Comments provided between 14–30 days.
9	Comments provided after 30 days.

Two other respondents noted that, when the contractor disagrees with any given Government evaluation or comment, it takes time for the contractor

to gather input from multiple employees and subcontractors and draft an objective response, *i.e.,* more than 14 days in their opinion. A respondent noted that DoD had more than doubled the number of contracting officials trained on contract past performance from FY 2010 to 2012, but that, as of April 2013, more than half of Federal agencies had no required contractor assessments in Past Performance Information Retrieval System (PPIRS). Given that, the respondent suggested that the focus should remain on improving agency performance rather than curtailing the time allotted for contractor review and comment.

Another respondent stated that, after receipt of the past performance evaluation, the contractor ''has the opportunity to request a meeting with the assessment official to discuss differences and possible modifications to the ratings and the comments.'' These meetings, according to the respondent, often result in a better assessment for the Government.

One respondent noted that the statutory action of providing up to 14 days from the date of delivery is beneficial in that it sets a generally applicable fixed period.

One respondent requested that the current 30-day period be retained and not reduced because the shortened time may lead many contractors to seek additional business opportunities in the private-rather than Federal-market.

One respondent stated that, because the 14-day time period is statutory, the Councils should consider guidelines to ensure that requirements for the content of past performance evaluations are clear, concise, and contain sufficient detail to allow a contractor to promptly begin its assessment of any negative findings.

Last, a respondent quoted paragraph (d) of section 853, which reads as follows:

> Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

Response: The FAR is incorporating section 853 of the NDAA for FY 2013. Paragraph (c) of section 853 provides, at (c)(2) and (3), that ''contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases;'' and that ''agency evaluations of contractor past performance, including any comments, rebuttals, or additional information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).'' The information provided in accordance with paragraph (c)(1) is the notice that a past performance evaluation has been submitted to CPARS. CPARS will generate a notice to the contractor automatically, so the 14 calendar day period for contractor comments begins at that point in time. The law specifically states that the 14 days allotted for contractor comments are calendar days, not business days or any other method of counting days. The Councils are aware of the effort and coordination involved in gathering, summarizing, and vetting possible responses but were provided no latitude under the terms of the law.

There is no requirement in the law for the Government assessing official to meet with the contractor. However, if the contractor requests such a meeting, the assessing official may accept the request. In this case, the statute is clear and does not allow for alterations to the 14 calendar day time frame and requires that the past performance evaluation must be made available for the use of source selection officials 14 days after its initial submission, and it will be made available at that time with any contractor comments that have been received. Delaying the availability of the contractor's comments until after a meeting with the assessing official would only result in the past performance evaluation being seen by source selection officials without them having the benefit of any contractor comments. The CPARS and PPIRS systems have been revised so that transfers between CPARS and PPIRS occur automatically, thus eliminating delays in availability. The assessing official, who may also be the contracting officer, has a responsibility to review the contractor's comments when, and if, they are submitted by the contractor, but that review should not be allowed to delay or prevent source selection officials from seeing the contractor's comments as soon as they are provided.

The Councils are mindful of the terms of section 853, including paragraph (d), and have structured this rule so that contractor comments, rebuttals, or additional information can be submitted at any point in time between the initial notification of availability of a past performance evaluation until the evaluation is removed from PPIRS and archived (see FAR 42.1503(g)). The other element of section 853(d), the ability for a contractor to appeal a past performance evaluation and have a review at a level above the contracting officer, is retained, without change, in the FAR at 42.1503(d).

The intent of the statute is to make timely, relevant past performance information available to source selection officials without delay. The statute ensures that past performance information moves forward without allowing for delays caused by agencies or contractors. Any information or changes from such meetings or reviews will be added to the past performance information as it becomes available, but its absence will no longer lengthen the process.

2. Accuracy of Information Available to Source Selection Officials

Comments: Nine respondents submitted comments concerning the proposed rule requirement that past performance evaluations be available to source selection officials not later than 14 days after the evaluation was provided to the contractor, whether or not the contractor comments have been received. Four respondents stated this requirement may result in agencies relying upon potentially inaccurate or erroneous information in source selection decisions and may increase the number of disputes. One respondent stated past performance evaluations which do not have the benefit of either the contractor's comments or the more senior official's review could be obtained by source selection officials but would impact these source selections officials since they would have to take the time to address contractor reactions to the evaluations. One respondent stated that the reductions in the contractor comment period places the integrity of the past performance system at significant risk due to the likelihood that it will result in incorrect information passing through the system and on to procurement offices. Another respondent strongly objects to halving the time allotted for contractor comment because it would ''sacrifice the quality (of past performance evaluations) for quantity.'' One respondent commented on the mechanism to make changes to incomplete or inaccurate reports after they have been provided to PPIRS. The respondent is concerned that, although the mechanism is in place to correct mistakes, the inaccurate information would be available for release before the information is corrected.

Response: The FAR is incorporating section 853 of the NDAA for FY 2013 and section 806 of the NDAA for FY 2012. These laws require that past performance evaluations be made available to source selection officials not later than 14 days after the evaluation was provided to the contractor, whether or not contractor comments have been received. The purpose of the 14 calendar day deadline is to make timely, relevant past performance information available to source selection officials without delay so that award decisions can be better informed and made in a more timely manner. Having a past performance evaluation, with the contractor's comments and explanations included, available to source selection officials in 14-days will be advantageous, not detrimental, to most contractors. These timely evaluations will allow contractors that are meeting their contractual obligations to be more competitive for future awards. Therefore, it is anticipated that the deadline for comments will serve as a greater impetus to contractors to meet the new 14 calendar day deadline for comments. When a contractor is unable to provide comments within 14 days, however, the changes to CPARS and PPIRS will enable the contractor's comments to be added to the past performance evaluation after the evaluation has been moved into PPIRS. Currently, if a contractor does not submit comments, rebuttals, or additional information with regard to a past performance evaluation, the evaluation remains in CPARS indefinitely and will not move to PPIRS so as to become available to source selection officials.

In addition, the system changes to CPARS and PPIRS will allow the Government to revise the evaluation after it has moved to PPIRS, if the Government determines that such revisions are appropriate. OFPP issued guidance in its memoranda dated March 6, 2013, January 21, 2011, and July 29, 2009, encouraging agencies to improve the quality and timeliness of reporting past performance information. The FAR was also recently updated at FAR 42.1501(b) and 42.1503(b)(1) to require the Government to provide past performance evaluations that are clear, concise, and contain sufficient detail to allow a contractor to begin its assessment promptly.

3. Posting of the Evaluation

Comment: One respondent found FAR 42.1503(f) of the proposed rule ambiguous ''as to whether the rule permits the agency to post its evaluation before receiving the contractor comments within this 14-day period.'' This respondent requested a clarification in the final rule to the effect that ''the agency will not post the evaluation until it affords the contractor the opportunity to submit its comments with in this 14-day period, or if no contractor comments are forthcoming, at the end of the 14-day period.''

Response: If a contractor has submitted comments to the Government and the Government has not closed the evaluation (*i.e.,* reconciled the comments), the evaluation as well as any contractor comment will be posted to the database automatically 14 days after the evaluations are provided to the contractor. In this case, the database will apply a ''Contractor Comment Pending Government Review'' notification to the evaluation. Once the Government completes the evaluation, the database will be updated the following day and remove this notification. Also, CPARS and PPIRS software will not allow a past performance evaluation to be released into PPIRS until the end of the 14th day, unless the evaluation has been completed by the Government (*i.e.,* the contractor has commented and the Government has reconciled the comments).

4. Further Updates to a Past Performance Evaluation

Comments: Three respondents stated the proposed rule does not require the Government to timely revise a past performance evaluation in PPIRS if the Government determines, after the 14-day period expired, that it was in error, and these respondents recommend that the final rule include a deadline by which the Government shall update PPIRS to include any contractor comments provided after the initial comment period as well as any subsequent agency review of comments received, within 14 days of receipt of such additional comments. The respondents suggest a 14-day deadline be established for agency updates to PPIRS or require the Government to update PPIRS to include the current status of the evaluation review process and include the submissions and final evaluations ''promptly'' or ''within a reasonable time''. Another respondent recommended that the agency senior reviewer be given a deadline of 5 working days to resolve any differences. One respondent commented that one of its member companies had a CPARS assessment done with which it did not concur, and that the company submitted its response in a timely manner; however, the respondent stated that the assessing officer did not respond in a reasonable amount of time to the response.

Response: Agencies are required to have internal management and technical controls for past performance evaluations. Agency compliance delays should be addressed with the office that issued the assessment and its management. A specific past performance evaluation should be discussed with the assessing official responsible for the past performance evaluation.

5. Contractors' Interim Response

Comment: The respondent proposed allowing contractors to submit an interim response; the interim response would be to the effect that the contractor is in the process of reviewing the evaluation and will provide final comments.

Response: Contractors can submit an interim response but any interim response received will be posted and may be evaluated as if it were the final response.

6. System Changes

Comments: A respondent stated that the Government should provide a timeline when CPARS and PPIRS system changes/updates will be started, completed, tested, and verified. Another respondent stated that the rule should not be made effective until these critical systems (software) changes have been put into effect.

Response: The effective date for the FAR change is aligned with the effective date for the system changes. The systems changes are expected to be fully operational on July 1, 2014.

7. Other

Comment: One respondent commented that, given the severely truncated timeline, more than one contractor focal point per contract should be allowed to receive draft CPARS reports.

Response: The FAR does not prevent contractors from assigning more than one contractor focal point per contract. Although each contractor has one primary focal point, the CPARS Program Office recommends that the same contractor could have multiple back-up focal points, all of whom would receive an email notification that a past performance evaluation had been submitted to CPARS.

Comment: One respondent commented that automatic notification to the contractor when a past performance evaluation is available should be specified with a standardized cover sheet and a label warning the contractor about the 14-day deadline;

the respondent suggested that FAR 53.302–17 (Offer Label) provides a useful model.

Response: A standardized PPIRS notification email will be sent to the contractor's stated contact point via email once a past performance evaluation is available for review by the contractor.

Comment: One respondent urged public access to contractor performance information relating to late or nonpayment of subcontractors.

Response: The public access to contractor performance information is currently prohibited per FAR 9.105–2(b)(2)(iii) as required by section 3010 of the Supplemental Appropriations Act, 2010 (Pub. L. 111–212).

Comment: One respondent requested the creation of a new FAR clause mandating timely submission of past performance evaluations and stating the contractor's right to dispute untimely past performance evaluations.

Response: The FAR requires the Government to submit timely past performance evaluations. FAR 42.1503(d) requires agencies to evaluate a contractor's performance after the end of the period of performance as soon as practicable. Once the evaluation is completed and submitted to CPARS, CPARS will automatically send it to the contractor. After the 14-day period, the Government's evaluation and the contractor's response, if any, will be posted in PPIRS. A FAR clause is not necessary because contractors have the right to dispute past performance evaluations, regardless of when the evaluations are submitted for the contractor's review.

Comment: One respondent suggested assigning a regional ''overseer'' or ''ombudsman'' for the evaluation process.

Response: FAR 42.1503, Agency procedures, requires agencies to establish roles and responsibilities for ensuring past performance information is timely reported in CPARS and PPIRS. OFPP's January 21, 2011, memorandum required agencies to assign an agency point of contact accountable for updating agency guidance, workforce training, oversight mechanisms, and identification of improvements to CPARS and PPIRS. OFPP's March 6, 2012, memorandum required agencies to report the designated agency point of contact to OMB.

Comment: One respondent commented that some agencies overuse past performance questionnaires, and this should be considered for correction in the FAR, to streamline the past performance evaluation process.

Response: Per FAR 15.305(a)(2)(ii), offerors are provided an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement. However, this rule is not intended to set standards for use of past performance questionnaires across the Federal Government.

Comment: One respondent commented that the Government should consider assessing the actual impact of the rule 12 to 18 months after implementation.

Response: FAR regulations are periodically reviewed for continuous improvement and industry is always invited to submit regulatory change proposals. For the past several years, OFPP has issued memoranda to improve agencies use and reporting of past performance information and is also exploring ways to enhance the evaluation process and systems. Further, the law, at paragraph (e) of section 853 of the NDAA for FY 2013, requires a review and report by the Comptroller General on the actions taken by the FAR Council pursuant to the law.

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, GSA, and NASA have prepared a final regulatory flexibility analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

Section 806 of the National Defense Authorization Act (NDAA) for Fiscal Year 2012 (Public Law 112–81, enacted December 31, 2011) is entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Source Selection Decisions.'' Paragraph (c) of section 806 mandates DFARS revisions so that contractors are provided ''up to 14 calendar days from the date of delivery'' to them of past performance evaluations ''to submit comments, rebuttals, or additional information pertaining to past performance'' for inclusion in the database. In addition, section 806(c) requires that DoD agency evaluations of contractor performance, including any information submitted by contractors, be ''included in the relevant past performance database not later than 14 days after the date of delivery of the information'' to the contractor. Section 853 of the NDAA for FY 2013 (Public Law 112–239, enacted January 2, 2013) is entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Executive Agency Source Selection Decisions,'' and it extends the requirements of section 806 to all Executive agencies.

Two respondents expressed concern about the reduced comment period and the hardship it would create for small businesses. The respondents said that the 14-day comment period would negatively impact the limited human resources of small businesses, affect the accuracy of evaluations, and have an overall negative effect on small entities. One erroneous evaluation affects a small business more than a large business. However, the 14-day comment period is mandated by law, and it will be advantageous to the Government and all its contractors to standardize past performance evaluation practices. Further, the statute does not prohibit, and the CPARS and PPIRS systems allow, submission by businesses of their comments, rebuttals, and additional information after the 14-day comment period has expired. The Chief Counsel for Advocacy of the Small Business Administration did not submit comments in response to the initial regulatory flexibility analysis.

The final rule applies to all small businesses for which past performance evaluations are completed. The information collection for past performance evaluations, OMB Control Number 9000–0142, published in the **Federal Register** at 77 FR 6799, on February 9, 2012, is the source for the data used in the FRFA. It indicates that an estimated 150,000 respondents submit an average four responses annually, for a total of 600,000 responses. Data from the Federal Procurement Data System (FPDS) for FY 2011 show that approximately 32 percent of the relevant actions of the responses are from small businesses; the rule applies to approximately 48,000 small entities.

There are no new reporting, recordkeeping, or other compliance requirements created by the rule. The difference between the current FAR past performance evaluation requirements (see FAR subpart 42.15) and this final rule is that sections 806 and 853 reduce the time allowed for a contractor to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in the past performance database from ''a minimum of 30 days'' (FAR 42.1503(b)) to ''up to 14 calendar days'' and the law now requires that past performance evaluations be available to source selection officials not later than 14 days after the evaluation was provided to the contractor, whether or not contractor comments have been received.

The specifics of the statutory requirement do not allow for alternative implementation strategies.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

This rule affects the information collection requirements in the provisions at FAR subpart 42.15, currently approved under OMB Control Number 9000–0142, entitled ''Past Performance Information,'' in the amount of 1,200,000 hours, in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35). This rule would shorten the contractors' response time, but it would not expand the reporting requirement. Therefore, the impact is considered negligible because contractors are already allowed to submit comments, rebutting statements, or additional information regarding agency evaluations of their performance. The number of contractors providing comments will be unaffected by this rule. Further, the type of information provided is not impacted by this proposed rule.

List of Subjects in 48 CFR Part 42

Government procurement.

Dated: May 22, 2014.

William Clark,

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

Therefore, DoD, GSA, and NASA amend 48 CFR part 42 as set forth below:

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 1. The authority citation for 48 CFR part 42 continues to read as follows:

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

■ 2. Amend section 42.1503 by revising the third sentence in paragraph (d); and paragraph (f) to read as follows:

42.1503 Procedures.

* * * * *

(d) * * * Contractors shall be afforded up to 14 calendar days from the date of notification of availability of the past performance evaluation to submit comments, rebutting statements, or additional information. * * *

* * * * *

(f) Agencies shall prepare and submit all past performance evaluations electronically in the CPARS at *http://www.cpars.gov.* These evaluations, including any contractor-submitted information (with indication whether agency review is pending), are automatically transmitted to PPIRS at *http://www.ppirs.gov* not later than 14 days after the date on which the contractor is notified of the evaluation's availability for comment. The Government shall update PPIRS with any contractor comments provided after 14 days, as well as any subsequent agency review of comments received. Past performance evaluations for classified contracts and special access programs shall not be reported in CPARS, but will be reported as stated in this subpart and in accordance with agency procedures. Agencies shall ensure that appropriate management and technical controls are in place to ensure that only authorized personnel have access to the data and the information safeguarded in accordance with 42.1503(d).

* * * * *

[FR Doc. 2014–12407 Filed 5–29–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAC 2005–74; FAR Case 2012–016; Item V; Docket No. 2012–0016, Sequence No. 1]

RIN 9000–AM50

Federal Acquisition Regulation; Defense Base Act

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the Longshore and Harbor Workers' Compensation Act (LHWCA) as extended by the Defense Base Act (DBA).

DATES: *Effective:* July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Edward N. Chambers, Procurement Analyst, at 202–501–3221 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–74, FAR Case 2012–016.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 78 FR 17176 on March 20, 2013, to make the necessary regulatory revisions to revise the FAR to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the LHWCA, 33 U.S.C. 901, *et seq.,* as extended by the DBA, 42 U.S.C. 1651, *et seq.* Three respondents submitted comments on the proposed rule.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:

A. Summary of Significant Changes

This final rule includes one change to align the FAR with Department of Labor's (DOL) regulations and implementation of section 30(a) of the LHWCA. This change involves deleting proposed paragraph (b) of FAR clause 52.228–3, which stated that the actions set forth under paragraphs (a)(2) through (a)(8) may be performed by the contractor's agent or insurance carrier. The DOL's regulations place the responsibility for reporting injuries on the employer, see 20 CFR 703.115. The removal of proposed FAR 52.228–3 paragraph (b) also promotes consistency with the statutory requirements.

B. Analysis of Public Comments

1. Support of the Proposed Rule

Comment: Two respondents expressed support for the rule.

Response: The public's support for this rule is acknowledged.

2. Clarify Term ''Days''

Comment: One respondent recommends that the ten-day reporting period within the report of injury requirements set forth in proposed FAR 52.228–3 paragraph (a)(2) should be revised to read ''ten business days.'' The respondent asserts this modification will clarify the reporting period.

Response: The intent of this rule is to alert contractors to their obligations

under the LHWCA, rather than to alter those obligations. The respondent's suggested revisions could result in altering a contractor's obligations and therefore are beyond the scope of the FAR rule. The DOL's regulation interprets the ten-day injury reporting period set forth in LHWCA section 30(a), 33 U.S.C. 930(a), as ten calendar days. See 20 CFR 702.201(a) (using unqualified term ''days'' to describe reporting period). Thus, adding ''business'' days would alter the intent of the law.

3. Inclusion of ''Work-Related'' Terminology

Comment: The respondent states that the terms injury and death should be modified by adding the phrase ''work-related'' before both. The respondent asserts that this modification will serve to clarify a contractor's obligation.

Response: The Councils do not recommend adding the phrase ''work-related'' to the terms ''injury'' and ''death.'' The added phrase is not necessary as the LHWCA defines an injury in 33 U.S.C. 902(2) and the concept of work-relatedness is subsumed in the term ''injury.'' Moreover, the question whether a particular injury is work-related is often a difficult issue to resolve, and a contractor may not be able to decide whether a particular injury arose out of and in the course of employment within the meaning of the statute. By leaving the terms ''injury'' and ''death'' unqualified, contractors will be encouraged to err on the side of reporting any incident that may be work-related.

4. Inclusion of ''Actual'' Terminology

Comment: One respondent suggests that the provision should specify that the contractor's ''actual/constructive'' knowledge of the injury triggers the reporting period. The respondent recommends this revision to further clarify a contractor's obligation.

Response: DOL's governing rules use the unqualified term ''knowledge of an employee's injury or death'' when describing the event that triggers the reporting period. This FAR rule simply tracks that language.

5. Conflicts With Current Practice

Comment: One respondent states that FAR 52.228–3 paragraph (b), which allows the contractor's agent or insurance carrier to submit the first report of injury referenced in paragraph (a)(2), is inconsistent with section 30(a) of the LHWCA, 33 U.S.C. 930(a), as extended by the DBA, and the DOL's current practice. The respondent argues that it is inappropriate to redefine this statutory provision through a FAR clause. The respondent recommends the proposed paragraph (b) should be amended to conform to current practice both under the DBA and LHWCA.

Response: The Councils concur with the respondent. The intent of this FAR rule is to clarify and inform contractors of their obligations under the DBA and the DOL's regulations, not to alter those requirements. Section 30(a) of the LHWCA, as implemented by the DOL's regulations, places the responsibility for reporting injuries on the employer. See 20 CFR 703.115. Accordingly, the Councils are removing the proposed FAR 52.228–3 paragraph (b) to promote consistency with the statutes referenced above.

6. Contractors Should Provide Insurance

Comment: One respondent states that the contractors should have sufficient insurance to be able to pay compensation if an employee is injured.

Response: The Councils concur that the views of this respondent are in accord with the intent of the law, this FAR rule, and the existing FAR clause 52.228–3.

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, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because this rule merely clarifies the existing prescriptions and clauses relating to contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the LHWCA as extended by the DBA, and implemented in DOL Regulations. No comments from small entities were submitted in reference to the Regulatory Flexibility Act request under the proposed rule.

The rule imposes no reporting, recordkeeping, or other information collection requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules, and there are no known significant alternatives to the rule.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The rule does not contain any new 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 Part 52

Government procurement.

Dated: May 22, 2014.

William Clark,

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

Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 52 continues to read as follows:

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

■ 2. Revise section 52.228–3 to read as follows:

52.228–3 Workers' Compensation Insurance (Defense Base Act).

As prescribed in 28.309(a), insert the following clause:

Workers' Compensation Insurance (Defense Base Act) (Jul 2014)

(a) The Contractor shall—

(1) Before commencing performance under this contract, establish provisions to provide for the payment of disability compensation and medical benefits to covered employees and death benefits to their eligible survivors, by purchasing workers' compensation insurance or qualifying as a self-insurer under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 932) as extended by the Defense Base Act (42 U.S.C. 1651, *et seq.*), and continue to maintain provisions to provide such Defense Base Act benefits until contract performance is completed;

(2) Within ten days of an employee's injury or death or from the date the Contractor has knowledge of the injury or death, submit Form LS–202 (Employee's First Report of Injury or Occupational Illness) to the Department of Labor in accordance with the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 930(a), 20 CFR 702.201 to 702.203);

(3) Pay all compensation due for disability or death within the time frames required by the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 914, 20 CFR 702.231 and 703.232);

(4) Provide for medical care as required by the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 907, 20 CFR 702.402 and 702.419);

(5) If controverting the right to compensation, submit Form LS–207 (Notice of Controversion of Right to Compensation) to the Department of Labor in accordance with the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 914(d), 20 CFR 702.251);

(6) Immediately upon making the first payment of compensation in any case, submit Form LS–206 (Payment Of Compensation Without Award) to the Department of Labor in accordance with the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 914(c), 20 CFR 702.234);

(7) When payments are suspended or when making the final payment, submit Form LS–208 (Notice of Final Payment or Suspension of Compensation Payments) to the Department of Labor in accordance with the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 914(c) and (g), 20 CFR 702.234 and 702.235); and

(8) Adhere to all other provisions of the Longshore and Harbor Workers' Compensation Act as extended by the Defense Base Act, and Department of Labor regulations at 20 CFR Parts 701 to 704.

(b) For additional information on the Longshore and Harbor Workers' Compensation Act requirements see *http://www.dol.gov/owcp/dlhwc/lsdba.htm.*

(c) The Contractor shall insert the substance of this clause, including this paragraph (c), in all subcontracts to which the Defense Base Act applies.

(End of clause)

[FR Doc. 2014–12406 Filed 5–29–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2014–0052, Sequence No. 2]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–74; Small Entity Compliance Guide

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

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2005–74, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005–74, which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov.*

DATES: May 30, 2014.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–74 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–74

Item	Subject	FAR case	Analyst
*I	Commercial and Government Entity Code	2012–024	Loeb.
*II	Repeal of the Recovery Act Reporting Requirements	2014–016	Glover.
*III	Expansion of Applicability of the Senior Executive Compensation Benchmark.	2012–017	Chambers.
*IV	Contractor Comment Period, Past Performance Evaluations	2012–028	Glover.
*V	Defense Base Act	2012–016	Chambers.

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–74 amends the FAR as specified below:

Item I—Commercial and Government Entity Code (FAR Case 2012–024)

This final rule adds subpart 4.18, ''Commercial and Government Entity Code,'' and related provisions and clauses, to the FAR. The new subpart requires the use of Commercial and Government Entity (CAGE) codes, including North Atlantic Treaty Organization (NATO) Cage (NCAGE) codes for foreign entities, for awards valued above the micro-purchase threshold. The final rule also requires offerors, if owned by another entity, to identify that entity during System for Award Management (SAM) registration. The rule effective date is November 1, 2014.

Item II—Repeal of the Recovery Act Reporting Requirements (FAR Case 2014–016)

This final rule adopts as final, with changes, two interim rules published on March 31, 2009, and July 2, 2010, under FAR case numbers 2009–009 and 2010–008. The interim rules amended the FAR to implement reporting requirements of the American Recovery and Reinvestment Act in subpart 4.15, 42.15, and clause 52.204–11, American Recovery and Reinvestment Act-Reporting Requirements. Future reporting requirements after January 31, 2014, were repealed by section 627 of Division E of the Consolidated Appropriations Act, FY 2014 (Pub. L. 113–76). The reporting Web site has closed for future reporting. This rule does not change the reporting required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA) on existing contracts, as implemented in FAR subpart 4.14 and clause 52.204–10, Reporting Executive Compensation and First-Tier Subcontract Awards. Therefore, contractors and agencies are still required to continue their FFATA reporting on existing contracts, as implemented in FAR subpart 4.14 and clause 52.204–10, Reporting Executive

Compensation and First-Tier Subcontract Awards.

Item III—Expansion of Applicability of the Senior Executive Compensation Benchmark (FAR Case 2012–017)

This final rule adopts, without change, the interim rule published on June 26, 2013, at 78 FR 38535. The interim final rule amended the FAR by expanding the reach of the limitation on allowability of compensation for certain contractor personnel from a contractor's five most highly paid executives to all employees, but only for contracts with the Department of Defense (DoD), the National Aeronautical and Space Administration (NASA), and Coast Guard. The interim rule implemented section 803 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81). Prior to the interim rule, this limitation on the allowability of compensation, which is an amount set annually by the Office of Federal Procurement Policy, applied only to a contractor's five most highly paid executives at each of their home office(s) and any segments that report directly to the contractors headquarters, and covered all Federal agencies. Under the interim and this final rule, the application of this limitation to a contractor's five most highly paid executives continues for agencies other than DoD, NASA, and the Coast Guard. Because most contracts awarded to small businesses are awarded on a competitive, fixed-price basis, the impact of this compensation limitation on small businesses will be minimal.

Item IV—Contractor Comment Period, Past Performance Evaluations (FAR Case 2012–028)

This final rule implements sections 853 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) and 806 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011; 10 U.S.C. 2302 Note). These statutes require the Government to provide past performance information to source selection officials more quickly and to give contractors 14 calendar days from the date of delivery of past performance evaluations to submit comments, rebuttals, or additional information for inclusion in the past performance database. The evaluations will be posted to the database no later than 14 days after the evaluations are provided to the contractor. If a contractor has submitted comments to the Government and the Government has not closed the evaluation (*i.e.,* reconciled the comments), the evaluation as well as any contractor comment will be posted to the database automatically 14 days after the evaluations are provided to the contractor. In this case, the database will apply a ''Contractor Comment Pending Government Review'' notification to the evaluation. Once the Government completes the evaluation, the database will be updated the following day and remove this notification. Contractors will also still be allowed to submit comments after the 14-day period.

Item V—Defense Base Act (FAR Case 2012–016)

This final rule amends the FAR to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901, *et seq.*) as extended by the Defense Base Act (42 U.S.C. 1651, *et seq.*). This Act provides disability compensation, medical benefits, and death benefits, for certain employment outside of the United States. The rule only clarifies the current responsibilities of contractors under the Defense Base Act and Department of Labor (DOL) regulations, and does not initiate or impose any new administrative or performance requirements. This final rule has no impact on small business entities since it is merely clarifying already existing statutory and DOL regulatory requirements, and imposes no new requirements.

Dated: May 22, 2014.

William Clark,

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

[FR Doc. 2014–12404 Filed 5–29–14; 8:45 am]

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