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Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 220

School Breakfast Program

CFR Correction

■ In Title 7 of the Code of Federal Regulations, Parts 210 to 299, revised as of January 1, 2014, on page 107, in § 220.8, in paragraph (e), the last sentence is corrected to read as follows:

§ 220.8 Meal requirements for breakfasts.

* * * * *

(e) * * * If only three food items are offered at breakfast, school food authorities or schools may not exercise the offer versus serve option.

* * * * *

[FR Doc. 2014–14610 Filed 6–19–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

Rules, Policies, and Procedures for Corporate Activities

CFR Correction

■ In Title 12 of the Code of Federal Regulations, Parts 1 to 199, revised as of January 1, 2014, on page 289, in § 5.13, in paragraph (f), the second sentence is moved to the end of the paragraph.

[FR Doc. 2014–14614 Filed 6–19–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0171; Airspace Docket No. 13–ANM–6]

Amendment of Class E Airspace; Redmond, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Roberts Field, Redmond, OR. Controlled airspace is necessary to accommodate aircraft arriving and departing under Instrument Flight Rules (IFR) at Roberts Field. This action, initiated by the biennial review of the Redmond, OR airspace area, enhances the safety and management of aircraft operations at the airport. This action makes a minor correction to the geographic coordinates of the airport and also corrects the lateral dimensions of the southeast segment of Class E airspace designated as an extension to Class D and E surface area.

DATES: Effective date, 0901 UTC, September 18, 2014. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

History

On February 11, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify controlled airspace at Roberts Field, Redmond, OR (79 FR 8129). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA found an error in the lateral dimensions of the southeast segment of Class E surface area airspace and is corrected from 3.5-miles to 13.5-miles. The geographic coordinates also are adjusted to coincide with the FAAs aeronautical database.

Class E airspace designations are published in paragraph 6002, 6004, and 6005, respectively, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E surface area airspace at Roberts Field, Redmond, OR, to remove the segment extending from the 5.1-mile radius of the airport to .9 miles west of the Deschutes VORTAC, and by modifying Class E airspace designated as an extension to the Class D and Class E surface area by adding a segment extending from the 5.1-mile radius of Roberts Field, Redmond, OR, to 13.5 miles southeast of the airport, and removing the segment from the 5.1-mile radius of the airport to .9 miles west of the Deschutes VORTAC. After a biennial review of the airspace, the FAA found the segment is no longer needed for aircraft arriving and departing under IFR operations. Class E airspace extending upward from 700 feet above the surface is modified with segments extending from the 7.6-mile radius of Roberts Field to 11.5 miles northeast and 15 miles southeast of the airport. The lateral dimensions of the southeast segment of Class E airspace designated as an extension, extending from the 5.1-mile radius of the airport is corrected from 3.5 miles to 13.5 miles. This rule is necessary to accommodate RNAV (GPS) standard instrument approach procedures and for the safety and management of IFR operations at the airport. Also, the geographic coordinates of the airport are updated to coincide with the FAA's aeronautical database. Except for administrative changes and the changes listed above, this rule is the same as published in the NPRM.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not

a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies controlled airspace at Roberts Field, Redmond, OR.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures,* paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E. O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

Paragraph 6002 Class E airspace Designated as Surface Areas.

* * * * *

ANM OR E2 Redmond, OR [Modified]

Redmond, Roberts Field, OR
(Lat. 44°15′14″ N., long. 121°09′00″ W.)

That airspace within a 5.1 mile radius of Roberts Field. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM OR E4 Redmond, OR [Modified]

Redmond, Roberts Field, OR
(Lat. 44°15′15″ N., long. 121°09′00″ W.)

That airspace extending upward from the surface within 1 mile each side of the 122° bearing of Roberts Field extending from the 5.1-mile radius to 13.5 miles southeast of the airport. This Class E airspace is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM OR E5 Redmond, OR [Modified]

Redmond, Roberts Field, OR
(Lat. 44°15′15″ N., long. 121°09′00″ W.)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Roberts Field, and within 3 miles either side of the 87° degree bearing of Roberts Field extending from the 7.6-mile radius to 11.5 miles northeast of the airport, and within 3.5 miles either side of the 122° bearing of the airport extending from the 7.6-mile radius to 15 miles southeast of the airport.

Issued in Seattle, Washington, on June 11, 2014.

Johanna Forkner,

Manager (A), Operations Support Group, Western Service Center.

[FR Doc. 2014–14354 Filed 6–19–14; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–9600; 34–72394; 39–2497; IC–31081]

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) Filer Manual and related rules to reflect updates to the EDGAR system. The revisions are being made primarily to support the US GAAP 2014 Taxonomy, validate the filings containing EX–101 XBRL documents, update the Public Validation Criteria validation in EX–101.INS documents, change the ABS Asset Class value ''Corporate Debt'' for ABS–15G and ABS–15G/A to ''Debt Securities,'' disseminate unofficial PDF copies of COVER and CORRESP attachments to EDGARLink Online submissions at the discretion of the SEC, update the Frequently Asked Questions (FAQ) screens, and revise the N–SAR system requirements. The EDGAR system is scheduled to be upgraded to support this functionality on June 16, 2014.

DATES: *Effective Date:* June 20, 2014. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the **Federal Register** as of June 20, 2014.

FOR FURTHER INFORMATION CONTACT: In the Division of Corporation Finance, for questions concerning dissemination of unofficial PDF copies of COVER and CORRESP attachments to EDGARLink Online submissions contact Heather Mackintosh at (202) 551–3600; in the Division of Economic and Risk Analysis, for questions concerning taxonomies update and XBRL contact Walter Hamscher at (202) 551–5397; and in the Office of Information Technology, contact Vanessa Anderson at (202) 551–8800.

SUPPLEMENTARY INFORMATION: We are adopting an updated EDGAR Filer Manual, Volume I, Volume II, and Volume III. The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the EDGAR system.[1] It also describes the

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638].

requirements for filing using EDGARLink Online and the Online Forms/XML Web site.

The revisions to the Filer Manual reflect changes within Volume I entitled EDGAR Filer Manual, Volume I: ''General Information,'' Version 17 (June 2014), Volume II entitled EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 27 (June 2014), and Volume III entitled EDGAR Filer Manual, Volume III: ''N–SAR Supplement,'' Version 3 (June 2014). The updated manual will be incorporated by reference into the Code of Federal Regulations.

The Filer Manual contains all the technical specifications for filers to submit filings using the EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[2] Filers may consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.[3]

The EDGAR system will be upgraded to Release 14.1 on June 16, 2014 and will introduce the following changes: EDGAR will be updated to support the US GAAP 2014 Taxonomy. In addition, EDGAR will no longer provide support for the US GAAP 2012 Taxonomy and the US 2011 DEI Taxonomy. Please see *http://www.sec.gov/info/edgar/edgartaxonomies.shtml* for a complete listing of supported standard taxonomies.

Filings containing the EX–101 XBRL documents will be validated to ensure that:

- EX–101 exhibits do not contain custom elements with a fractionItemType declaration.
- EX–101 exhibits with numerical elements do not have a value and decimal attribute combination that would cause non-zero digits to be truncated to zero.
- EX–101 exhibits with non-numeric elements do not have label roles, such as ''negated,'' ''zero,'' and ''positive'' that imply they are numeric.
- EX–101 exhibits do not contain an element declaration for which xbrli:periodType is instant and its base type is non-numeric.
- EX–101.INS XBRL documents do not contain contexts that include the xbrli:forever context element.

The Public Validation Criteria validation [fs-0509-Start-And-End-Dates-Not-Distinct-Inconsistent-With-Document-Type] has been updated to allow individual context durations in EX–101.INS documents that are equal to or greater than 24 hours.

The ABS Asset Class value ''Corporate Debt'' for ABS–15G and ABS–15G/A submission form types will be changed to ''Debt Securities.'' This change will not impact previous ABS–15G and ABS–15G/A submissions where filers selected ''Corporate Debt'' as the ABS Asset Class value.

Unofficial PDF copies of COVER and CORRESP attachments to EDGARLink Online submissions will now be disseminated at the discretion of the SEC.

The Frequently Asked Questions (FAQ) screens of the EDGAR Filing Web site and the EDGAR Filer Management Web site have been updated to include a new ''EDGAR Quick Reference Guides'' hyperlink. On clicking this hyperlink, filers are presented with a list of hyperlinks to the Quick Reference Guides in the lower pane of the window.

Section 2.1 of the ''EDGAR Filer Manual, Volume III: N–SAR Supplement'' has been revised to update the following N–SAR system requirements. (Note: The procedure for filing Form N–SAR, the Semi-Annual Report for Registered Investment Companies has not changed.)

- The N–SAR PC application (Version 6.1.a) is supported by 16-bit and 32-bit Windows-based Operating Systems.
- The references to modem and the Netscape browser have been deleted. The Internet browsers recommended for transmitting N–SAR submissions include Internet Explorer 7.0 through 8.0, and Firefox 17.0 or later.

Along with the adoption of the Filer Manual, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. We will post electronic format copies on the Commission's Web site; the address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml.*

Since the Filer Manual and the corresponding rule changes relate solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).[4] It follows that the requirements of the Regulatory Flexibility Act[5] do not apply.

The effective date for the updated Filer Manual and the rule amendments is June 20, 2014. In accordance with the APA,[6] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 14.1 is scheduled to become available on June 16, 2014. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the system upgrade.

Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[7] Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[8] Section 319 of the Trust Indenture Act of 1939,[9] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[10]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The authority citation for Part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77z–3, 77sss(a), 78c(b), 78*l,* 78m, 78n, 78o(d), 78w(a), 78*ll,* 80a–6(c), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.;* and 18 U.S.C. 1350.

* * * * *

■ 2. Section 232.301 is revised to read as follows:

We implemented the most recent update to the Filer Manual on March 3, 2014. *See* Release No. 33–9554 (March 10, 2014) [79 FR 13216].

[2] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[3] *See* Release No. 33–9554 in which we implemented EDGAR Release 14.0. For additional history of Filer Manual rules, please see the cites therein.

[4] 5 U.S.C. 553(b).

[5] 5 U.S.C. 601–612.

[6] 5 U.S.C. 553(d)(3).

[7] 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

[8] 15 U.S.C. 78c, 78*l,* 78m, 78n, 78o, 78w, and 78*ll.*

[9] 15 U.S.C. 77sss.

[10] 15 U.S.C. 80a–8, 80a–29, 80a–30, and 80a–37.

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: ''General Information,'' Version 17 (June 2014). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: ''EDGAR Filing,'' Version 27 (June 2014). Additional provisions applicable to Form N–SAR filers are set forth in the EDGAR Filer Manual, Volume III: ''N–SAR Supplement,'' Version 3 (June 2014). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 100 F Street NE., Room 1543, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Electronic copies are available on the Commission's Web site. The address for the Filer Manual is *http://www.sec.gov/info/edgar.shtml.* You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

By the Commission.

Dated: June 16, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14417 Filed 6–19–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

22 CFR Part 34

[Public Notice 8771]

RIN 1400–AD60

Debt Collection

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (hereinafter, ''State'' or ''the Department'') is amending its debt collection regulations to permit debt notices to be sent by electronic mail to certain debtors and to reflect a change in federal law, which authorizes the offset of Federal non-tax payments to collect delinquent federal debt without regard to the amount of time the debt has been delinquent.

DATES: This rule will become effective on June 20, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth Amory, Office of the Legal Adviser, United States Department of State (843)746–0558, *AmoryEA@state.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This rule amends State's debt collection regulations found at 22 CFR part 34 to permit debt notices to be sent by electronic mail and to reflect the 2008 amendment to 31 U.S.C. 3716(e), which authorizes the offset of Federal non-tax payments to collect delinquent federal debt without regard to the amount of time the debt has been delinquent.

State's regulations at 22 CFR 34.8(a) and 34.13 currently require that debt collection notices be hand-delivered or sent by first class mail. In some situations, sending debt notices by email is a more effective and efficient means of ensuring actual receipt of the notice by the debtor in a timely manner. For example, for a debtor who is a current State employee and, therefore, has been assigned a State email account, the delivery of a notification via that email account will allow the debtor to receive the notice more quickly, reliably, and conveniently than if it were sent by first class mail. This is especially true for employees serving overseas for whom it takes longer to receive first class mail.

With modernization of State's information systems, State is able to verify the delivery of notices sent to its own email addresses, rather than first class mail. Notice by email may also be a more effective and efficient means of notifying a debtor who is a State contractor or a vendor who uses email regularly to communicate with State (e.g., when submitting invoices). In these situations, it is in the interest of both parties for State to have the ability to utilize email for purposes of debt collection notification.

22 CFR 34.10(7) currently refers to the ten-year limitation on the offset of Federal nontax debts in order to collect delinquent Federal debts, which was eliminated by Section 14219 of the Food, Conservation and Energy Act of 2008, Public Law 110–234. This statute amended 31 U.S.C. 3716(e) to provide that no limitation on the period within which an offset may be initiated or taken, pursuant to that section, shall be effective. This proscription is mandatory; therefore, State must amend its regulations to remove the 10-year cutoff.

Regulatory Analysis

Administrative Procedure Act: This rulemaking is exempt from the notice-and-comment provisions of the Administrative Procedure Act (APA) under the ''good cause'' exemption of 5 U.S.C. 553(b)(3)(B). The Department finds that, given the Congressional mandate to eliminate the limitation on the period within which an offset may be initiated or taken, notice and public comment on this rulemaking are unnecessary. Further, the rules affecting the method by which the Department provides debt collection notice to its employees relate solely to agency procedure and practice (5 U.S.C. 553(b)(3)(A)). This rule is effective upon publication, pursuant to 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act: The Department, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), has reviewed this regulation and, by approving it, certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandated Reform Act of 1995: This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Act of 1996: This rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 in 5 U.S.C. 804.

Executive Orders 12866 and 13563: The Department does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with or interrelated to a domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to

ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. This rulemaking updating the provisions of 22 CFR part 34 is part of the Department of State's retrospective review, mandated by EO 13563. The benefit of the rulemaking is that in certain instances email notification of debt provides a more effective and efficient delivery mechanism than first class mail. This is particularly the case for the Department's global and mobile workforce. Postage costs are also eliminated by leveraging the Department's messaging system in lieu of first class mail delivery.

Executive Order 12988: The Department has reviewed this regulation in light of sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Orders 13132 and 12372: This regulation will not have substantial direct effects on the States, the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Department determines that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this regulation.

Executive Order 13175: The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act: This rule does not impose any new or revised reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

List of Subjects in 22 CFR Part 34

Administrative practice and procedure, Claims, Debts, Garnishment of wages, Government employee, Hearing and appeal procedures, Pay administration, Salaries, Wages.

Accordingly, for the reasons stated in the preamble, 22 CFR part 34 is amended as follows:

PART 34—DEBT COLLECTION

■ 1. The authority citation for part 34 is revised to read as follows:

Authority: 31 U.S.C. 3701–3719; 5 U.S.C. 5514; 31 CFR part 285; 31 CFR parts 900–904; 5 CFR part 550, subpart K.

■ 2. Revise paragraph (a) of § 34.8 to read as follows:

§ 34.8 Notice and demand for payment.

(a) STATE shall promptly hand deliver, send by first class mail to the debtor's most current address in the records of STATE, or, in appropriate circumstances, send by electronic mail to the debtor's most current address in the records of STATE, at least one written notice. Written demand under this subpart may be preceded by other appropriate actions under this part and or the FCCS, including but not limited to actions taken under the procedures applicable to administrative offset, including salary offset.

* * * * *

§ 34.7 [Amended]

■ 3. Remove paragraph (a)(7) from § 34.7.

■ 4. Revise the introductory text of § 34.13 to read as follows:

§ 34.13 Notice requirements before offset.

Except as provided in § 34.16, salary offset deductions will not be made unless STATE first provides the employee with a written notice that he/she owes a debt to the Federal Government at least 30 calendar days before salary offset is to be initiated. When STATE is the creditor agency, this notice of intent to offset an employee's salary shall be hand-delivered or sent by electronic mail to the employee's STATE issued electronic mail address and will state:

* * * * *

Dated: May 30, 2014.

Patrick F. Kennedy,

Under Secretary of State for Management.

[FR Doc. 2014–14505 Filed 6–19–14; 8:45 am]

BILLING CODE 4710–37–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 235

Hashemite Kingdom of Jordan Loan Guarantees Issued Under the Further Continuing Appropriations Act, 2014—Standard Terms and Conditions

AGENCY: Agency for International Development (USAID).

ACTION: Final rule.

SUMMARY: This regulation prescribes the procedures and standard terms and conditions applicable to loan guarantees to be issued for the benefit of the Hashemite Kingdom of Jordan pursuant Section 7041(g)(1)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014.

DATES: Effective June 19, 2014.

FOR FURTHER INFORMATION CONTACT: D. Bruce McPherson, Office of General Counsel, U.S. Agency for International Development, Washington, DC 20523–6601; tel. 202–712–1611, fax 202–216–3055.

SUPPLEMENTARY INFORMATION: Pursuant to the Section 7041(g)(1)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub. L. 113–76), the United States of America, acting through the U.S. Agency for International Development, may issue certain loan guarantees applicable to sums borrowed by the Hashemite Kingdom of Jordan (the ''Borrower''), not exceeding an aggregate total of U.S. $1.25 billion in principal amount. Upon issuance, the loan guarantees shall ensure the Borrower's repayment of 100% of principal and interest due under such loans and the full faith and credit of the United States of America shall be pledged for the full payment and performance of such guarantee obligations.

This rulemaking document is not subject to rulemaking under 5 U.S.C. 553 or to regulatory review under Executive Order 12866 because it involves a foreign affairs function of the United States. The provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) do not apply.

List of subjects in 22 CFR Part 235

Foreign aid, Foreign relations, Guaranteed loans, Loan programs-foreign relations.

Authority and Issuance

Accordingly, a new Part 235 is added to Title 22, Chapter II, of the Code of Federal Regulations, as follows:

PART 235—HASHEMITE KINGDOM OF JORDAN LOAN GUARANTEES ISSUED UNDER THE FURTHER CONTINUING APPROPRIATIONS ACT, 2014, DIV. F, PUB. L. 113–6—STANDARD TERMS AND CONDITIONS

Sec.

235.1 Purpose.
235.2 Definitions.
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235.4 Guarantee eligibility.
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235.6 Transferability of Guarantee; Note Register.
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235.11 Subrogation of USAID.
235.12 Prosecution of claims.
235.13 Change in agreements.
235.14 Arbitration.
235.15 Notice.
235.16 Governing Law.
Appendix A to Part 235—Application for Compensation

Authority: Sec. 7041(g)(1)(A), Div. K, Pub. L. 113–76, 128 Stat. 5.

§ 235.1 Purpose.

The purpose of the regulations in this part is to prescribe the procedures and standard terms and conditions applicable to loan guarantees issued for the benefit of the Borrower, pursuant to Section 7041(g)(1)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub. L. 113–76). The loan guarantees will be issued as provided herein pursuant to the Loan Guarantee Agreement, dated May 5, 2014, between the United States of America and the Hashemite Kingdom of Jordan (the ''Loan Guarantee Agreement''). The loan guarantee will apply to sums borrowed during a period beginning on the date that the Loan Guarantee Agreement enters into force and ending thirty days after such date, not exceeding an aggregate total of one billion United States Dollars ($1,000,000,000) in principal amount. The loan guarantees shall ensure the Borrower's repayment of 100% of principal and interest due under such loans. The full faith and credit of the United States of America is pledged for the full payment and performance of such guarantee obligations.

§ 235.2 Definitions.

Wherever used in the standard terms and conditions set out in this part:

Applicant means a Noteholder who files an Application for Compensation with USAID, either directly or through the Fiscal Agent acting on behalf of a Noteholder.

Application for Compensation means an executed application in the form of Appendix A to this part which a Noteholder, or the Fiscal Agent on behalf of a Noteholder, files with USAID pursuant to § 235.8.

Borrower means the Hashemite Kingdom of Jordan.

Business Day means any day other than a day on which banks in New York, NY are closed or authorized to be closed or a day which is observed as a federal holiday in Washington, DC, by the United States Government.

Date of Application means the date on which an Application for Compensation is actually received by USAID pursuant to § 235.15.

Defaulted Payment means, as of any date and in respect of any Eligible Note, any Interest Amount and/or Principal Amount not paid when due.

Eligible Note(s) means [a] Note[s] meeting the eligibility criteria set out in § 235.4.

Fiscal Agency Agreement means the agreement among USAID, the Borrower and the Fiscal Agent pursuant to which the Fiscal Agent agrees to provide fiscal agency services in respect of the Note[s], a copy of which Fiscal Agency Agreement shall be made available to Noteholders upon request to the Fiscal Agent.

Fiscal Agent means the bank or trust company or its duly appointed successor under the Fiscal Agency Agreement which has been appointed by the Borrower with the consent of USAID to perform certain fiscal agency services for specified Eligible Note[s] pursuant to the terms of the Fiscal Agency Agreement.

Further Guaranteed Payments means the amount of any loss suffered by a Noteholder by reason of the Borrower's failure to comply on a timely basis with any obligation it may have under an Eligible Note to indemnify and hold harmless a Noteholder from taxes or governmental charges or any expense arising out of taxes or any other governmental charges relating to the Eligible Note in the country of the Borrower.

Guarantee means the guarantee of USAID issued pursuant to this part and Section 7041(g)(1)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub. L. 113–76).

Guarantee Payment Date means a Business Day not more than three (3) Business Days after the related Date of Application.

Interest Amount means for any Eligible Note the amount of interest accrued on the Principal Amount of such Eligible Note at the applicable Interest Rate.

Interest Rate means the interest rate borne by an Eligible Note.

Loss of Investment means, in respect of any Eligible Note, an amount in Dollars equal to the total of the:

(1) Defaulted Payment unpaid as of the Date of Application,

(2) Further Guaranteed Payments unpaid as of the Date of Application, and

(3) Interest accrued and unpaid at the Interest Rate(s) specified in the Eligible Note(s) on the Defaulted Payment and Further Guaranteed Payments, in each case from the date of default with respect to such payment to and including the date on which full payment thereof is made to the Noteholder.

Note[s] means any debt securities issued by the Borrower.

Noteholder means the owner of an Eligible Note who is registered as such on the Note Register.

Note Register means the register of Eligible Notes required to be maintained by the Fiscal Agent.

Person means any legal person, including any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

Principal Amount means the principal amount of the Eligible Notes issued by the Borrower. For purposes of determining the principal amount of the Eligible Notes issued by the Borrower, the principal amount of each Eligible Note shall be the stated principal amount thereof.

USAID means the United States Agency for International Development or its successor.

§ 235.3 The Guarantee.

Subject to the terms and conditions set out in this part, the United States of America, acting through USAID, guarantees to Noteholders the Borrower's repayment of 100 percent of principal and interest due on Eligible Notes. Under the Guarantee, USAID agrees to pay to any Noteholder compensation in Dollars equal to such Noteholder's Loss of Investment under its Eligible Note; provided, however, that no such payment shall be made to any Noteholder for any such loss arising out of fraud or misrepresentation for which such Noteholder is responsible or of which it had knowledge at the time it became such Noteholder. The Guarantee shall apply to each Eligible Note registered on the Note Register required to be maintained by the Fiscal Agent.

§ 235.4 Guarantee eligibility.

(a) Eligible Notes only are guaranteed hereunder. Notes in order to achieve Eligible Note status:

(1) Must be signed on behalf of the Borrower, manually or in facsimile, by a duly authorized representative of the Borrower;

(2) Must contain a certificate of authentication manually executed by a

Fiscal Agent whose appointment by the Borrower is consented to by USAID in the Fiscal Agency Agreement; and

(3) Shall be approved and authenticated by USAID by either:

(i) The affixing by USAID on the Notes of a guarantee legend incorporating these Standard Terms and Conditions signed on behalf of USAID by either a manual signature or a facsimile signature of an authorized representative of USAID or

(ii) The delivery by USAID to the Fiscal Agent of a guarantee certificate incorporating these Standard Terms and Conditions signed on behalf of USAID by either a manual signature or a facsimile signature of an authorized representative of USAID.

(b) The authorized USAID representatives for purposes of the regulations in this part whose signature(s) shall be binding on USAID shall include the USAID Chief and Deputy Chief Financial Officer, Assistant Administrator and Deputy, Bureau for Economic Growth, Education, and Environment, Director and Deputy Director, Office of Development Credit, and such other individual(s) designated in a certificate executed by an authorized USAID Representative and delivered to the Fiscal Agent. The certificate of authentication of the Fiscal Agent issued pursuant to the Fiscal Agency Agreement shall, when manually executed by the Fiscal Agent, be conclusive evidence binding on USAID that an Eligible Note has been duly executed on behalf of the Borrower and delivered.

§ 235.5 Non-impairment of the Guarantee.

After issuance of the Guarantee, the Guarantee will be an unconditional, full faith and credit obligation of the United States of America and will not be affected or impaired by any subsequent condition or event. This non-impairment of the guarantee provision shall not, however, be operative with respect to any loss arising out of fraud or misrepresentation for which the claiming Noteholder is responsible or of which it had knowledge at the time it became a Noteholder. In particular and without limitation, the Guarantee shall not be affected or impaired by:

(a) Any defect in the authorization, execution, delivery or enforceability of any agreement or other document executed by a Noteholder, USAID, the Fiscal Agent or the Borrower in connection with the transactions contemplated by this Guarantee or

(b) The suspension or termination of the program pursuant to which USAID is authorized to guarantee the Eligible Notes.

§ 235.6 Transferability of Guarantee; Note Register.

A Noteholder may assign, transfer or pledge an Eligible Note to any Person. Any such assignment, transfer or pledge shall be effective on the date that the name of the new Noteholder is entered on the Note Register required to be maintained by the Fiscal Agent pursuant to the Fiscal Agency Agreement. USAID shall be entitled to treat the Persons in whose names the Eligible Notes are registered as the owners thereof for all purposes of the Guarantee and USAID shall not be affected by notice to the contrary.

§ 235.7 Fiscal Agent obligations.

Failure of the Fiscal Agent to perform any of its obligations pursuant to the Fiscal Agency Agreement shall not impair any Noteholder's rights under the Guarantee, but may be the subject of action for damages against the Fiscal Agent by USAID as a result of such failure or neglect. A Noteholder may appoint the Fiscal Agent to make demand for payment on its behalf under the Guarantee.

§ 235.8 Event of Default; Application for Compensation; payment.

At any time after an Event of Default, as this term is defined in an Eligible Note, any Noteholder hereunder, or the Fiscal Agent on behalf of a Noteholder hereunder, may file with USAID an Application for Compensation in the form provided in Appendix A to this part. USAID shall pay or cause to be paid to any such Applicant any compensation specified in such Application for Compensation that is due to the Applicant pursuant to the Guarantee as a Loss of Investment not later than the Guarantee Payment Date. In the event that USAID receives any other notice of an Event of Default, USAID may pay any compensation that is due to any Noteholder pursuant to the Guarantee, whether or not such Noteholder has filed with USAID an Application for Compensation in respect of such amount.

§ 235.9 No acceleration of Eligible Notes.

Eligible Notes shall not be subject to acceleration, in whole or in part, by USAID, the Noteholder or any other party. USAID shall not have the right to pay any amounts in respect of the Eligible Notes other than in accordance with the original payment terms of such Eligible Notes.

§ 235.10 Payment to USAID of excess amounts received by a Noteholder.

If a Noteholder shall, as a result of USAID paying compensation under the Guarantee, receive an excess payment, it shall refund the excess to USAID.

§ 235.11 Subrogation of USAID.

In the event of payment by USAID to a Noteholder under the Guarantee, USAID shall be subrogated to the extent of such payment to all of the rights of such Noteholder against the Borrower under the related Note.

§ 235.12 Prosecution of claims.

After payment by USAID to an Applicant hereunder, USAID shall have exclusive power to prosecute all claims related to rights to receive payments under the Eligible Notes to which it is thereby subrogated. If a Noteholder continues to have an interest in the outstanding Eligible Notes, such a Noteholder and USAID shall consult with each other with respect to their respective interests in such Eligible Notes and the manner of and responsibility for prosecuting claims.

§ 235.13 Change in agreements.

No Noteholder will consent to any change or waiver of any provision of any document contemplated by the Guarantee without the prior written consent of USAID.

§ 235.14 Arbitration.

Any controversy or claim between USAID and any Noteholder arising out of the Guarantee shall be settled by arbitration to be held in Washington, DC in accordance with the then prevailing rules of the American Arbitration Association, and judgment on the award rendered by the arbitrators may be entered in any court of competent jurisdiction.

§ 235.15 Notice.

Any communication to USAID pursuant to the Guarantee shall be in writing in the English language, shall refer to the Hashemite Kingdom of Jordan Loan Guarantee Number inscribed on the Eligible Note and shall be complete on the day it shall be actually received by USAID at the Office of Development Credit, Bureau for Economic Growth, Education and Environment, United States Agency for International Development, Washington, DC 20523–0030. Other addresses may be substituted for the above upon the giving of notice of such substitution to each Noteholder by first class mail at the address set forth in the Note Register.

§ 235.16 Governing Law.

The Guarantee shall be governed by and construed in accordance with the laws of the United States of America governing contracts and commercial transactions of the United States Government.

Appendix A to Part 235—Application for Compensation United States Agency for International Development Washington, DC 20523

Ref: Guarantee dated as of ____, 20__:

Gentlemen: You are hereby advised that payment of $____ (consisting of $____ of principal, $____ of interest and $____in Further Guaranteed Payments, as defined in § 235.2 of the Standard Terms and Conditions of the above-mentioned Guarantee) was due on _____, 20__, on $____ Principal Amount of Notes issued by Hashemite Kingdom of Jordan (the ''Borrower'') held by the undersigned. Of such amount $____ was not received on such date and has not been received by the undersigned at the date hereof. In accordance with the terms and provisions of the above-mentioned Guarantee, the undersigned hereby applies, under § 235.8 of said Guarantee, for payment of $____, representing $____, the Principal Amount of the presently outstanding Note(s) of the Borrower held by the undersigned that was due and payable on ____ and that remains unpaid, and $____, the Interest Amount on such Note(s) that was due and payable by the Borrower on ____ and that remains unpaid, and $____ in Further Guaranteed Payments,[1] plus accrued and unpaid interest thereon from the date of default with respect to such payments to and including the date payment in full is made by you pursuant to said Guarantee, at the rate of ____ % per annum, being the rate for such interest accrual specified in such Note. Such payment is to be made at [state payment instructions of Noteholder].

All capitalized terms herein that are not otherwise defined shall have the meanings assigned to such terms in the Standard Terms and Conditions of the above-mentioned Guarantee.

[Name of Applicant]
By: _____
Name:
Title:
Dated:

Dated: June 17, 2014.

D. Bruce McPherson,

Attorney Advisor, Office of the General Counsel, U.S. Agency for International Development.

[FR Doc. 2014–14446 Filed 6–19–14; 8:45 am]

BILLING CODE P

[1] In the event the Application for Compensation relates to Further Guaranteed Payments, such Application must also contain a statement of the nature and circumstances of the related loss.

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 989

Environmental Impact Analysis Process (EIAP); Correction

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule; technical corrections.

SUMMARY: This document contains technical correction amendments to the Air Force EIAP regulation codified at 32 CFR Part 989. The rule relates to the Air Force process for compliance with the National Environmental Policy Act (NEPA) and Executive Order (E.O.) 12114, *Environmental Effects Abroad of Major Federal Actions.*

DATES: *Effective Date:* June 20, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Bush (HQ USAF/A7CI), 1260 Air Force Pentagon, Washington, DC 20330–1260, (703) 614–0237.

SUPPLEMENTARY INFORMATION: The final rule that is the subject of these corrections administratively changes responsibilities of the Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health to the Deputy Assistant Secretary of the Air Force for Installations. This document contains administrative documentation of internal realignment and redistribution of responsibilities within the organization of the Office of the Assistant Secretary of the Air Force for Installations and Energy (SAF/IE) that pertain to official functions codified in this Part. The functions themselves remain unchanged and continue to be performed by principals within SAF/IE.

Administrative Procedure Act

The Air Force has determined that the Administrative Procedure Act, 5 U.S.C. 553, does not require notice of proposed rulemaking and an opportunity for public participation in connection with these corrections. In this regard, the Air Force notes that such notice and opportunity for comment is unnecessary because these corrections are related solely to agency organization, procedure and practice and make technical corrections. Accordingly, the Air Force finds good cause to make these corrections effective immediately upon publication in the **Federal Register**. 5 U.S.C. 553(b)(B), 553(d)(3).

List of Subjects in 32 CFR Part 989

Environmental assessments, Environmental impact statements, Reporting and recordkeeping requirements.

Accordingly, 32 CFR Part 989 is corrected by making the following amendments:

PART 989—ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP)

■ 1. The authority citation for part 989 continues to read as follows:

Authority: 10 U.S.C. 8013.

■ 2. In § 989.3, revise the introductory text of paragraph (a)(1) to read as follows:

§ 989.3 Responsibilities.

(a) * * *

(1) The Deputy Assistant Secretary of the Air Force for Installations (SAF/IEI).

* * * * *

■ 3. In § 989.4, paragraph (h), revise the second sentence to read as follows:

§ 989.4 Initial considerations.

* * * * *

(h) * * * Formal arrangements with foreign governments concerning environmental matters and communications with foreign governments concerning environmental agreements will be coordinated with the Department of State by the Deputy Assistant Secretary of the Air Force for Installations (SAF/IEI) through the Deputy Under Secretary of Defense (Installations & Environment). * * *

■ 4. In § 989.5, revise paragraph (d) to read as follows:

§ 989.5 Organizational relationships.

* * * * *

(d) To ensure timely initiation of the EIAP, SAF/AQ forwards information copies of all Mission Need Statements and System Operational Requirements Documents to SAF/IEI, HQ USAF/A7CI (or NGB/A7CV), the Air Force Medical Operations Agency, Aerospace Medicine Office (AFMOA/SG), and the affected MAJCOM EPFs.

* * * * *

■ 5. In § 989.14, revise paragraph (h) to read as follows:

§ 989.14 Environmental assessment.

* * * * *

(h) EAs and accompanying FONSIs that require the Air Force to make Clean Air Act General Conformity Determinations shall be submitted (five hard copies and an electronic version) through the MAJCOM EPF to HQ USAF/A7CI for SAF/IEE coordination. SAF/IEE signs all General Conformity Determinations; SAF/IEI will sign the companion FONSIs after coordination with SAF/IEE, when requested by the MAJCOM (see § 989.30).

* * * * *

■ 6. In § 989.19, paragraph (c)(2), revise the last sentence to read as follows:

§ 989.19 Draft EIS.

* * * * *

(c) * * *

(2) * * * Submit requests to deviate from procedures in appendix C to this part to HQ USAF/A7CI for SAF/IEI approval.

* * * * *

■ 7. In § 989.20, paragraph (a), revise the first sentence to read as follows:

§ 989.20 Final EIS.

* * * * *

(a) If changes in the draft EIS are minor or limited to factual corrections and responses to comments, the proponent and EPF may, with the prior approval of HQ USAF/A7CI and SAF/IEI, prepare a document containing only comments on the Draft EIS, Air Force responses, and errata sheets of changes staffed to the HQ USAF ESOHC for coordination. * * *

* * * * *

■ 8. In § 989.21, revise the first sentence of paragraph (a) to read as follows:

§ 989.21 Record of decision (ROD).

(a) The proponent and the EPF prepare a draft ROD, formally staff it through the MAJCOM EPC, to HQ USAF/A7CI for verification of adequacy, and forwards it to either SAF/IEI or SAF/AQR, as the case may be, for approval and designation of the signator. * * *

* * * * *

■ 9. § 989.26, revise paragraph (f) to read as follows:

§ 989.26 Classified actions (40 CFR 1507.3(c)).

* * * * *

(f) Whenever a proponent believes that EIAP documents should be kept classified, the EPF must make a report of the matter to SAF/IEI, including proposed modifications of the normal EIAP to protect classified information. The EPF may make such submissions at whatever level of security classification is needed to provide a comprehensive understanding of the issues. SAF/IEI, with support from SAF/GC and other staff elements as necessary, makes final decisions on EIAP procedures for classified actions.

■ 10. In § 989.34, revise the last sentence of paragraph (a), and the third sentence of paragraph (b), to read as follows:

§ 989.34 Special and emergency procedures.

(a) * * * EPFs must forward all requests for procedural deviations to HQ USAF/A7CI (or ANGRC/CEV) for review and approval by SAF/IEI.

(b) * * * If possible, promptly notify HQ USAF/A7CI, for SAF/IEI coordination and CEQ consultation.

* * *

■ 11. In § 989.36, revise the first sentence to read as follows:

§ 989.36 [Corrected]

In order to deal with unusual circumstances and to allow growth in the EIAP process, SAF/IEI may grant waivers to those procedures contained in this part not required by NEPA or the CEQ Regulations. * * *

■ 12. In Appendix A to Part 989, add a new entry for ''SAF/IEI'' to the ''Abbreviations and Acronyms'' table in alphabetical order to read as follows:

Appendix A to Part 989—Glossary of References, Abbreviations, Acronyms, and Terms

* * * * *

Abbreviation or acronym	Definition
* * * * * * *	
SAF/IEI	Deputy Assistant Secretary of the Air Force for Installations.
* * * * * * *	

* * * * *

Henry Williams, DAF,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2014–14431 Filed 6–19–14; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0486]

Drawbridge Operation Regulation; Trent River, New Bern, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of Deviation from Drawbridge Regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the US 70/Alfred C. Cunningham Bridge across the Trent River, mile 0.0, at New Bern, NC. The deviation is necessary to ensure the safety of attendees to the Mumfest celebration. The deviation allows the bridge draw span to open every two hours, on the hour, during the deviation period to accommodate the free movement of pedestrians and vehicles during the annual Mumfest celebration.

DATES: This deviation is effective from 9 a.m. to 7 p.m. on October 11, 2014 and from 9 a.m. to 5 p.m. on October 12, 2014.

ADDRESSES: The docket for this deviation, USCG–2014–0486 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or e-mail Mrs. Jessica Shea, Bridge Management Specialist, Fifth Coast Guard District, telephone (757) 398–6422, email *jessica.c.shea@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Event Director for the New Bern Mumfest, with approval from the North Carolina Department of Transportation, owner of the drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.843(a) to accommodate safe passage for pedestrians and vehicles during Mumfest.

The US 70/Alfred C. Cunningham Bridge across the Trent River, mile 0.0, a double bascule lift Bridge, in New Bern, NC, has a vertical clearance in the

closed position of 14 feet, above mean high water. Under the normal operating schedule, the US 70/Alfred C. Cunningham Bridge would open on signal during this timeframe. However, under this temporary deviation, the drawbridge will only be allowed to open every two hours, on the hour, starting at 9 a.m. and continuing until 7 p.m. on Saturday, October 11, 2014; and from 9 a.m. to 5 p.m., on Sunday, October 12, 2014 to accommodate the New Bern Mumfest.

Vessels able to pass under the closed span may do so. Mariners are advised to proceed with caution. There are no alternate routes for vessels and the bridge will be able to open in the event of an emergency. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 11, 2014.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2014–14487 Filed 6–19–14; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

Revised Postage and Fee Refund Criteria

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service™ will revise *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) section 604.9 to update the hourly charges and related postage threshold used in assessing certain types of postage refunds and to provide the allowable time periods for requesting refunds for extra service fees.

DATES: *Effective Date:* July 28, 2014.

FOR FURTHER INFORMATION CONTACT: Douglas Germer, Revenue/Field Accounting, *douglas.g.germer@usps.gov,* 202–268–8522; Karen Key, Director, Shipping Products and Services, *karen.f.key@usps.gov,* 202–268–7492; or Suzanne Newman, Product Classification, *suzanne.j.newman@usps.gov,* 202–268–5581.

SUPPLEMENTARY INFORMATION:

I. Revised Proposal

On January 3, 2014, the Postal Service published a revised notice of proposed rulemaking (79 FR 375–6) to align with current costs the assessments for processing postage refunds that have been in effect since 2003. The Postal Service proposed to update the hourly factor used in refund assessments from $35.00 an hour to $50.00 an hour. Additionally, the threshold for assessing postage refunds at the hourly factor would be updated from postage amounts exceeding $350.00 to postage amounts exceeding $500.00. The current 10% assessment used below the threshold would remain unchanged.

The Postal Service also proposed to add language to the DMM to provide customers with information on refund time periods for extra service fees to align with the revised claims filing periods (made effective January 26, 2014) to promote timely adjudication. The Postal Service proposed including instructions in the DMM that refund requests for Registered Mail™, Certified Mail®, Signature Confirmation™, USPS Tracking™, Adult Signature services, and insurance fees must be made by the mailer no sooner than 10 days, or more than 60 days, from the date the service was purchased.

Additionally, if these proposed changes were adopted, PS Form 3533, *Application for Refund of Fees, Products and Withdrawal of Customer Accounts,* would be revised to reflect the changes. The proposed rule included a 30-day comment period. After a review of the comments and further analysis, the Postal Service is adopting this final rule as originally proposed with the exception of the proposed change regarding the refund of insurance fees, which has been removed.

II. Comments and Responses

The Postal Service received two formal responses to the revised proposed rule of January 3, 2014, one from a mailer and from a PC Postage provider.

The mailer requested that the Postal Service not eliminate the 10% assessment for postage refunds. The 10% will not change, but the threshold at which the 10% assessment changes to an hourly rate, and the hourly rate itself, will both be increased.

The comment from the PC Postage provider referenced certain refund and appeal assessments which were outside the scope of this rulemaking. The PC Postage provider expressed opposition to the current standards that provide for hourly charges when validating refunds to higher volume (postage refunds for) postage meter users. This commenter stated that these are not the same standards used for PC Postage appeals (when the end-users is denied a postage refund by the PC Postage provider). The commenter continued that processes used to validate refunds from PC Postage appeals should be equivalent to that used for postage meter refunds. This commenter also suggested that the Postal Service relax or eliminate assessments for processing postage refunds and appeals when customers make mistakes in printing postage indicia (and the Postal Service is not at fault). Although these comments fall outside of the scope of this rulemaking, the Postal Service provides the following clarifications:

- The refund assessment amounts in this proposed rule would not revise the current standards for providing PC postage refunds or appeals to adverse rulings by a PC Postage provider. The Postal Service does not make any assessment for postage refunds submitted electronically by PC Postage end-users to their provider within the established filing period(s). This includes postage refunds for unused, dated PC Postage indicia with a package identification code (PIC) made within 30-days from the date of printing and for unused, undated PC Postage without a PIC when made within 60 days from the date of printing.
- The Postal Service expanded the refund period (under DMM 604.9) for items with a package identification code from 10 days to 30 days in a final rule, published June 26, 2013, and effective July 28 (78 FR 38203–19), This effort served to provide customers additional time to reconcile their shipping records and to help reduce the amount of requests for appeals being received beyond the current 10 day refund filing period.
- Based on current records, approximately 75% of PC Postage appeals are submitted to USPS® outside of the established criteria. As a reminder, only the PC Postage *end-user* should submit their appeal to *an adverse provider ruling* on their refund request, made within *the 30-day period* for items associated to a package identification code, and *60-day period* for items not associated to a package identification code. Further, postage refund requests made by the end-user during the established periods are submitted to the provider and not

appeals subject to assessment by the Postal Service.

• Records also indicate that on average, only 25% of all appeals received can be granted as such and are assessed a charge. Further, less than 1% of those granted appeals would exceed the new threshold to be charged at the hourly assessment, as suggested by the provider.

• Finally, ordinary unused metered indicia postage refunds are not processed by the Postal Service in the same manner as PC Postage appeals. Year-to-date FY 2014 PC Postage refund appeal records indicate that, unlike most metered indicia refunds for envelopes not associated to a package identification code, more than 94% of the PC Postage refund appeals are for items bearing package identification codes. This requires that each label (sometimes numbering in the hundreds per refund request) to be manually researched using USPS® data archives to confirm that the postage was unused. In some cases, electronic scan data also exists for the associated package identification code, creating extenuating circumstances and making these refund determinations complex.

• The refund assessment process described in the proposed rule would not alter the current standards that provide for a 100% refund in instances where a service failure is evident or when USPS® is at fault.

III. Features of the Final Rule

The Postal Service will align the current assessments for processing postage refunds, in effect since 2003, with current costs as follows:

• The hourly factor used in various refund assessments will increase from $35.00 an hour to $50.00 an hour.

• The threshold for assessing postage refunds at the hourly factor will be updated from postage amounts exceeding $350.00 to postage amounts exceeding $500.00. The current 10% assessment below the threshold would remain unchanged.

• The Postal Service is adding standards to the DMM to provide customers with information on allowable refund periods for extra service fees that align with the revised claims filing periods (made effective January 26, 2014) to promote timely adjudication. Therefore, full refund requests for extra service fees, provided under the allowable standards for Registered Mail™, Certified Mail®, Signature Confirmation™, USPS Tracking™, Adult Signature, must be made by the mailer no sooner than 10 days, or more than 60 days, from the date the service was purchased.

• Additionally, PS Form 3533, *Application for Refund of Fees, Products and Withdrawal of Customer Accounts,* will be revised to reflect the changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

For the reasons stated in the preamble, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

604 Postage Payment Methods

* * * * *

9.0 Exchanges and Refunds

* * * * *

9.2 Postage and Fee Refunds

* * * * *

9.2.3 Full Refund

A full refund (100%) may be made when:

* * * * *

[Revise 9.2.3e to read as follows:]

e. Fees are paid for special handling, Certified Mail, USPS Tracking, Adult Signature, or Signature Confirmation, and the article fails to receive the extra service for which the fee is paid.

* * * * *

9.2.4 Postage Refunds Not Available

Refunds are not made for the following:

* * * * *

[Revise the text of 9.2.4b to read as follows:]

b. Collect on delivery (COD), Priority Mail Express insurance, insured mail, and Registered Mail fees, after the USPS accepts the article (even if the article is later withdrawn from the mail).

[Add new item 9.2.4h to read as follows:]

h. For fees paid for extra services, as allowed under 9.2.3, when refund request is made by the mailer less than 10 days, or more than 60 days, from the date the service was purchased, unless otherwise authorized by the manager, Revenue Field Accounting (see 608.8 for address).

* * * * *

9.2.6 Postage Affixed to Business Reply Mail

[Revise the seventh sentence of 9.2.6 to read as follows:]

* * * A charge of $50.00 per hour, or fraction thereof, is assessed for the workhours used to process the credit or refund. * * *

* * * * *

9.3.2 General Standards for Metered Indicia Refunds

* * * For both types of unused metered indicia, submit refund requests as follows:

* * * * *

b. * * * Charges for processing a refund request for unused, dated meter indicia are as follows, depending on the total face value of the indicia:

[Revise 9.3.2b1 and 9.3.2b2 to read as follows:]

1. When the total face value of the indicia is $500.00 or less, the amount refunded is 90% of the face value. USPS may process the refund payment via a no-fee postal money order.

2. When the total face value of the indicia is more than $500.00, the amount refunded is the total face value reduced by $50.00 per hour for the USPS time to process the refund, with a minimum charge of $50.00. The charge is $50.00 for each hour spent, with the last fraction of an hour treated as a full hour. Payment processing for refunds of $500.01 or more is through the Accounting Service Center.

* * * * *

9.3.4 Unused, Undated Meter Indicia

[Revise the introductory sentence of 9.3.4 to read as follows:]

Authorized users, or the commercial entity that prepared the mailing for the authorized user, must submit refund requests for undated, unused meter indicia under 9.3.1 and 9.3.2 as follows:

* * * * *

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2014–14415 Filed 6–19–14; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

Identification and Listing of Hazardous Waste

CFR Correction

■ In Title 40 of the Code of Federal Regulations, Parts 260 to 265, revised as of July 1, 2013, on page 37, in § 261.3, paragraphs (a)(2)(v)(A) and (B) are reinstated to read as follows:

§ 261.3 Definition of hazardous waste.

(a) * * *

(2) * * *

(v) * * *

(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.

(B) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

* * * * *

[FR Doc. 2014–14607 Filed 6–19–14; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

Public Mobile Services

CFR Correction

■ In Title 47 of the Code of Federal Regulations, Parts 20 to 39, revised as of October 1, 2013, on page 60, in § 22.355, in Table C–1, the heading of the third column is corrected to read ''Mobile >3 watts (ppm)''.

[FR Doc. 2014–14612 Filed 6–19–14; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WT Docket No. 12–283; FCC 14–74]

Amateur Service Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the rules for the Amateur Radio Service by modifying the qualifying examination system to grant partial examination credit for certain expired amateur operator licenses, permits examinations to be administered remotely, and allows amateur stations to transmit certain additional emission types. The rule amendments are necessary to implement these changes. Additionally, this document amends certain rules to conform them to prior Commission decisions. The effect of this action is to enhance the usefulness of the amateur service rules by making the amateur service more accessible to former licensees and to allow amateur stations to transmit certain additional emission types.

DATES: Effective July 21, 2014.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Mobility Division, Wireless Telecommunications Bureau, at (202) 418–0680, or TTY (202) 418–7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* (*R&O*), adopted June 5, 2014, and released June 9, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov*. Alternative formats are available to persons with disabilities by sending an email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

1. By this action, the Commission amends the rules for the Amateur Radio Service by modifying the qualifying examination system to grant partial examination credit for certain expired amateur operator licenses.

2. Also, by this action, the Commission permits examinations to be administered remotely.

3. In addition, the Commission allows amateur stations to transmit certain additional emission types and makes certain minor, non-substantive amendments to the amateur service rules to reflect that the Commission previously eliminated the requirement that certain amateur radio service licensees pass a Morse code examination.

4. The rules that the Commission adopted in this *R&O* apply to amateur radio clubs, some of which may be small entities. The Commission certifies that no regulatory flexibility analysis is necessary here because, even if a substantial number of amateur radio clubs were affected by the rules, there would not be a significant economic impact on those entities. The rules we are adopting do not impose economic requirements. Instead, they relate to the administration of the amateur radio service. Therefore, we certify that the rule changes adopted in this *R&O* will not have a significant economic impact on a substantial number of small entities.

5. This *R&O* and the rule amendments are issued under the authority contained in 47 U.S.C. 154(i), 303(r), and 403.

6. Paperwork Reduction Act Analysis. This Report and Order does not contain new or modified information collection(s), subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, because businesses are not eligible for licensing in the amateur radio service, the Report and Order it does not contain any proposed new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

7. Congressional Review Act. The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(4).

8. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order,* including the Initial and Final Regulatory Flexibility Certifications, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subject in 47 CFR Part 97

Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 97 as follows:

PART 97—AMATEUR RADIO SERVICE

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

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or

apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

■ 2. Section 97.3 is amended by revising paragraph (c)(5) to read as follows:

§ 97.3 Definitions.

* * * * *

(c) * * *

(5) *Phone.* Speech and other sound emissions having designators with A, C, D, F, G, H, J or R as the first symbol; 1, 2, 3 or X as the second symbol; E as the third symbol. Also speech emissions having B or F as the first symbol; 7, 8 or 9 as the second symbol; E as the third symbol. MCW for the purpose of performing the station identification procedure, or for providing telegraphy practice interspersed with speech. Incidental tones for the purpose of selective calling or alerting or to control the level of a demodulated signal may also be considered phone.

* * * * *

■ 3. Section 97.7 is amended by revising the section heading to read as follows:

§ 97.7 Control operator required.

* * * * *

■ 4. Section 97.21 is amended by revising paragraph (c) to read as follows:

§ 97.21 Application for a modified or renewed license grant.

* * * * *

(c) Except as provided in paragraph (a)(3) of this section, a call sign obtained under the sequential or vanity call sign system will be reassigned to the station upon renewal or modification of a station license.

■ 5. Section 97.113 is amended by revising paragraph (a)(3)(i) to read as follows:

§ 97.113 Prohibited transmissions.

(a) * * *

(3) * * *

(i) A station licensee or station control operator may participate on behalf of an employer in an emergency preparedness or disaster readiness test or drill, limited to the duration and scope of such test or drill, and operational testing immediately prior to such test or drill. Tests or drills that are not government-sponsored are limited to a total time of one hour per week; except that no more than twice in any calendar year, they may be conducted for a period not to exceed 72 hours.

* * * * *

■ 6. Section 97.307 is amended by revising paragraphs (f)(8) and (f)(10) to read as follows:

§ 97.307 Emission standards.

* * * * *

(f) * * *

(8) A RTTY or data emission having designators with A, B, C, D, E, F, G, H, J or R as the first symbol; 1, 2, 7, 9 or X as the second symbol; and D or W as the third symbol is also authorized.

* * * * *

(10) A station having a control operator holding a Novice Class operator license or a Technician Class operator license may only transmit a CW emission using the international Morse code or phone emissions J3E and R3E.

* * * * *

■ 7. Section 97.505 is revised to read as follows:

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants:

Operator class	Unexpired (or within the renewal grace period)	Expired and beyond the renewal grace period
(1) Amateur Extra	Not applicable	Elements 3 and 4.
(2) Advanced; General; or Technician granted before March 21, 1987.	Elements 2 and 3	Element 3.
(3) Technician Plus; or Technician granted on or after March 21, 1987.	Element 2	No credit.

(b) The administering VEs must give credit to an examinee holding a CSCE for each element the CSCE indicates the examinee passed within the previous 365 days.

■ 8. Section 97.507 is amended by revising paragraphs (a) and (c) and removing paragraph (d) to read as follows:

§ 97.507 Preparing an examination.

(a) Each written question set administered to an examinee must be prepared by a VE holding an Amateur Extra Class operator license. A written question set may also be prepared for the following elements by a VE holding an operator license of the class indicated:

* * * * *

(c) Each written question set administered to an examinee for an amateur operator license must be prepared, or obtained from a supplier, by the administering VEs according to instructions from the coordinating VEC.

■ 9. Section 97.509 is amended by revising paragraphs (c), (f) and (h) and removing and reserving paragraph (g), to read as follows:

§ 97.509 Administering VE requirements.

* * * * *

(c) Each administering VE must observe the examinee throughout the entire examination. The administering VEs are responsible for the proper conduct and necessary supervision of each examination. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

* * * * *

(f) No examination that has been compromised shall be administered to any examinee. The same question set may not be re-administered to the same examinee.

(g) [Reserved]

(h) Upon completion of each examination element, the administering VEs must immediately grade the examinee's answers. For examinations administered remotely, the administering VEs must grade the examinee's answers at the earliest practical opportunity. The administering VEs are responsible for determining the correctness of the examinee's answers.

* * * * *

■ 10. Section 97.513 is amended by revising paragraph (b) to read as follows:

§ 97.513 VE session manager requirements.

* * * * *

(b) The VE session manager may carry on liaison functions between the VE team and the coordinating VEC.

* * * * *

■ 11. Section 97.519 is amended by revising paragraph (b)(2) to read as follows:

§ 97.519 Coordinating examination sessions.

* * * * *

(b) * * *

(2) Resolve all discrepancies and verify that the VEs' certifications are properly completed; and

* * * * *

[FR Doc. 2014–14414 Filed 6–19–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 131231999–4319–01]

RIN 0648–XD331

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for Blueline Tilefish in the South Atlantic Region

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

ACTION: Temporary Rule; Closure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for blueline tilefish, as estimated by the Science and Research Director, are projected to reach the commercial annual catch limit (ACL) on June 23, 2014. Therefore, NMFS is closing the commercial sector for blueline tilefish in the South Atlantic EEZ on June 23, 2014, and it will remain closed until the start of the next fishing season, January 1, 2015. This closure is necessary to protect the blueline tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, June 23, 2014, until 12:01 a.m., local time, January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blueline tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Given new stock assessment results that indicated the blueline tilefish stock is overfished and undergoing overfishing in the South Atlantic, NMFS published an emergency rule (79 FR 21636, April 17, 2014) to remove blueline tilefish from the deep-water complex and establish separate commercial and recreational ACLs and AMs for blueline tilefish in the EEZ of the South Atlantic. That emergency rule implemented a commercial ACL for blueline tilefish in the South Atlantic of 112,207 lb (50,896 kg), round weight and established in-season AMs for blueline tilefish to prevent the catch limit from being exceeded. The emergency rule (79 FR 21636, April 17, 2014) is effective April 17, 2014, through October 14, 2014, unless superseded by subsequent rulemaking. NMFS may extend the rule's effectiveness for an additional 186 days pursuant to the Magnuson-Stevens Act.

Under 50 CFR 622.193(aa)(1), NMFS is required to close the commercial sector for blueline tilefish when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL for South Atlantic blueline tilefish will have been reached by June 23, 2014. Accordingly, the commercial sector for South Atlantic blueline tilefish is closed effective 12:01 a.m., local time, June 23, 2014, until 12:01 a.m., local time, January 1, 2015.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having blueline tilefish onboard must have landed and bartered, traded, or sold such blueline tilefish prior to 12:01 a.m., local time, June 23, 2014. During the closure, all sale or purchase of blueline tilefish is prohibited and harvest or possession of blueline tilefish in or from the South Atlantic EEZ is limited to the bag and possession limits specified in 50 CFR 622.187(b)(2) and 622.187(c)(1), respectively. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters. The prohibition on sale or purchase does not apply to the sale or purchase of blueline tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, June 23, 2014, and were held in cold storage by a dealer or processor.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of blueline tilefish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.193(aa)(1) and is exempt from review under Executive Order 12866.

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

This action responds to the best available scientific information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds that the need to immediately implement this action to close the commercial sector for blueline tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures would be unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect blueline tilefish since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

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

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

Dated: June 17, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–14461 Filed 6–17–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140214138–4482–02]

RIN 0648–XD139

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2014 Atlantic Bluefish Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues final specifications for the 2014 Atlantic bluefish fishery, including annual catch limits, total allowable landings, commercial quotas and recreational harvest limits, and a recreational possession limit. This action establishes the allowable 2014 harvest levels and other management measures to achieve the target fishing mortality rate, consistent with the Atlantic Bluefish Fishery Management Plan and the recommendations of the Mid-Atlantic Fishery Management Council.

DATES: The final specifications for the 2014 Atlantic bluefish fishery are effective July 21, 2014, through December 31, 2014.

ADDRESSES: Copies of the specifications document, including the supplemental Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA) and other supporting documents for the specifications, are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901. The specifications document is also accessible via the Internet at: *http://www.nero.noaa.gov.*

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

SUPPLEMENTARY INFORMATION:

Background

The Atlantic bluefish fishery is managed cooperatively by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. The management unit for bluefish specified in the Atlantic Bluefish Fishery Management Plan (FMP) is U.S. waters of the western Atlantic Ocean. Regulations implementing the FMP appear at 50 CFR part 648, subparts A and J. The regulations requiring annual specifications are found at § 648.162.

The FMP requires the Council to recommend to NMFS, on an annual basis, an annual catch limit (ACL), annual catch target (ACT), and total allowable landings (TAL) that will control fishing mortality (F). The Council may also recommend a research set-aside (RSA) quota, which is deducted from the bluefish TALs (after any applicable transfer) in an amount proportional to the percentage of the overall TAL as allocated to the commercial and recreational sectors.

Pursuant to § 648.162, the annual review process for bluefish requires that the Council's Bluefish Monitoring Committee and Scientific and Statistical Committee (SSC) review and make recommendations based on the best available data. Based on the recommendations of the Monitoring Committee and SSC, the Council makes a recommendation to the NMFS Greater Atlantic Regional Administrator. Because this FMP is a joint plan, the Commission also meets during the annual specification process to adopt complementary measures.

The Council's recommendations must include supporting documentation concerning the environmental, economic, and social impacts of the recommendations. NMFS is responsible for reviewing these recommendations to ensure that they achieve the FMP objectives, and may modify them if they do not. NMFS then publishes proposed specifications based on the recommendations in the **Federal Register**, and after considering public comment, NMFS publishes final specifications in the **Federal Register**. A proposed rule for this action published in the **Federal Register** on April 11, 2014 (79 FR 20161), and comments were accepted through April 28, 2014.

Final 2014 Specifications

A description of the process used to estimate bluefish stock status and fishing mortality, as well as the process for deriving the ACL and associated quotas and harvest limits, is provided in the proposed rule and in the bluefish regulations at §§ 648.160 through 648.162 and is not repeated here. The stock is not overfished or experiencing overfishing, and the catch limits described below reflect the best available scientific information on bluefish. The final 2014 bluefish ABC, ACL, and ACT are specified at 24.432 million lb (11,082 mt).

The ACT is initially allocated between the recreational fishery (83 percent = 20.278 million lb (9,198 mt)) and the commercial fishery (17 percent = 4.153 million lb (1,884 mt)). After deducting an estimate of recreational discards (commercial discards are considered negligible), the recreational TAL is 16.927 million lb (7,678 mt) and the commercial TAL is 4.153 million lb (1,884 mt).

However, the FMP specifies that, if 17 percent of the ACT is less than 10.5 million lb, and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.5 million lb as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed the ACT. The recreational harvest limit (RHL) would then be adjusted downward so that the ACT would be unchanged. The Council projected an estimated recreational harvest for 2014 of 13.179 million lb (5,978 mt). As such, the Council's proposed transfer of 3.340 million lb (1,515 mt) from the recreational sector to the commercial sector can be approved. This transfer results in an adjusted commercial quota of 7.494 million lb (3,399 mt), and an adjusted RHL of 13.587 million lb (6,163 mt).

Final 2014 RSA, Commercial Quota, and RHL

Two projects that will utilize bluefish RSA were approved by NOAA's Grants Management Division. A total RSA quota of 99,000 lb (45 mt) was approved for use by these projects during 2014. Proportional adjustments of this amount to the commercial and recreational allocations result in a final commercial quota of 7.458 million lb (3,383 mt) and a final RHL of 13.523 million lb (6,134 mt).

Final Recreational Possession Limit

The current recreational possession limit of up to 15 fish per person is maintained to achieve the RHL for 2014.

Final State Commercial Allocations

The final state commercial quotas for 2014 are shown in Table 1, based on the percentages specified in the FMP.

TABLE 1—FINAL BLUEFISH COMMERCIAL STATE-BY-STATE ALLOCATIONS FOR 2014 (INCLUDING RSA DEDUCTIONS).

State	Percent share	2014 Commercial quota (lb)	2014 Commercial quota (kg)
ME	0.6685	49,861	22,616
NH	0.4145	30,916	14,023
MA	6.7167	500,970	227,236
RI	6.8081	507,786	230,328
CT	1.2663	94,448	42,841
NY	10.3851	774,579	351,343
NJ	14.8162	1,105,075	501,254
DE	1.8782	140,087	63,542
MD	3.0018	223,891	101,555
VA	11.8795	886,040	401,901
NC	32.0608	2,391,274	1,084,664
SC	0.0352	2,625	1,191
GA	0.0095	709	321
FL	10.0597	750,309	340,334
Total	100.0001	7,458,570	3,383,149

Comments and Responses

The public comment period for the proposed rule ended on April 28, 2014. One comment was received from an individual on the proposed rule.

Comment 1: One commenter generally criticized NMFS and the data used to set catch limits, but had no clear evidence to support their claims.

Response: Atlantic bluefish are not overfished, nor are they subject to overfishing; therefore, there is no scientific basis for making changes to the quotas based on this comment. NMFS used the best scientific information available and is approving specifications for the bluefish fishery that are consistent with the FMP and recommendations of the Council.

Classification

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

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

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

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

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

Final Regulatory Flexibility Analysis

Statement of Objective and Need

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

Summary of Significant Issues Raised in Public Comments

No changes to the proposed rule were required to be made as a result of public comment. The comment NMFS received did not raise specific issues regarding the economic analyses summarized in the IRFA or the economic impacts of the rule more generally. For a summary of the comment, and the response, refer to the ''Comments and Responses'' section of this preamble.

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

The Small Business Administration defines a small business in the commercial harvesting sector as a firm with receipts (gross revenues) of up to $5.0 and $19.0 million for shellfish and for finfish business, respectively. A small business in the recreational fishery is a firm with receipts of up to $7.0 million. The categories of small entities likely to be affected by this action include commercial and charter/party vessel owners holding an active Federal permit for Atlantic bluefish, as well as owners of vessels that fish for Atlantic bluefish in state waters. All federally permitted vessels fall into the definition of small businesses; thus, there would be no disproportionate impacts between large and small entities as a result of the final rule.

An active participant in the commercial sector was defined as any vessel that reported having landed 1 or more lb (0.45 kg) in the Atlantic bluefish fishery in 2011. The Northeast seafood dealer reports were used to identify 742 vessels that landed bluefish in states from Maine through North Carolina in 2011. However, the Northeast dealer database does not provide information about fishery participation in South Carolina, Georgia, or Florida. South Atlantic Trip Ticket reports were used to identify 768 vessels that landed bluefish in North Carolina, and 791 vessels that landed bluefish on Florida's east coast in 2011. Some of these vessels were also identified in the Northeast dealer data; therefore, double counting is possible. Bluefish landings in South Carolina and Georgia were near zero in 2011, representing a negligible proportion of the total bluefish landings along the Atlantic Coast. Therefore, this analysis assumed that no vessel activity for these two states took place in 2011. In recent years, approximately 2,000 party/charter vessels may have been active in the bluefish fishery and/or have caught bluefish.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

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

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

Specification of commercial quota, recreational harvest levels, and possession limits is constrained by the conservation objectives set forth in the

FMP and implemented at 50 CFR part 648 under the authority of the Magnuson-Stevens Act. The 2014 commercial quota contained in this final rule is 18 percent lower than the 2013 quota, but significantly higher than actual 2013 bluefish landings. All affected states will receive decreases in their individual commercial quota allocation in comparison to their respective 2013 individual state allocations. However, the magnitude of the decrease varies depending on the state's relative percent share in the total commercial quota, as specified in the FMP.

The 2014 RHL contained in this final rule is approximately 4 percent lower than the RHL in 2013. The 2014 RHL is greater than the total estimated recreational bluefish harvest for 2014, and therefore it does not constrain recreational bluefish harvest below a level that the fishery is anticipated to achieve. The possession limit for bluefish will remain at 15 fish per person, so there should be no impact on demand for party/charter vessel fishing and, therefore, no impact on revenues earned by party/charter vessels. No negative economic impacts on the recreational fishery are anticipated.

The impacts on revenues associated with the proposed RSA quota were analyzed and are expected to be minimal. Assuming that the full RSA quota 99,000 lb (45 mt) for 2014 is landed and sold to support the proposed research projects, then all of the participants in the fishery would benefit from the improved fisheries data yielded from each project.

Small Entity Compliance Guide

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

In addition, copies of this final rule and guide (i.e., permit holder letter) are available from NMFS (see **ADDRESSES**) and at the following Web site: *www.nero.noaa.gov.*

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

Dated: June 16, 2014.

Samuel D. Rauch III,

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

[FR Doc. 2014–14419 Filed 6–19–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 119
Friday, June 20, 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

Agriculture Marketing Service

7 CFR Part 1206

[Document Number AMS–FV–14–0047]

Mango Promotion, Research, and Information Order; Section 610 Review

AGENCY: Agricultural Marketing Service, Department of Agriculture.

ACTION: Notice of regulatory review and request for comments.

SUMMARY: This document announces the Agricultural Marketing Service's (AMS) plans to review the Mango Promotion, Research, and Information Order (Order). The review will be conducted under criteria contained in Section 610 of the Regulatory Flexibility Act (RFA).

DATES: Comments must be received by August 19, 2014.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments may be submitted on the Internet at: *http://www.regulations.gov* or to the Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address, if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: The Order (7 CFR part 1206) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411–7425).

The Order became effective on November 3, 2004. It is administered by the National Mango Board (Board) with oversight by the U.S. Department of Agriculture (USDA). The program is financed by an assessment of three quarters of a cent per pound on first handlers and importers of 500,000 pounds or more of mangos annually. The Order specifies that first handlers are responsible for submitting assessments to the Board on a monthly basis and maintaining records necessary to verify their reporting. Importers are responsible for paying assessments on mangos imported for consumption in the United States through the U.S. Customs and Border Protection. The purpose of the Order is to carry out an effective, continuous, and coordinated program of promotion, research, and information designed to strengthen mangos' competitive position, and to maintain and expand the domestic market for mangos.

The Board is composed of 18 members as follows: 8 Importers; 2 domestic producers; 1 first handler; and 7 foreign producers. Nominations for importer, domestic producer, and first handler members are solicited by importers, domestic producers, and first handlers, respectively. Nominations for foreign producer members are solicited from foreign producers and foreign producer associations. Members are appointed to the Board by the Secretary of Agriculture and serve a term of three years.

The AMS published in the **Federal Register** on March 24, 2006, (71 FR 14827) its plan to review certain regulations, including the mango program, under criteria contained in section 610 of the RFA (5 U.S.C. 601–612). Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review. According to the schedule published in 2006, this notice and request for comments is made for the Order.

The purpose of the review is to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. AMS will consider the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

Written comments, views, opinions, and other information regarding the Order's impact on small businesses are invited.

Dated: June 16, 2014.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2014–14398 Filed 6–19–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 50

[145D0102DM DS61400000 DLSN00000.000000 DX.61401]

RIN 1090–AB05

Procedures for Reestablishing a Government-to-Government Relationship With the Native Hawaiian Community

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Advance notice of proposed rulemaking; solicitation of comments.

SUMMARY: The Secretary of the Interior (Secretary) is considering whether to propose an administrative rule that would facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community, to more effectively implement the special political and trust relationship that Congress has established between that community and the United States. The purpose of this advance notice of proposed rulemaking (ANPRM) is to

solicit public comments on whether and how the Department of the Interior should facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community. In this ANPRM, the Secretary also announces several public meetings in Hawaii and several consultations with federally recognized tribes in the continental United States to consider these issues.

DATES: Comments must be submitted on or before August 19, 2014.

ADDRESSES: You may submit comments on this ANPRM by any of the methods listed below.

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the Web site for submitting comments.

2. *U.S. mail, courier, or hand delivery:* Office of the Secretary, Department of the Interior, Room 7329, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: John Strylowski, Office of the Secretary, telephone (202) 208–3071 (not a toll-free number), *john_strylowski @ios.doi.gov*.

SUPPLEMENTARY INFORMATION:

Public Comment

Please direct all comments to Regulation Identifier Number 1090–AB05. The Department of the Interior intends to include all comments received in the public docket without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the Department of the Interior will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the Department of the Interior without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the Department of the Interior recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the Department of the Interior cannot read your comment due to technical difficulties and cannot contact you for clarification, the Department of the Interior may not be able to consider your comment. Electronic files should avoid the use of special characters, avoid any form of encryption, and be free of any defects or viruses.

The Secretary is considering whether to propose an administrative rule that would facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community. We are interested in hearing from leaders and members of the Native Hawaiian community and of federally recognized tribes in the continental United States. We also welcome comments and information from the State of Hawaii and its agencies, other government agencies, and other members of the public.

To be most useful, and most likely to inform decisions on the content of a potential administrative rule, comments should:

—Be specific;

—Be substantive;

—Explain the reasoning behind the comments; and

—Address the issues outlined in the ANPRM.

For the purpose of this ANPRM, we are seeking input solely on questions related to a potential administrative rule to facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community. Because promulgating a rule would not (1) alter the fundamental nature of the political and trust relationship established by Congress between the United States and the Native Hawaiian community, (2) authorize compensation for past wrongs, or (3) have any direct impact on the status of the Hawaiian home lands, we are not seeking comments on those topics.

Furthermore, at this time, we are not seeking comments on what the contents of a reorganized Native Hawaiian government's constitution or other governing document (if one were adopted) might include, how that Native Hawaiian government might be structured, or what powers that Native Hawaiian government might exercise.

Rather, we are seeking comments solely on five threshold questions:

- Should the Secretary propose an administrative rule that would facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community?
- Should the Secretary assist the Native Hawaiian community in reorganizing its government, with which the United States could reestablish a government-to-government relationship?
- If so, what process should be established for drafting and ratifying a reorganized Native Hawaiian government's constitution or other governing document?
- Should the Secretary instead rely on the reorganization of a Native Hawaiian government through a process established by the Native Hawaiian community and facilitated by the State of Hawaii, to the extent such a process is consistent with Federal law?
- If so, what conditions should the Secretary establish as prerequisites to Federal acknowledgment of a government-to-government relationship with the reorganized Native Hawaiian government?

In addition to receiving comments through the Federal eRulemaking Portal, U.S. mail, courier services, and hand delivery, we will conduct a series of public meetings on the islands of Hawaii, Kauai, Lānai, Maui, Molokai, and Oahu, and a series of in-person consultations with federally recognized tribes in the continental United States. We will announce locally the time and place of each meeting and will give public notice of each tribal consultation. At these meetings and consultations, we will accept both oral and written communications. We strongly encourage Native Hawaiian organizations and federally recognized tribes in the continental United States to hold their own meetings to develop comments on the issues outlined in this ANPRM, and to share the outcomes of those meetings with us.

All of the citations listed in this ANPRM will be available on the Department of the Interior's Office of Native Hawaiian Relations' Web site at *http://www.doi.gov/ohr/.*

Background

The United States has a unique political and trust relationship with federally recognized tribes across the country, as set forth in the United States Constitution, treaties, statutes, Executive Orders, administrative regulations, and judicial decisions. The Federal government's relationship with these tribes is guided by a trust responsibility—a long-standing, paramount commitment to protect their unique rights and ensure their well-being, while respecting their tribal sovereignty. In recognition of that special commitment—and in fulfillment of the solemn obligations it entails—the United States, acting through the Department of the Interior, has developed processes to help tribes in the continental United States to reorganize their governments and to establish government-to-government

relationships with the United States. Strong tribal governments have proved critical to tribes' capacity to exercise their inherent sovereign powers and sustain prosperous and resilient Native American communities. And, although we must not ignore the history of mistreatment and destructive policies that have done great harm to so many tribal communities, it is undeniable that the government-to-government relationships between tribes and the United States that have flourished during the last half century, in the current era of tribal self-determination, have been enormously beneficial not only to Native Americans but to *all* Americans. Yet the benefits of the government-to-government relationship have long been denied to one place in our Nation, even though it is home to one of the world's largest indigenous communities: Hawaii.

Over many decades, Congress has enacted more than 150 statutes recognizing and implementing a special political and trust relationship with the Native Hawaiian community. Among other things, these statutes create programs and services for members of the Native Hawaiian community that are in many respects analogous to, but separate from, the programs and services that Congress has enacted for federally recognized tribes in the continental United States. But during this same period, the United States has not partnered with Native Hawaiians on a government-to-government basis, at least partly because there has been no formal, organized Native Hawaiian government since 1893, when the United States helped overthrow the Kingdom of Hawaii.

In recent years, the Department has increasingly heard from Native Hawaiians who assert that their community's opportunities to thrive would be significantly bolstered by reorganizing a sovereign Native Hawaiian government that could engage the United States in a government-to-government relationship, exercise inherent sovereign powers of self-governance and self-determination, and enhance the implementation of programs and services that Congress has created specifically to benefit the Native Hawaiian community.

We would now like to hear from leaders and members of the Native Hawaiian community and of federally recognized tribes in the continental United States about whether, and how, the Department should facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community. Meaningful consultation and collaboration with both the Native Hawaiian community and the federally recognized tribes in the continental United States will be essential to the Department in developing any policy regarding potential reestablishment of a government-to-government relationship with the Native Hawaiian community. *See* Presidential Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation, 74 FR 57881 (Nov. 5, 2009). And as stated above, we also welcome comments and information from the State of Hawaii and its agencies, other government agencies, and other members of the public.

The Relationship Between the United States and the Native Hawaiian Community

At the time of the first documented encounter between Native Hawaiians and Europeans in 1778, ''the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.'' 20 U.S.C. 7512(2); *accord* 42 U.S.C. 11701(4). Although the indigenous people shared a common language, ancestry, and religion, the eight islands were governed by four independent chiefdoms until 1810, when the islands were unified under one Kingdom of Hawaii. *See Rice* v. *Cayetano,* 528 U.S. 495, 500–01 (2000).

Throughout the nineteenth century and until 1893, the United States ''recognized the independence of the Hawaiian Nation,'' ''extended full and complete diplomatic recognition to the Hawaiian Government,'' and entered into several treaties with the Hawaiian monarch. 42 U.S.C. 11701(6); *accord* 20 U.S.C. 7512(4); *see Rice,* 528 U.S. at 504 (citing treaties and conventions that the two countries signed in 1826, 1849, 1875, and 1887). But during that same period, westerners became ''increasing[ly] involve[d] . . . in the economic and political affairs of the Kingdom,'' leading to the overthrow of the Kingdom in 1893 by a small group of non-Hawaiians, aided by the United States Minister to Hawaii and the Armed Forces of the United States. *Rice,* 528 U.S. at 501, 504–05. After the overthrow, the Republic of Hawaii ceded its land to the United States, and Congress passed a joint resolution annexing the islands in 1898. *See id.* at 505. The Hawaiian Organic Act, enacted in 1900, established the Territory of Hawaii, placed ceded lands under United States control, and directed that proceeds from the lands be used to benefit the inhabitants of Hawaii. Act of Apr. 30, 1900, ch. 339, 31 Stat. 141.

By 1919, the decline in the Native Hawaiian population—by some estimates from several hundred thousand in 1778 to only 22,600—led the Secretary to recommend to Congress that land be set aside to help Native Hawaiians reestablish their traditional way of life. *See* H.R. Rep. No. 839, 66th Cong., 2d Sess. 4 (1920); 20 U.S.C. 7512(7). This recommendation resulted in enactment of the Hawaiian Homes Commission Act (HHCA), which designated approximately 200,000 acres of land for homesteading by Native Hawaiians. Act of July 9, 1921, ch. 42, 42 Stat. 108; *see also Rice,* 528 U.S. at 507 (HHCA's stated purpose was ''to rehabilitate the native Hawaiian population'') (citing H.R. Rep. No. 839, at 1–2).

When Hawaii was admitted to the Union in 1959, Congress vested authority in the State to administer HHCA lands subject to certain limitations. 73 Stat. 4 (1959). Congress also placed additional lands into a trust to be managed by the State for purposes that included ''the betterment of the conditions of native Hawaiians, as defined in the [HHCA], as amended.'' *Id.* at 6. Congress further detailed the Secretary's responsibilities with respect to the HHCA lands and the HHCA itself in the Hawaiian Home Lands Recovery Act, 109 Stat. 357 (1995).

Since Hawaii's admission to the Union, Congress has enacted dozens of statutes on behalf of Native Hawaiians pursuant to the United States' recognized political relationship and trust responsibility. Congress has:

- Established special Native Hawaiian programs in the areas of health care, education, loans, and employment. *See,* e.g., Native Hawaiian Health Care Improvement Act, 42 U.S.C. 11701–11714; Native Hawaiian Education Act, 20 U.S.C. 7511–7517; Workforce Investment Act of 1998, 29 U.S.C. 2911; Native American Programs Act of 1974, 42 U.S.C. 2991–2992.
- Enacted statutes to preserve Native Hawaiian culture, language, and historical sites. *See,* e.g., 16 U.S.C. 396d(a); Native American Languages Act, 25 U.S.C. 2901–2906; National Historic Preservation Act of 1966, 16 U.S.C. 470a(d)(6).
- Extended to the Native Hawaiian people many of ''the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities'' by classifying Native Hawaiians as ''Native Americans'' under numerous Federal statutes. 42 U.S.C. 11701(19); *see,* e.g., American Indian Religious Freedom Act, 42 U.S.C. 1996–

1996a. *See generally* 20 U.S.C. 7512(13) (noting that ''[t]he political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians'' in many statutes); *accord* 114 Stat. 2968–69 (2000); 114 Stat. 2874–75 (2000).

In a number of enactments, Congress has expressly identified Native Hawaiians as ''a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago,'' 42 U.S.C. 11701(1); *accord* 20 U.S.C. 7512(1), with whom the United States has a ''special'' ''trust'' relationship, 42 U.S.C. 11701(15), (16), (18), (20); 20 U.S.C. 7512(8), (10), (11), (12).

In 1993, Congress enacted a joint resolution to acknowledge the 100th anniversary of the overthrow of the Kingdom of Hawaii and to offer an apology to Native Hawaiians. 107 Stat. 1510 (1993). In that Joint Resolution, Congress acknowledged that the overthrow of the Kingdom of Hawaii thwarted Native Hawaiian efforts to exercise their rights to ''self-determination'' and ''inherent sovereignty,'' and stated that ''the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.'' *Id.* at 1512–13; *see also* 20 U.S.C. 7512(20). In light of those findings, Congress ''express[ed] its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people.'' 107 Stat. 1513 (1993).

Following a series of hearings and meetings with the Native Hawaiian community in 1999, the U.S. Departments of the Interior and Justice issued ''From Mauka to Makai: The River of Justice Must Flow Freely,'' a report on the reconciliation process between the Federal government and Native Hawaiians. The report recommended as its top priority that ''the Native Hawaiian people should have self-determination over their own affairs within the framework of Federal law.'' Department of the Interior and Department of Justice, *From Mauka to Makai* 4 (2000).

In 2000, in *Rice* v. *Cayetano,* while addressing aspects of the legal status of Native Hawaiians under one provision of Hawaii state law, the Supreme Court assumed, without deciding, that the United States ''may treat the native Hawaiians as it does the [organized] Indian tribes.'' 528 U.S. at 518–19. *Rice* involved a distinctive state law that limited the right to vote for the trustees of the state Office of Hawaiian Affairs to ''Hawaiians,'' defined as ''any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawaii.'' Haw. Rev. Stat. 10–2 (1993). The Court invalidated that state-law provision on the ground that, rather than implementing a political classification designed to promote the self-governance of a quasi-sovereign tribal entity, it used a racial classification in violation of the Fifteenth Amendment, which prohibits States from denying or abridging United States citizens' right to vote on account of race or color. *See Rice,* 528 U.S. at 514, 518–22.

In recent statutes, Congress has again recognized that ''Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands.'' 114 Stat. 2968 (2000); *see also id.* at 2966; 114 Stat. 2872, 2874 (2000); 118 Stat. 445 (2004). Congress has consistently enacted programs and services expressly and specifically for the Native Hawaiian community that are, in many respects, analogous to, but separate from, the programs and services that Congress has enacted for federally recognized tribes in the continental United States. As Congress has explained, it ''does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous peoples of a once sovereign nation as to whom the United States has established a trust relationship.'' 114 Stat. 2968 (2000).

Although Congress has repeatedly acknowledged its special political and trust relationship with the Native Hawaiian community since the overthrow of the Kingdom of Hawaii more than a century ago, the Federal government has not maintained a government-to-government relationship with the Native Hawaiian community as an organized, sovereign entity. Reestablishing a government-to-government relationship with a reorganized sovereign Native Hawaiian government that has been acknowledged by the United States could enhance Federal agencies' ability to implement the established relationship between the United States and the Native Hawaiian community, while strengthening the self-determination of Hawaii's indigenous people and facilitating the preservation of their language, customs, heritage, health, and welfare.

The Federal government has long consulted with Native Hawaiians under several Federal statutes, including the National Historic Preservation Act of 1966, 16 U.S.C. 470a(d)(6)(B), 470h–2(a)(2)(D); the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002(c)(2); and the Hawaiian Home Lands Recovery Act, 109 Stat. 360 (1995). And for decades, Native Hawaiians have sought to formally reorganize a government through a community- or State-facilitated process. In recent years, there have been calls from the Native Hawaiian community for the Federal government to ''assist with the creation of a Native Hawaiian [governing] entity'' to address the legal status of the community and to reestablish a government-to-government relationship, in part to more effectively implement the special political and trust relationship between the United States and the Native Hawaiian community. Department of the Interior & Department of Justice, *From Mauka to Makai* 17 (2000).

In 2001, a group of Native Hawaiian individuals and organizations brought suit challenging Native Hawaiians' exclusion from the Department's acknowledgment regulations (25 CFR part 83), which establish a uniform process for Federal acknowledgment of Indian tribes. The Ninth Circuit upheld the geographic limitation in the part 83 regulations, concluding that there was a rational basis for the Department to distinguish between Native Hawaiians and tribes in the continental United States, given the history of separate congressional enactments regarding the two groups and the unique history of Hawaii. The Ninth Circuit also noted the question whether Native Hawaiians ''constitute one large tribe . . . or whether there are, in fact, several different tribal groups.'' *Kahawaiolaa* v. *Norton,* 386 F.3d 1271, 1283 (9th Cir. 2004). The court expressed a preference for the Department to apply its expertise to ''determine whether native Hawaiians, or some native Hawaiian groups, could be acknowledged on a government-to-government basis.'' *Id.*

Also in 2004, Congress authorized the Department's Office of Native Hawaiian Relations to discharge the Secretary's responsibilities for matters related to the Native Hawaiian community. *See* 118 Stat. 445–46 (2004).

Legislation has been proposed in Congress to reorganize a single Native Hawaiian governing entity to which the United States could relate on a

government-to-government basis. In 2010, during the Second Session of the 111th Congress, nearly identical Native Hawaiian government reorganization bills were passed by the House of Representatives by a bipartisan vote of 245 to 164 (H.R. 2314), reported favorably by the Senate Committee on Indian Affairs (S. 1011), and strongly supported by the Administration (S. 3945). In a letter to the Senate concerning S. 3945, the Secretary and the Attorney General stated: ''Of the Nation's three major indigenous groups, Native Hawaiians—unlike American Indians and Alaska Natives—are the only one that currently lacks a government-to-government relationship with the United States. This bill provides Native Hawaiians a means by which to exercise the inherent rights to local self-government, self-determination, and economic self-sufficiency that other Native Americans enjoy.'' 156 Cong. Rec. S10990, S10992 (Dec. 22, 2010).

The 2010 House and Senate bills provided that the Native Hawaiian government ''shall be vested with the inherent powers and privileges of self-government of a native government under existing law,'' including the inherent powers ''to determine its own membership criteria [and] its own membership'' and to negotiate and implement agreements with the United States or with the State of Hawaii. The bills would have required protection of the civil rights and liberties of Natives and non-Natives alike, as guaranteed in the Indian Civil Rights Act of 1968, 25 U.S.C. 1301 et seq., and would have barred the Native Hawaiian government and its members from conducting gaming activities under the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq., or other authority. The bills further would have provided that the Native Hawaiian government and its members would *not* be eligible for Federal Indian programs and services unless Congress had expressly declared them eligible. And S. 3945 expressly left untouched the privileges, immunities, powers, authorities, and jurisdiction of federally recognized tribes in the continental United States.

The bills would have acknowledged the existing special political and trust relationship between Native Hawaiians and the United States, and would have established a process for reorganizing a Native Hawaiian governing entity. Some in Congress, however, expressed a preference not for recognizing a reorganized Native Hawaiian government by legislation, but for applying the Department's Federal acknowledgment process to the Native Hawaiian community. *See,* e.g., S. Rep. No. 112–251, at 45 (2012); S. Rep. No. 111–162, at 41 (2010).

The State of Hawaii, in Act 195, Session Laws of Hawaii 2011, expressed its support for reorganizing and federally recognizing a Native Hawaiian government, while also providing for state recognition of the Native Hawaiian people as ''the only indigenous, aboriginal, maoli people of Hawaii.'' Haw. Rev. Stat. 10H–1 (2013); *see* Act 195, sec. 1, Sess. L. Haw. 2011. In particular, Act 195 established a process for compiling a roll of qualified Native Hawaiians in order to facilitate the development of a reorganized Native Hawaiian governing entity by the Native Hawaiian community. *See* Haw. Rev. Stat. 10H–3–4 (2013); *id.* 10H–5 (''The publication of the roll of qualified Native Hawaiians . . . is intended to facilitate the process under which qualified Native Hawaiians may independently commence the organization of a convention of qualified Native Hawaiians, established for the purpose of organizing themselves.''); Act 195, secs. 3–5, Sess. L. Haw. 2011.

In addition, Native Hawaiian community representatives have asked the Department to provide an administrative avenue to facilitate reestablishing a government-to-government relationship between that community and the United States. Most recently, in comments on the Department's discussion draft of potential revisions to the Federal acknowledgment regulations in 25 CFR part 83, which expressly do not apply outside the continental United States, several Native Hawaiian organizations requested an analogous administrative process for the Native Hawaiian community. *See,* e.g., *http://www.bia.gov/cs/groups/xraca/documents/text/idc1-023645.pdf.*

This ANPRM seeks input on whether the Secretary should promulgate an administrative rule that would facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community. The goals of the rule would be to more effectively implement the special political and trust relationship between Native Hawaiians and the United States, which Congress has long recognized, and to better implement programs and services that Congress has created to benefit the Native Hawaiian community. The rule could focus on either:

- A Federal process to assist the Native Hawaiian community in reorganizing a government; or
- Reestablishing a government-to-government relationship with a Native Hawaiian government reorganized through a process established by the Native Hawaiian community and facilitated by the State of Hawaii. This process would have to be consistent with Federal law.

Who should be eligible to participate in reorganizing a native hawaiian government?

If the Department were to proceed with an administrative rule to assist the Native Hawaiian community in reorganizing a Native Hawaiian government, the rule would not determine who ultimately would be a citizen or member of that government. For that reason, this ANPRM does **not** concern the question of how a Native Hawaiian constitution or other governing document should define a set of membership criteria. Presumably, a Native Hawaiian government would exercise its sovereign prerogative and, operating under its own constitution or other governing document, could define its membership criteria without regard to whether any person participated, or had been eligible to participate, in the government's initial reorganization (unless Federal legislation provided otherwise). *See Santa Clara Pueblo* v. *Martinez,* 436 U.S. 49, 55–56 (1978) (holding that tribes are ''distinct, independent political communities, retaining their original natural rights in matters of local self-government,'' with the power to regulate ''their internal and social relations, . . . to make their own substantive law in internal matters'' such as membership, and ''to enforce that law in their own forums'') (citations and internal quotation marks omitted); *id.* at 72 n.32 (''A tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community.'').

But a Federal administrative rule concerning reorganization of a Native Hawaiian government would need to determine who can participate in the reorganization, including who would be eligible to assist in drafting a constitution or other governing document, and who would be eligible to vote in a ratification referendum. In discussing that issue, commenters may wish to consider observations made by members of the Supreme Court in *Rice v. Cayetano,* which invalidated a voting law of the State of Hawaii under the Fifteenth Amendment. *Rice,* 528 U.S. at 518–22. Concurring in the judgment, Justice Breyer, joined by Justice Souter, concluded that the voting qualification was impermissible because the state statute ''defines the electorate in a way that is not analogous to membership in an Indian tribe.'' *Id.* at 526. Justice

Breyer contrasted the state law's ''broad'' definition of ''Hawaiian''—which he noted would ''includ[e] anyone with one ancestor who lived in Hawaii prior to 1778, thereby including individuals who are less than one five-hundredth original Hawaiian (assuming nine generations between 1778 and the present)''—with membership definitions for various tribes in the continental United States, which, for example, focus on whether individuals and their parents are ''regarded as Native'' by a Native village or group to which they claim membership, or whether individuals have ''an ancestor whose name appeared on a tribal roll . . . in the far less distant past [such as 1906, 1936, 1937, or 1968, rather than 1778].'' *Id.* at 526–27 (citations and internal quotation marks omitted). While Justice Breyer acknowledged that ''a Native American tribe has broad authority to define its membership,'' in his view the voting qualification created by the State of Hawaii went ''well beyond any reasonable limit'' on the State's power to create such a definition and was ''not like any actual membership classification created by any actual tribe.'' *Id.* at 527.

In defining the persons who would be eligible to participate in any reorganization of a Native Hawaiian government, certain other legislative approaches may be instructive. For example, in the Hawaiian Homes Commission Act (HHCA), Congress exercised its trust responsibility to set aside Hawaiian home lands for homesteading by ''native Hawaiians,'' a category Congress defined as ''any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.'' Act of July 9, 1921, ch. 42, sec. 201(a)(7), 42 Stat. 108; *see id.* sec. 207, 42 Stat. 110–11. Congress later consented to amendments that would permit a lessee's spouse, child, or grandchild who is of at least 25% Native Hawaiian ancestry to acquire the lease. 100 Stat. 3143 (1986) (consenting to, *inter alia,* Act 272, Sess. L. Haw. 1982); 111 Stat. 235 (1997) (consenting to, *inter alia,* Act 37, Sess. L. Haw. 1994).

A second approach is found in the State of Hawaii's Act 195, Session Laws of Hawaii 2011, legislation designed to facilitate the reorganization of a Native Hawaiian government. As amended in 2012 and 2013, Act 195 provides that ''qualified Native Hawaiians'' can participate in reorganizing a Native Hawaiian government, where the term ''qualified Native Hawaiian'' is defined to mean an individual 18 years or older who has maintained a significant cultural connection to the Native Hawaiian community and who:

- Is determined to be a descendant of the aboriginal peoples who, before 1778, occupied and exercised sovereignty in the Hawaiian islands, the area that now constitutes the State of Hawaii;
- Is determined to be one of the indigenous native peoples of Hawaii and to be eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act of 1920, or a direct lineal descendant of that individual; or
- Meets the ancestry requirements of Kamehameha Schools or of any Hawaiian registry program of the office of Hawaiian affairs.

See Haw. Rev. Stat. 10H–3(a)(2) (2013)

The state law does not specify the documents or evidence that the Native Hawaiian Roll Commission should deem adequate to verify ancestry or to verify that an individual ''[h]as maintained a significant cultural, social, or civic connection to the Native Hawaiian community.'' *Id.* 10H–3(a)(2)(B). In a 2013 amendment, the legislature further instructed the Native Hawaiian Roll Commission to ''include in the roll of qualified Native Hawaiians all individuals already registered with the State as verified Hawaiians or Native Hawaiians through the office of Hawaiian affairs as demonstrated by the production of relevant office of Hawaiian affairs records''; those individuals do not have to certify that they have maintained a connection to the Native Hawaiian community or wish to be included in the roll of qualified Native Hawaiians. *Id.* 10H–3(a)(4).

Another possible approach is found in legislation proposed in Congress to reorganize a Native Hawaiian government. The Native Hawaiian Government Reorganization Act of 2010 contained requirements that were similar to state Act 195's requirements, as to both ancestry and cultural, social, or civic connection to the community. This Federal legislation provided considerable detail about the documentation an individual would have to provide to demonstrate both ancestry and the kinds of significant cultural, social, or civic connections that evidence an individual's membership in the political community. The legislation stated that ancestry could be verified by presenting certain types of documentary evidence of lineal descent, identifying a lineal ancestor on the Kingdom of Hawaii's 1890 Census, or producing sworn affidavits from at least two ''qualified Native Hawaiian constituents'' (for those lacking birth certificates under certain circumstances). *See* S. 3945, sec. 8(c)(1)(B)–(C), 111th Cong., 2d Sess. (2010).

The Federal legislation further provided that an individual could demonstrate a significant cultural, social, or civic connection to the Native Hawaiian community if he or she satisfied at least two of ten criteria relating to current state of residence, eligibility to be a beneficiary of programs under the Hawaiian Homes Commission Act, residence on or ownership interest in ''kuleana land,'' participation in Hawaiian language schools or programs, membership in Native Hawaiian membership organizations, and regard as Native Hawaiian by the Native Hawaiian community. *See* S. 3945, sec. 3(12)(E), 111th Cong., 2d Sess. (2010); see id. sec. 3(10)

This ANPRM seeks input on which individuals, as members of the Native Hawaiian community, should be eligible to participate in the process of reorganizing a sovereign Native Hawaiian government that could reestablish a relationship with the Federal government. The ANPRM does not seek input on the membership or citizenship criteria that the Native Hawaiian community may adopt in its constitution or other governing document; that decision belongs to the Native Hawaiian community.

Frameworks for Reorganization, Roll Preparation, and Acknowledgment

The Department's existing regulatory frameworks for reorganizing, preparing rolls for, and acknowledging Indian tribes in the continental United States may inform the analogous processes that Native Hawaiians may ultimately propose for reorganization or acknowledgment. Tribal officials have worked with these regulatory provisions for decades, and their experiences likely will be helpful in responding to this ANPRM.

The Department has established a regulatory framework for members of Indian tribes to adopt new governing documents and reorganize their tribal governments. The framework includes procedures that identify eligible voters, provide notice to those voters, provide equal opportunities to participate, establish minimum participation standards to ensure that the outcome of the voting reflects the will of the majority, and provide for the Secretary's approval of the governing document. *See* 25 CFR part 81.

Federal regulations also provide a framework for the Secretary to compile rolls for some tribes for limited purposes. Those regulations provide for

public notice of the preparation of the roll, procedures for enrollment, and an opportunity to appeal adverse decisions. *See* 25 CFR parts 61 and 62.

The Department's regulatory framework for Federal acknowledgment of Indian tribes, found in 25 CFR Part 83, establishes uniform administrative standards and procedures for identifying, defining, and acknowledging those Indian groups that exist as tribes. *Id.* 83.2. The regulations require evidence of community—such as shared cultural or social activities, residence in a defined geographic area, marriages within the group, shared language, kinship systems, or ceremonies, and significant social relationships among members—and evidence of political influence, such as widespread knowledge and involvement in political processes, and leaders who take action on matters that most of the membership consider important. *Id.* 83.7(b) and (c). If these and other mandatory criteria are met, tribal existence is acknowledged. *Id.* 83.6(c) and 83.10(m). Indeed, Congress has expressly found that administrative acknowledgment under procedures set forth in a Federal regulation such as Part 83 is a valid method for recognizing an Indian tribe with which the United States can maintain a government-to-government relationship. *See* 108 Stat. 4791 (1994).

The acknowledgment of the Indian group under part 83 recognizes or reaffirms a special political and trust relationship with the United States. Here, however, the Native Hawaiian community already has a congressionally recognized special political and trust relationship with the United States, but lacks an organized governing body, a constitution, settled membership criteria, and a complete membership list, which petitioners under part 83 have. The experiences of tribes in the continental United States with part 83, like their experiences with the other parts of title 25 of the Code of Federal Regulations discussed above, nonetheless may provide useful guidance for the Native Hawaiian community. For example, the mandatory criteria in part 83 help clarify what constitutes a political community.

Given the Native Hawaiians' unique situation, one of the topics on which this ANPRM seeks input is whether and how to promulgate a distinct regulatory framework for the Native Hawaiian community, for purposes such as:

- Identifying those persons of Native Hawaiian descent who are part of the political community and should be eligible to participate in the reorganization by virtue of verifiable cultural, social, or civic connection to the Native Hawaiian community; and
- Identifying procedures for adopting a constitution or other governing document, should the Native Hawaiian community indicate that it would like to do so.

Federal Programs and Services

As described above, Congress has consistently enacted programs and services expressly and specifically for the Native Hawaiian community that are, in many respects, analogous to, but separate from, the programs and services that Congress has enacted for federally recognized tribes in the continental United States. Generally, Native Hawaiians have not been eligible for Federal Indian programs and services unless Congress expressly and specifically declared them eligible. Consistent with that approach, the Department of the Interior does not foresee that a Federal rule to facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community would alter or affect the programs and services that the United States currently provides to federally recognized tribes in the continental United States. Congress has enacted more than 150 statutes expressly affecting Native Hawaiians, and it is these laws that define the scope of Federal programs and services for Native Hawaiians.

Consultation With Federally Recognized Tribes in the Continental United States

Given that the Secretary is considering whether to propose an administrative rule to facilitate the reestablishment of a government-to-government relationship with an indigenous people, the knowledge, expertise, and input of officials from federally recognized tribes in the continental United States, including those tribes that have reorganized their own sovereign governments or have reestablished a government-to-government relationship with the United States, will be important. So, along with a series of public meetings in Hawaii, we will conduct a series of formal, in-person consultations with officials of federally recognized tribes in various regions of the continental United States during the public-comment period for this ANPRM. We will give public notice of each tribal consultation, and we will accept both oral and written communications. Tribal consultations on this ANPRM will be conducted in accordance with Executive Order 13175, 65 FR 67249 (Nov. 9, 2000); the Presidential Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation, 74 FR 57881 (Nov. 9, 2009); and the Department of the Interior Policy on Consultation with Indian Tribes.

If the Department ultimately decides to issue a Notice of Proposed Rulemaking (NPRM), the NPRM's preamble will include a tribal summary impact statement that reflects comments received from tribal officials in response to this ANPRM. Publication of an NPRM also would open a second round of tribal consultation and another formal comment period to allow for further input and refinements before publishing a final rule.

Description of the Information Requested

We are particularly interested in receiving comments on the following questions relating to an administrative rule we may develop concerning the potential reestablishment of a government-to-government relationship with the Native Hawaiian community:

General Questions

1. Should the Secretary propose an administrative rule that would facilitate the reestablishment of a government-to-government relationship with the Native Hawaiian community?

2. What role, if any, should the Department of the Interior—exercising the authorities described in 25 U.S.C. 2, 25 U.S.C. 9, 43 U.S.C. 1457, and other statutes—play in facilitating the reestablishment of a government-to-government relationship with the Native Hawaiian community?

3. Should there be a reorganization of a Native Hawaiian government in order to reestablish and maintain a government-to-government relationship between the Native Hawaiian community and the United States?

4. If a Native Hawaiian government is reorganized, under what conditions should the Secretary federally acknowledge it and thus reestablish a government-to-government relationship?

5. What features, including any within 25 CFR parts 61, 62, 81, and 83 or other regulations, should the Secretary incorporate in a proposed administrative rule addressing potential reorganization or acknowledgment of a Native Hawaiian government?

Criteria for Inclusion on the Roll of Persons Eligible To Participate in the Reorganization

6. If the Secretary were to propose a rule to assist in reorganizing a Native Hawaiian government, what should be the criteria for persons to be included

on the roll of those eligible to participate in reorganizing this government? (This roll would determine which persons are eligible to participate in reorganizing a Native Hawaiian government; it would *not* determine which persons ultimately could become members or citizens of a reorganized sovereign Native Hawaiian government.)

7. To be included on the roll, what should constitute adequate evidence or verification that a person has Native Hawaiian ancestry?

8. To be included on the roll, what should constitute adequate evidence or verification that a person has a significant cultural, social, or civic connection to the Native Hawaiian community?

9. To be included on the roll, what significance, if any, should be given to the fact that a person is potentially eligible under the Hawaiian Homes Commission Act (HHCA), Act of July 9, 1921, ch. 42, 42 Stat. 108, as amended? To the extent that this is a relevant criterion, what process should be used to identify persons who are potentially eligible under the HHCA, as amended?

The Process for Preparing a Roll of Persons Eligible To Participate in the Reorganization

10. If the Secretary were to propose a rule to assist in reorganizing a Native Hawaiian government, what should be the process for preparing a roll of persons who would be eligible to participate in reorganizing a Native Hawaiian government?

11. What role, if any, should the Secretary play in establishing, operating, or approving the process for preparing such a roll?

12. What role, if any, should be played by the Native Hawaiian Roll Commission established under Hawaii state law to prepare the Kanaiolowalu registry?

Drafting a Constitution for a Native Hawaiian Government

13. If the Secretary were to propose a rule to assist in reorganizing a Native Hawaiian government, what should be the process for drafting a constitution or other governing document for a Native Hawaiian government, and what should be the Secretary's role in providing such assistance?

14. How should the drafters of a constitution or other governing document be selected?

Ratifying and Approving a Constitution for a Native Hawaiian Government

15. If the Secretary were to propose a rule to assist in reorganizing a Native Hawaiian government, what should be the process for ratifying and approving a constitution or other governing document for a Native Hawaiian government?

16. Should there be a minimum turnout requirement for any referendum to ratify a Native Hawaiian constitution or other governing document?

17. In addition to being ratified by a majority of all qualified Native Hawaiians who participate in a ratification referendum, should a Native Hawaiian constitution or other governing document also have to be ratified by a majority of all qualified Native Hawaiians who participate in the ratification referendum and are potentially eligible under the HHCA, as amended?

18. Should the Secretary have the responsibility to approve or disapprove a Native Hawaiian constitution or other governing document? If so, what factors, if any, other than consistency with Federal law, should be considered? For example, should the Secretary's approval depend on substantive issues (e.g., the constitution's safeguards for civil rights and liberties), procedural issues (e.g., lost or destroyed ballots, wrongful denial of ballots, etc.), or both?

Federal Acknowledgment of an Already Reorganized Native Hawaiian Government

19. Should reorganization of a Native Hawaiian government occur through a process established by the Native Hawaiian community and facilitated by the State of Hawaii, rather than through a Federal process? This non-Federal process would have to be consistent with Federal law and satisfy conditions established by the Secretary as prerequisites to Federal acknowledgment. We seek views on each of the following as a potential condition for Federal acknowledgment of a Native Hawaiian government that has already been reorganized through a community-established, State-facilitated process:

- Acknowledgment by the State of Hawaii.
- A Native Hawaiian constitution (or other governing document) that—
  - Safeguards the civil rights and liberties of Natives and non-Natives alike, as guaranteed in the Indian Civil Rights Act of 1968, as amended, 25 U.S.C. 1301–1304;
  - Has been ratified by a majority vote of ''qualified Native Hawaiians,'' as defined in Haw. Rev. Stat. 10H–3(a) (2013); and
  - Has *also* (and perhaps simultaneously) been ratified by a majority vote of ''qualified Native Hawaiians'' who are potentially eligible under the HHCA, as amended.
- Any other criterion that should be included as a condition for Federal acknowledgment of an already reorganized Native Hawaiian government.

Michael L. Connor,

Deputy Secretary.

[FR Doc. 2014–14430 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–93–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2013–0101: 4500030114]

RIN 1018–AZ77

Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous U.S. Distinct Population Segment of the Canada Lynx and Revised Distinct Population Segment Boundary

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on the September 26, 2013, proposed revised designation of critical habitat for the contiguous U.S. distinct population segment (DPS) of the Canada lynx (*Lynx canadensis*) under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of a draft economic analysis (DEA) and a draft environmental assessment of the proposed revised designation of critical habitat for the contiguous U.S. DPS of the Canada lynx, and an amended required determinations section of the proposal. We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated DEA, the draft environmental assessment, and the amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: In order to fully consider and incorporate public comment, the Service requests submittal of comments by close of business on July 21, 2014. Comments submitted electronically using the Federal eRulemaking Portal

(see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES:

Document availability: You may obtain copies of the proposed rule and its associated documents of the draft economic analysis and the draft environmental assessment on the Internet at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2013–0101 or by mail from the Montana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Written Comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Submit comments on the critical habitat proposal and associated DEA and draft environmental assessment by searching for Docket No. FWS–R6–ES–2013–0101, which is the docket number for this rulemaking.

(2) *By hard copy:* Submit comments on the critical habitat proposal and associated DEA and draft environmental assessment by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R6–ES–2013–0101; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Jodi Bush, Field Supervisor, U.S. Fish and Wildlife Service, Montana Ecological Services Field Office, 585 Shepard Way, Suite 1, Helena, MT 59601; telephone (406–449–5225); or facsimile (406–449–5339). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this reopened comment period on our proposed revised designation of critical habitat for the contiguous U.S. DPS of the Canada lynx (which we refer to as the Canada lynx DPS in the remainder of this document) that was published in the **Federal Register** on September 26, 2013 (78 FR 59430), our DEA and draft environmental assessment of the proposed designation, and the amended required determinations provided in this document. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat is not prudent.

(2) Specific information on:

(a) The distribution of the Canada lynx in the contiguous United States;

(b) The amount and distribution of Canada lynx habitat in the contiguous United States;

(c) What areas occupied by the species at the time of listing that contain features essential for the conservation of the species we should include in the designation and why; and

(d) What areas not occupied at the time of listing are essential to the conservation of the species and why.

(3) Land use designations and current or planned activities in the subject areas and their probable impacts on proposed critical habitat.

(4) Information on the projected and reasonably likely impacts of climate change on the Canada lynx and proposed critical habitat.

(5) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation; in particular, we seek information on the benefits of including or excluding areas that exhibit these impacts.

(6) Information on the extent to which the description of economic impacts in the DEA is a reasonable estimate of the likely economic impacts and the description of the environmental impacts in the draft environmental assessment is complete and accurate.

(7) The likelihood of adverse social reactions to the designation of critical habitat, as discussed in the associated documents of the draft economic analysis, and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed critical habitat designation.

(8) Whether any areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(9) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

If you submitted comments or information on the proposed rule (78 FR 59430) during the initial comment period from September 26, 2013, to December 26, 2013, please do not resubmit them. Any such comments are incorporated as part of the public record of this rulemaking, and we will fully consider them in the preparation of our final determination. Our final determination concerning critical habitat will take into consideration all written comments and any additional information we receive during both comment periods. The final decision may differ from the proposed rule, based on our review of all information we receive during the comment periods.

You may submit your comments and materials concerning the proposed rule, DEA, or draft environmental assessment by one of the methods listed in the **ADDRESSES** section. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule and DEA, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R6–ES–2013–0101, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Montana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule, the DEA, and the draft environmental assessment on the Internet at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2013–0101, or by mail from the Montana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT** section).

Background

It is our intent to discuss only those topics directly relevant to the designation of critical habitat for the Canada lynx DPS in this document. For more information on previous Federal actions concerning the Canada lynx DPS, refer to the proposed revised designation of critical habitat published in the **Federal Register** on September 26, 2013 (78 FR 59430). For more information on the Canada lynx DPS or its habitat, refer to the final listing rule published in the **Federal Register** on March 24, 2000 (65 FR 16052), the clarification of findings published in the **Federal Register** on July 3, 2003 (68 FR 40076), and the *Recovery Outline for the Contiguous United States DPS of Canada Lynx,* all of which are available online at the Service's Species Profile Web site (*http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A073*) or from the Montana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Previous Federal Actions

On March 24, 2000, the Service published a final rule in the **Federal Register** designating Canada lynx in the contiguous United States as a distinct population segment (DPS) and listing the Canada lynx DPS as threatened under the Act (65 FR 16052). On July 3, 2003, we published a clarification of findings affirming the status of the DPS as threatened under the Act (68 FR 40076). On November 9, 2006, we published a final rule designating critical habitat for the Canada lynx DPS (71 FR 66008). On February 25, 2009, we published a final rule revising the designation of critical habitat for the Canada lynx DPS (74 FR 8616). On December 17, 2009, we published a 12-month warranted-but-precluded finding on a petition to change the final listing of the Canada lynx DPS to include New Mexico (74 FR 66937). These documents and others addressing the status and conservation of Canada lynx in the contiguous United States may be viewed and downloaded from the Service's Web site at: *http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A073* or *http://www.fws.gov/mountain-prairie/species/mammals/lynx/index.htm.*

On September 26, 2013, we published a proposed rule to revise the designation of critical habitat for the Canada lynx DPS (78 FR 59430). We proposed to designate approximately 41,547 square miles (mi^2) (107,607 square kilometers (km^2)) of critical habitat in five units located in northern Maine (Unit 1), northeastern Minnesota (Unit 2), northwestern Montana and northeastern Idaho (Unit 3), north-central Washington (Unit 4), and southwestern Montana and northwestern Wyoming (Unit 5). That proposal had a 90-day comment period, ending December 26, 2013. We will publish in the **Federal Register** a final revised critical habitat designation for the Canada lynx DPS on or before September 1, 2014.

Critical Habitat

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Changes From Previously Proposed Critical Habitat

As we indicated in our September 26, 2013, proposed rule (78 FR 59430), we are evaluating information from several national forests in Montana that have refined their mapped Canada lynx habitat. These refinements may result in changes (reductions, additions, or both) to the critical habitat boundaries designated in the final rule for units 3 and 5. Additionally, the Service continues to work with the Bureau of Land Management (BLM) in Wyoming to determine the most appropriate boundary for the southern and southeastern critical habitat additions to Unit 5 that we described in the proposed rule. In the final rule, we anticipate some changes to units 3 and 5 because of these refinements, which are based on the best available habitat mapping information.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

When considering the benefits of inclusion for an area, we consider, among other factors, the additional regulatory benefits that an area would receive through the analysis under section 7 of the Act addressing the destruction or adverse modification of critical habitat as a result of actions with a Federal nexus (activities conducted, funded, permitted, or authorized by Federal agencies); the educational benefits of identifying areas containing essential features that aid in the recovery of the listed species; and any ancillary benefits triggered by existing local, State, or Federal laws as a result of the critical habitat designation.

When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to incentivize or result in conservation; the continuation, strengthening, or encouragement of partnerships; or implementation of a management plan. In the case of Canada lynx, the benefits of critical habitat include public awareness of the species' presence and the importance of habitat protection, and, where a Federal nexus exists, increased protection of Canada lynx habitat due to protection from adverse modification or destruction of critical habitat. In practice, actions with a Federal nexus exist primarily on Federal lands or for projects undertaken, authorized, funded, or otherwise permitted by Federal agencies.

The final decision on whether to exclude any areas in accordance with section 4(b)(2) of the Act will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation. Accordingly, we have prepared a DEA concerning the proposed revised critical habitat designation, which is available for review and comment (see **ADDRESSES**).

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area proposed for critical habitat

designation. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species.

The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (e.g., under the Federal listing as well as other Federal, State, and local regulations). The baseline, therefore, represents the costs of all efforts attributable to the listing of the species under the Act (i.e., conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those that would not be expected to occur in the absence of a critical habitat designation for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs arising from the species' listing under the Act. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct an optional section 4(b)(2) exclusion analysis.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed revised designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Canada lynx DPS (Industrial Economics, Inc. 2014). We began by conducting a screening analysis of the proposed revised designation of critical habitat to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out the geographic areas in which the critical habitat designation is unlikely to result in probable incremental economic impacts. In particular, the screening analysis considers baseline costs (i.e., absent critical habitat designation) and includes probable economic impacts where land and water use may be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. The screening analysis filters out particular areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. The screening analysis also assesses whether proposed critical habitat units are unoccupied by the species, may require additional management or conservation efforts as a result of the critical habitat designation, and may incur incremental economic impacts. This screening analysis and the information contained in our IEM are what we consider our DEA of the proposed revised critical habitat designation for the Canada lynx DPS, which is summarized in the narrative below.

Executive Orders 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the Executive Orders' regulatory analysis requirements, our effects analysis under the Act may take into consideration both direct and indirect impacts to affected entities, where practicable and reasonable. If sufficient data are available, we assess, to the extent practicable, the probable impacts to both directly and indirectly affected entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas proposed for revised critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Canada lynx DPS, we first identified, in the IEM dated April 18, 2014, probable incremental economic impacts associated with the following categories of activities: Agriculture, Border Protection, Conservation/Restoration, Development, Fire Management, Forest Management, Mining, Oil and Gas, Recreation, Renewable Energy, Silviculture/Timber, Transportation, Tribes, and Utilities. We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement; it only affects activities conducted, funded, permitted, or authorized by Federal agencies.

Because the Canada lynx DPS has been listed as threatened under the Act since 2000, Federal agencies already are required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement in areas where Canada lynx may be present and that may affect the species. If we finalize this proposed revised critical habitat designation, consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process that already considers jeopardy to the listed DPS. Because all of the areas proposed as revised critical habitat are currently occupied by Canada lynx populations, their designation will not result in new areas in which section 7 consultations would be required. Therefore, disproportionate impacts to any geographic area or sector are not likely as a result of the critical habitat designation.

In our IEM, we attempted to clarify the distinction between the effects attributable to the Canada lynx DPS being listed and those likely to result from critical habitat designation (i.e., the difference between the jeopardy and adverse modification standards). Because the designation of critical habitat for the Canada lynx DPS was not proposed concurrently with the listing, we are better able to discern, based on a comparison of the history of section 7 consultations in the absence of critical habitat and consultations since the previous designation in 2009, which impacts are attributable to the DPS's listing and which are likely to result solely from the revised critical habitat designation currently proposed. Additionally, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical and biological features identified for critical habitat are the same features essential for the life requisites of the species; (2) all areas proposed for revised designation of critical habitat are currently occupied by Canada lynx populations; (3) 89 percent of the area currently proposed for designation has been designated as Canada lynx critical habitat since March 2009, and another 4.8 percent was designated lynx critical habitat from

March 2009 until September 2010, when critical habitat in Washington State was enjoined by the U.S. District Court for the District of Wyoming; and (4) any actions that would result in sufficient harm or harassment to constitute jeopardy to the Canada lynx DPS would also likely adversely affect the essential physical and biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between baseline and incremental impacts of critical habitat designation for this DPS. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed revised critical habitat designation.

The proposed revised critical habitat designation for the Canada lynx DPS includes approximately 41,547 mi^2 (107,607 km^2) of Federal, State, Tribal, and private lands in five units located in northern Maine (Unit 1), northeastern Minnesota (Unit 2), northwestern Montana and northeastern Idaho (Unit 3), north-central Washington (Unit 4), and southwestern Montana and northwestern Wyoming (Unit 5). All of the areas proposed as revised designated critical habitat were occupied by Canada lynx at the time of listing and currently support persistent Canada lynx populations.

Unit 1 includes 11,162 mi^2 located in northern Maine in portions of Aroostook, Franklin, Penobscot, Piscataquis, and Somerset Counties. Land ownership within Unit 1 is 91.7 percent private, 7.4 percent State, and 0.8 percent Tribal; there are no Federal lands. Unit 2 includes 8,147 mi^2 located in northeastern Minnesota in portions of Cook, Koochiching, Lake, and St. Louis Counties, and the Superior National Forest. Land ownership within Unit 2 is 47.4 percent Federal, 33.5 percent State, 18.1 percent private, and 1.0 percent Tribal. Unit 3 includes 10,474 mi^2 located in northwestern Montana and a small portion of northeastern Idaho in portions of Boundary County in Idaho and Flathead, Glacier, Granite, Lake, Lewis and Clark, Lincoln, Missoula, Pondera, Powell, and Teton Counties in Montana. Land ownership within Unit 3 is 82.6 percent Federal, 3.6 percent State, 10.2 percent private, and 3.5 percent Tribal. Unit 4 includes 1,999 mi^2 located in north-central Washington in portions of Chelan and Okanogan Counties and includes mostly Okanogan-Wenatchee National Forest lands as well as BLM lands in the Spokane District and Loomis State Forest lands. Land ownership within Unit 4 is 91.5 percent Federal, 8.2 percent State, and 0.2 percent private; there are no Tribal lands. Unit 5 includes 9,766 mi^2 located in Yellowstone National Park and surrounding lands of the Greater Yellowstone Area in southwestern Montana and northwestern Wyoming. Proposed critical habitat in this unit is located in Carbon, Gallatin, Park, Stillwater, and Sweetgrass Counties in Montana; and Fremont, Lincoln, Park, Sublette, and Teton Counties in Wyoming. Land ownership within Unit 5 is 96.9 percent Federal, 0.3 percent State, and 2.8 percent private; there are no Tribal lands.

Because all the areas proposed as revised designated Canada lynx critical habitat are occupied by Canada lynx, consultation under section 7 of the Act is already required for projects in these areas that may affect Canada lynx. These consultations normally focus on potential impacts to Canada lynx foraging habitat, in particular winter snowshoe hare habitats. In these areas, any actions that may affect the Canada lynx or its habitat would also affect designated critical habitat. It is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the Canada lynx DPS. Further, because most (89 percent) of the proposed area has been designated as critical habitat for Canada lynx since 2009, consultations in these areas already must address the adverse modification standard, and no additional conservation measures or associated administrative or other costs are expected. Therefore, additional administrative costs are only expected in the 11 percent of the proposed critical habitat that is not already designated. While the additional analysis necessary to address adverse modification in these areas will require time and resources by both the Federal action agency and the Service, we believe that, in most circumstances, these costs would be predominantly administrative in nature and would not be significant.

Areas proposed for designation that are not currently designated include: (1) All of Unit 4 (1,999 mi^2 of predominantly Federal [U.S. Forest Service] lands in northern Washington); (2) an additional 521 mi^2 of mostly private commercial timber lands in Unit 1 (northern Maine); and (3) an additional 259 mi^2 of mostly Federal (BLM and National Park Service) lands in Unit 5 (northwestern Wyoming). The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State agencies or municipalities. Activities we expect will be subject to consultations that may involve private entities as third parties are residential and commercial development that may occur on private lands. However, the cost to private entities within these sectors is expected to be relatively minor and, therefore, not significant.

The annual administrative burden to address adverse modification in areas proposed but not currently designated as critical habitat is unlikely to reach $100 million. Therefore, future probable incremental economic impacts are not likely to exceed $100 million in any single year and disproportionate impacts to any geographic area or sector are not likely as a result of the proposed revised critical habitat designation.

As we stated above, we are soliciting data and comments from the public on the DEA and the draft environmental assessment, as well as all aspects of the proposed rule and our amended required determinations. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the public comment period. In particular, we may exclude areas from critical habitat if we determine that the benefits of excluding the areas outweigh the benefits of including the areas, provided the exclusions will not result in the extinction of this DPS.

Required Determinations—Amended

In our September 26, 2013, proposed rule (78 FR 59430), we indicated that we would defer our determination of compliance with several statutes and executive orders until we had evaluated the probable effects on landowners and stakeholders and the resulting probable economic impacts of the designation. Following our evaluation of the probable incremental economic impacts resulting from the designation of critical habitat for the Canada lynx DPS, we have affirmed or amended our determinations below. Specifically, we affirm the information in our proposed rule concerning Executive Orders (E.O.s) 12866 and 13563 (Regulatory Planning and Review), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 13211 (Energy Supply, Distribution, or Use), the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951). However, based on our evaluation of the probable

incremental economic impacts of the proposed revised designation of critical habitat for the Canada lynx DPS, we are amending our required determinations concerning the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), E.O. 12630 (Takings), and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court decisions, is that Federal agencies are only required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself, and, therefore, are not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7 only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies will be directly regulated by this designation. There is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that, if promulgated, the proposed revised critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed revised designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed revised critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial RFA analysis is not required.

E.O. 12630 (Takings)

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the Canada lynx DPS in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. Although private parties that receive Federal funding or assistance or that require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. The economic analysis found that no significant economic impacts are likely to result from the designation of critical habitat for the Canada lynx DPS. Because the Act's critical habitat protection requirements apply only to Federal agency actions, few conflicts between critical habitat and private property rights are anticipated from this designation. Based on information contained in the economic analysis assessment and described within this document, it is not likely that economic impacts to a property owner would be of a sufficient magnitude to support a takings action. Therefore, the takings implications assessment concludes that this designation of critical habitat for the Canada lynx DPS would not pose significant takings implications for lands within or affected by the revised designation.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

When the range of a species includes States within the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, pursuant to that court's ruling in *Catron County Board of Commissioners* v. *U.S. Fish and Wildlife Service,* 75 F .3d 1429 (10th Cir. 1996), we complete an analysis on proposed critical habitat designations pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA). The range of the Canada lynx DPS is partially within the States of Colorado, New Mexico, Utah, and Wyoming, which are within the Tenth Circuit. Accordingly, we have prepared a draft environmental assessment to identify and disclose the environmental consequences resulting from the proposed revised designation of critical habitat for the Canada lynx DPS.

The draft environmental assessment presents the purpose of and need for critical habitat designation; the proposed action and alternatives; and an evaluation of the direct, indirect, and cumulative effects of the alternatives under the requirements of NEPA as implemented by the Council on Environmental Quality regulations (40 CFR part 1500 *et seq.*) and according to the Department of the Interior's NEPA procedures.

The draft environmental assessment will be used by the Service to decide whether or not critical habitat will be designated as proposed; if the proposed action requires refinement, or if another alternative is appropriate; or if further analyses are needed through preparation of an environmental impact statement. If the proposed action is selected as

described (or is changed minimally) and no further environmental analyses are needed, then a finding of no significant impact (FONSI) would be the appropriate conclusion of this process. A FONSI would then be prepared for the environmental assessment. We are seeking data and comments from the public on the draft environmental assessment. Comments may be submitted by one of the methods listed in the **ADDRESSES** section.

Authors

The primary authors of this notice are the staff members of the Montana Ecological Services Field Office, Region 6, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 13, 2014.

Rachel Jacobsen,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–14400 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 79, No. 119
Friday, June 20, 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

Forest Service

Wenatchee-Okanogan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meetings.

SUMMARY: The Wenatchee-Okanogan Resource Advisory Committee (RAC) will meet in Wenatchee, Washington. 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. These meetings are open to the public. The purpose of these meetings is to review projects proposed for RAC consideration under Title II of the Act.

DATES: The meetings will be held from 9:00 a.m. to 3:30 p.m. on the following dates:

- July 22, 2014.
- July 23, 2014

All RAC meetings are subject to cancellation. For status of meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held at the Okanogan-Wenatchee National Forest (NF) Headquarters Office, 215 Melody Lane, Wenatchee, Washington.

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 Okanogan-Wenatchee NF Headquarters Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Robin DeMario, RAC Coordinator, by phone at 509–664–9292 or via email at *rdemario@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://facadatabase.gov/committee/committee.aspx?cid=2274&aid=171.* 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 July 3, 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 Robin DeMario, RAC Coordinator, 215 Melody Lane, Wenatchee, Washington, 98801; by email to *rdemario@fs.fed.us* or via facsimile to 509–664–9286.

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: June 13, 2014.

Michael L. Balboni,

Forest Supervisor.

[FR Doc. 2014–14448 Filed 6–19–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–18–2014]

Foreign-Trade Zone 247—Erie, Pennsylvania; Authorization of Limited Production Activity; GE Transportation (Locomotives, Off-Highway Vehicles and Motors/Engines); Lawrence Park and Grove City, Pennsylvania

On February 14, 2014, GE Transportation submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facilities within Subzones 247A and 247B, in Lawrence Park and Grove City, Pennsylvania.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (79 FR 10765–10768, 2–26–2014). The FTZ Board has determined that further review of part of the proposed activity is warranted at this time. The production activity described in the notification is authorized on a limited basis, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to a restriction requiring that diesel engine units (HTSUS 8502.11) be admitted to the subzones in privileged foreign status.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2014–14385 Filed 6–19–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–896]

Magnesium Metal From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013

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

DATES: *Effective Date:* June 20, 2014.

SUMMARY: On April 1, 2014, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on magnesium

metal from the People's Republic of China (''PRC'') covering the period April 1, 2012 through March 31, 2013.[1] This review covers one PRC company, Tianjin Magnesium International, Co., Ltd. (''TMI''). The Department gave interested parties an opportunity to comment on the *Preliminary Results,* but we received no comments. Hence, these final results are unchanged from the *Preliminary Results,* and we continue to find that TMI did not have reviewable entries during the period of review (''POR'').

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Erin Begnal, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4243 or (202) 482–1442, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 2014, the Department published the *Preliminary Results* of the instant review.[2] TMI submitted a timely-filed certification indicating that it had no shipments of subject merchandise to the United States during the POR.[3] In addition, in response to the Department's query, U.S. Customs and Border Protection (''CBP'') did not provide any evidence that contradicted TMI's claim of no shipments.[4] The Department received no comments from interested parties concerning the results of the CBP query. Therefore, based on TMI's certification and our analysis of CBP information, we preliminarily determined that TMI did not have any reviewable entries during the POR.[5] We invited interested parties to comment on the *Preliminary Results*.[6] We received no comments from interested parties.

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (''the Act'').

Scope of the Order

The product covered by this antidumping duty order is magnesium metal from the PRC, which includes primary and secondary alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by this order includes blends of primary and secondary magnesium.

The subject merchandise includes the following alloy magnesium metal products made from primary and/or secondary magnesium including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes; magnesium ground, chipped, crushed, or machined into rasping, granules, turnings, chips, powder, briquettes, and other shapes; and products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an ''ASTM Specification for Magnesium Alloy'' [7] and are thus outside the scope of the existing antidumping orders on magnesium from the PRC (generally referred to as ''alloy'' magnesium).

The scope of this order excludes: (1) All forms of pure magnesium, including chemical combinations of magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an ''ASTM Specification for Magnesium Alloy'' [8]; (2) magnesium that is in liquid or molten form; and (3) mixtures containing 90 percent or less magnesium in granular or powder form by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nephaline syenite, feldspar, alumina (Al203), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.[9]

The merchandise subject to this order is classifiable under items 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS items are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Final Determination of No Shipments

As explained above, in the *Preliminary Results,* the Department found that TMI did not have reviewable entries during the POR.[10] Also in the *Preliminary Results,* the Department stated that consistent with its recently announced refinement to its assessment practice in non-market economy (''NME'') cases, it is appropriate not to rescind the review in part in this circumstance but, rather, to complete the review with respect to TMI and to issue appropriate instructions to CBP based on the final results of the review.[11]

After issuing the *Preliminary Results,* the Department received no comments from interested parties, nor has it received any information that would cause it to revisit its preliminary determination. Therefore, for these final results, the Department continues to find that TMI did not have any reviewable entries during the POR.

Assessment Rates

The Department determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.[12] The Department intends to issue assessment instructions to CBP 15 days after the

[1] *See Magnesium Metal From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 18277 (April 1, 2014) (''*Preliminary Results''*).

[2] *Id.*

[3] *See* letter from TMI, ''Magnesium Metal from the People's Republic of China; A–570–896; Certification of No Sales by Tianjin Magnesium International, Co., Ltd.'' dated July 23, 2012 {sic}.

[4] *See Preliminary Results,* 79 FR at 18278.

[5] *Id.*

[6] *Id.*

[7] The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book for ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

[8] The material is already covered by existing antidumping orders. *See Notice of Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation,* 60 FR 25691 (May 12, 1995); and *Antidumping Duty Order: Pure Magnesium in Granular Form from the People's Republic of China,* 66 FR 57936 (November 19, 2001).

[9] This third exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000–2001 investigations of magnesium from China, Israel, and Russia. *See Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China,* 66 FR 49345 (September 27, 2001); *Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel,* 66 FR 49349 (September 27, 2001); *Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation,* 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys, because they are not combined in liquid form and cast into the same ingot.

[10] *See Preliminary Results,* 79 FR at 18278.

[11] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (''*Assessment Practice Refinement''*) and the ''Assessment Rates'' section, below.

[12] *See* 19 CFR 351.212(b).

date of publication of these final results of review.

Additionally, consistent with the Department's refinement to its assessment practice in NME cases, because the Department determined that TMI had no shipments of subject merchandise during the POR, any suspended entries that entered under TMI's antidumping duty case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[13]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice of final results of the administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For TMI, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 141.49 percent; [14] and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

[13] *See Assessment Practice Refinement,* 76 FR 65694.

[14] *See Notice of Antidumping Duty Order: Magnesium Metal From the People's Republic of China,* 70 FR 19928 (April 15, 2005).

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the 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.

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

Dated: June 16, 2014.

Lynn Fischer Fox,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2014–14481 Filed 6–19–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–804, A–412–801]

Ball Bearings and Parts Thereof from Japan and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Review in Part; 2009–2010

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

SUMMARY: On April 21, 2011, the Department of Commerce (the Department) published the preliminary results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom.[1] On March 25, 2014, the Department issued its post-preliminary analysis in these reviews. For these final results, we continue to find that sales of the subject merchandise have not been made at prices below normal value.

DATES: *Effective Date:* June 20, 2014.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2011, the Department published, and invited interested parties to comment on, the *Preliminary Results.*[2] The period of reviews is May 1, 2009, through April 30, 2010. We received case and rebuttal briefs from various parties to these reviews. On July 15, 2011, the Department discontinued these reviews.[3]

The Department resumed these reviews effective November 29, 2013, pursuant to court judgment.[4] On March 25, 2014, we issued a post-preliminary analysis in which we (1) addressed the methodology stated in the *Final Modification for Reviews* [5] as it pertained to these administrative reviews and (2) stated our intent to rescind the review in part with respect to the administrative review of ball bearings and parts thereof from Japan.[6] We invited comments from interested parties for the Post-Preliminary Analysis.[7] We received additional case and rebuttal briefs from interested parties commenting on the Post-Preliminary Analysis. The Department conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Orders

The products covered by the orders are ball bearings and parts thereof. Imports of these products are classified under the following Harmonized Tariff

[1] *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Preliminary Results of Antidumping Administrative and Changed-Circumstances Reviews,* 76 FR 22372 (April 21, 2011) (*Preliminary Results*).

[2] *Id.*

[3] *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Revocation of Antidumping Duty Order*s, 76 FR 41761 (July 15, 2011).

[4] *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Notice of Reinstatement of Antidumping Duty Orders, Resumption of Administrative Reviews, and Advance Notification of Sunset Reviews,* 78 FR 76104 (December 16, 2013).

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8113 (February 14, 2012) (*Final Modification for Reviews*), in which the Department stated that the methodology described therein ''will also be applicable to any reviews currently discontinued by the Department if such reviews are continued after April 16, 2012 by reason of a final and conclusive judgment of a U.S. Court.'' *See also* 19 CFR 351.414.

[6] *See* the memorandum from Deputy Assistant Secretary Christian Marsh to Assistant Secretary Paul Piquado entitled ''Administrative Reviews of the Antidumping Duty Orders on Ball Bearings and Parts Thereof from Japan and the United Kingdom for the 2009–2010 Period: Post-Preliminary Analysis Memorandum and Intent to Rescind a Review in Part'' dated March 25, 2014 (Post-Preliminary Analysis).

[7] *Id.*

Schedule of the United States (HTSUS) subheadings: 3926.90.45, 4016.93.10, 4016.93.50, 6909.19.50.10, 8414.90.41.75, 8431.20.00, 8431.39.00.10, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.35, 8482.99.25.80, 8482.99.65.95, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.93.30, 8708.93.60.00, 8708.99.06, 8708.99.31.00, 8708.99.40.00, 8708.99.49.60, 8708.99.58, 8708.99.80.15, 8708.99.80.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90, 8708.30.50.90, 8708.40.75.70, 8708.40.75.80, 8708.50.79.00, 8708.50.89.00, 8708.50.91.50, 8708.50.99.00, 8708.70.60.60, 8708.80.65.90, 8708.93.75.00, 8708.94.75, 8708.95.20.00, 8708.99.55.00, 8708.99.68, and 8708.99.81.80. Although the HTSUS item numbers above are provided for convenience and customs purposes, the written descriptions of the scope of the orders remain dispositive. A full description of the scope of the orders is contained in the Issues and Decision Memorandum.[8]

Analysis of the Comments Received

All issues raised in the case briefs by parties to these administrative reviews are addressed in the Issues and Decision Memorandum. A list of the issues which parties have raised and to which we have responded is in the Issues and Decision Memorandum and attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit (CRU), 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/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Rescission of Review in Part

In the Post-Preliminary Analysis, we stated our intent to rescind the administrative review of ball bearings and parts thereof from Japan in part, for Tsubakimoto Precision Products Co., Ltd. (Tsubakimoto). Because no interested parties provided comments concerning our intent to rescind in part, we are rescinding the Japan review with respect to Tsubakimoto.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made revisions and corrected programming and other errors in the weighted-average dumping margins which we included in the *Preliminary Results* and the Post-Preliminary Analysis, where applicable. These changes, however, did not affect the final weighted-average dumping margins for the reviewed respondents. A detailed discussion of each change we made is in the company-specific analysis memoranda dated concurrently with this notice, which are on file electronically *via* IA ACCESS and in the CRU of the main Commerce building.[9]

Final Results of the Reviews

We determine that the weighted-average dumping margins on ball bearings and parts thereof exist for the period May 1, 2009, through April 30, 2010, at the following rates:

JAPAN

Company	Rate (percent)
Asahi Seiko Co., Ltd	0.00
Audi AG	0.00
Bosch Corporation	0.00
Bosch Packaging Technology K.K	0.00
Bosch Rexroth Corporation	0.00
Caterpillar Japan Ltd	0.00
Caterpillar Overseas S.A.R.L	0.00
Caterpillar Group Services S.A	0.00
Caterpillar Brazil Ltd	0.00
Caterpillar Africa Pty. Ltd	0.00
Caterpillar of Australia Pty. Ltd	0.00
Caterpillar S.A.R.L	0.00
Caterpillar Americas Mexico, S. de R.L. de C.V	0.00
Caterpillar Logistics Services China Ltd	0.00
Caterpillar Mexico, S.A. de C.V	0.00
Hagglunds Ltd	0.00
Hino Motors Ltd	0.00
JTEKT Corporation (formerly known as Koyo Seiko Co., Ltd.)	0.00
Kongskilde Limited	0.00
Mazda Motor Corporation	0.00
Mori Seiki Co., Ltd	0.00
Nachi-Fujikoshi Corporation	0.00
Nissan Motor Company, Ltd	0.00
NSK Ltd	0.00
NTN Corporation and NTN Kongo Corporation	0.00
Perkins Engines Company Limited	0.00
Volkswagen AG	0.00
Volkswagen Zubehor GmbH	0.00

[8] *See* the memorandum from Deputy Assistant Secretary Christian Marsh to Deputy Assistant Secretary Lynn Fischer Fox entitled ''Issues and Decision Memorandum for the Antidumping Duty Administrative Reviews of Ball Bearings and Parts Thereof from Japan and the United Kingdom; 2009–2010'' dated concurrently with this notice and hereby adopted by this notice (Issues and Decision Memorandum).

[9] *See* the company-specific final analysis memoranda for Asahi Seiko Co., Ltd., NSK Ltd., NTN Corporation, and NSK Bearings Europe Ltd. dated concurrently with this notice.

JAPAN—Continued

Company	Rate (percent)
Yamazaki Mazak Trading Corporation	0.00

UNITED KINGDOM

Company	Rate (percent)
Alcatel Vacuum Technology	0.00
Bosch Rexroth Ltd	0.00
Caterpillar S.A.R.L	0.00
Caterpillar Group Services S.A	0.00
Caterpillar of Australia Pty Ltd	0.00
Caterpillar Overseas S.A.R.L	0.00
Caterpillar Marine Power UK	0.00
NSK Bearings Europe Ltd	0.00
Perkins Engines Company Ltd	0.00
SKF (U.K.) Limited and SKF Aeroengine Bearings U.K	0.00

Assessment Rates

In accordance with the *Final Modification for Reviews,*[10] we will instruct U.S. Customs and Border Protection (CBP) to liquidate the entries pertaining to these reviews without regard to antidumping duties because the weighted-average dumping margin for each respondent is zero or *de minimis.*

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

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of these reviews.

Cash Deposit Requirements

Because we revoked the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom effective September 15, 2011, no cash deposits for estimated antidumping duties on future entries of subject merchandise will be required.[11]

Notifications

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

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or the 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.

These final results of administrative reviews are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 13, 2014.

Lynn Fischer Fox,

Deputy Assistant Secretary, for Policy and Negotiations.

Appendix

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[FR Doc. 2014–14493 Filed 6–19–14; 8:45 am]

BILLING CODE 3510–DS–P

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

[11] *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders,* 79 FR 16771 (March 26, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2011–2012

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

SUMMARY: The Department of Commerce (''the Department'') is amending the

final results of the 2011–2012 administrative review of the antidumping duty order on multilayered wood flooring (''MLWF'') from the People's Republic of China (''PRC'') to correct ministerial errors.[1] The period of review (''POR'') is May 26, 2011 through November 30, 2012.

DATES: *Effective Date:* June 20, 2014.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or James Martinelli, Enforcement and Compliance, Office IV, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4162 and (202) 482–2923, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 2014, the Department disclosed to interested parties its calculations for the *Final Results.*[2] On May 8, 2014, we received ministerial error comments from Shanghai New Sihe Wood Co., Ltd. and Shanghai Shenlin Corporation. Moreover, on May 9, 2014, we received ministerial error comments from Fine Furniture and CAHP. On May 14, 2014, we received ministerial error rebuttal comments from Armstrong and Fine Furniture.

Scope of the Order

The merchandise covered by the order includes MLWF, subject to certain exceptions.[3] The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.

The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the order is dispositive.

Ministerial Errors

Section 751(h) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any similar type of unintentional error which the Secretary considers ministerial.'' After analyzing the ministerial error comments and rebuttal comments, we determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), that we made ministerial errors in our calculation for the *Final Results.* For a detailed discussion of the alleged ministerial errors, as well as the Department's analysis, *see* Memorandum to Lynn Fischer Fox, Deputy Assistant Secretary for Policy and Negotiations from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Antidumping Duty Administrative Review: Final Results of the 2011–2012 Antidumping Administrative Review of Multilayered Wood Flooring from the People's Republic of China: Allegations of Ministerial Errors,'' dated concurrently with this notice which is hereby adopted by this notice. The Ministerial Error Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Ministerial Error Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn.* The signed Ministerial Error Memorandum and the electronic versions of the Ministerial Error Memorandum are identical in content. A list of the ministerial error allegations that parties raised and to which we responded in the Ministerial Error Memorandum follows as an appendix to this notice.

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* for Fine Furniture. The revised weighted-average dumping margin for Fine Furniture is detailed below. Fine Furniture was the only mandatory respondent with a weighted-average dumping margin above *de minimis;* therefore, the separate rate respondents were assigned a weighted-average dumping margin equal to that of Fine Furniture.[4] Consequently, we also revised the weighted-average dumping margin for the separate rate respondents. The weighted-average dumping margin for the PRC-wide entity is not changing as a result of these amended final results.

Amended Final Results of Administrative Review

The amended weighted-average dumping margins are as follows:

[1] *See Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 26712 (May 9, 2014) (''*Final Results*''), and accompanying Issues and Decision Memorandum (''I&D Memo'').

[2] The interested parties include: Armstrong Wood Products (Kunshan) Co., Ltd. (''Armstrong''), the Coalition for American Hardwood Parity (''CAHP''), Fine Furniture (Shanghai) Limited (''Fine Furniture''), Shanghai New Sihe Wood Co., Ltd., Shanghai Shenlin Corporation and Nanjing Minglin Wooden Industry Co. Ltd. (''Minglin'').

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance ''Final Results of the 2011–2012 Antidumping Administrative Review of Multilayered Wood Flooring from the People's Republic of China: Allegations of Ministerial Errors,'' (''Ministerial Error Memorandum'') issued concurrently with this notice for a full description of the Scope of the Order.

[4] *See Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 26712 (May 9, 2014), at 26715.

Exporter	Weighted-Average dumping margin
Armstrong Wood Products (Kunshan) Co., Ltd	0.00
Nanjing Minglin Wooden Industry Co. Ltd	0.00
Fine Furniture (Shanghai) Limited or Double F Limited	5.92
Anhui Longhua Bamboo Product Co., Ltd	5.92
A&W (Shanghai) Woods Co., Ltd	5.92
Baishan Huafeng Wood Product Co., Ltd	5.92
Benxi Wood Company	5.92
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd	5.92
Chinafloors Timber (China) Co., Ltd	5.92
Dalian Dajen Wood Co., Ltd	5.92
Dalian Huilong Wooden Products Co., Ltd	5.92
Dalian Kemian Wood Industry Co., Ltd	5.92
Dalian Penghong Floor Products Co., Ltd	5.92
Dasso Industrial Group Co., Ltd	5.92
Dongtai Fuan Universal Dynamics, LLC	5.92
Dunhua City Hongyuan Wood Industry Co., Ltd	5.92
Dunhua City Jisen Wood Industry Co., Ltd	5.92
Dunhua City Wanrong Wood Industry Co., Ltd	5.92
Dunhua City Dexin Wood Industry Co., Ltd	5.92
Dun Hua Sen Tai Wood Co., Ltd	5.92
Fujian Wuyishan Werner Green Industry Co., Ltd	5.92
Fusong Jinlong Group [5]	5.92
GTP International	5.92
Guangdong Fu Lin Timber Technology Limited	5.92
Guangdong Yihua Timber Industry Co., Ltd	5.92
Guangzhou Panyu Kangda Board Co., Ltd	5.92
Guangzhou Panyu Southern Star Co., Ltd	5.92
HaiLin LinJing Wooden Products, Ltd	5.92
Hangzhou Hanje Tec Co., Ltd	5.92
Hunchun Forest Wolf Wooden Industry Co., Ltd	5.92
Huzhou Chenghang Wood Co., Ltd	5.92
Huzhou Fulinmen Imp & Emp. Co., Ltd	5.92
Huzhou Jesonwood Co., Ltd	5.92
Huzhou Sunergy World Trade Co., Ltd	5.92
Jiafeng Wood (Suzhou) Co., Ltd	5.92
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	5.92
Jiangsu Simba Flooring Industry Co., Ltd	5.92
JiaShan FengYun Timber Company Ltd	5.92
Jiashan HuiJiaLe Decoration Material Co., Ltd	5.92
Jiaxing Hengtong Wood Co., Ltd	5.92
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	5.92
Jilin Xinyuan Wooden Industry Co., Ltd	5.92
Karly Wood Product Limited	5.92
Kemian Wood Industry (Kunshan) Co., Ltd	5.92
Kunming Alston (AST) Wood Products Co., Ltd	5.92
Kunshan Yingyi-Nature Wood Industry Co., Ltd	5.92
Metropolitan Hardwood Floors, Inc	5.92
Mudanjiang Bosen Wood Industry Co., Ltd	5.92
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	5.92
Pinge Timber Manufacturing (Zhejiang) Co., Ltd	5.92
Puli Trading Limited	5.92
Scholar Home (Shanghai) New Material Co. Ltd	5.92
Shanghai Eswell Timber Co., Ltd	5.92
Shanghai Lairunde Wood Co., Ltd	5.92
Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai	5.92
Shanghai New Sihe Wood Co., Ltd	5.92
Shanghai Shenlin Corporation	5.92
Shenyang Senwang Wooden Industry Co., Ltd	5.92
Shenzhenshi Huanwei Woods Co., Ltd	5.92
Suzhou Dongda Wood Co., Ltd	5.92
Xiamen Yung De Ornament Co., Ltd	5.92
Xuzhou Shenghe Wood Co., Ltd	5.92
Yixing Lion-King Timber Industry Co., Ltd	5.92
Zhejiang Biyork Wood Co., Ltd	5.92
Zhejiang Dadongwu Greenhome Wood Co., Ltd	5.92
Zhejiang Desheng Wood Industry Co., Ltd	5.92
Zhejiang Fudeli Timber Industry Co., Ltd	5.92
Zhejiang Fuma Warm Technology Co., Ltd	5.92
Zhejiang Longsen Lumbering Co., Ltd	5.92
Zhejiang Shiyou Timber Co., Ltd	5.92
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd	5.92
Zhejiang Yongyu Bamboo Joint-Stock Co., Ltd	5.92
PRC-Wide Entity [6]	58.84

Disclosure

We intend to disclose the calculations performed for these amended final results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the amended final results of this administrative review.

For Armstrong, Fine Furniture, and Minglin, the Department calculated importer-specific assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is not zero or *de minimis* (*i.e.,* less than 0.5 percent). Where an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For all separate rate respondents, the Department will instruct CBP to liquidate all appropriate entries at an *ad valorem* rate equal to weighted-average dumping margin for each respondent listed in the amended final results of this administrative review.

On October 24, 2011, the Department announced a refinement to its assessment practice in non-market economy (''NME'') cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the rate for the NME-wide entity. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the rate for the NME-wide entity.[7]

Cash Deposit Requirements

The following cash deposit requirements will be effective on any entries made after the date of publication of these amended final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the amended final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters identified above, the cash deposit rate will be equal to their weighted-average dumping margin in these amended final results of review; (2) for previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a previously completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 58.84 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

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

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return 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 violation which is subject to sanction.

These amended final results are published in accordance with sections 751(h) and 777(i)(1) of the Act.

Dated: June 16, 2014.

Lynn Fischer Fox,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix—Ministerial Error Memorandum

Summary
Legal Authority
Scope of the Order
Discussion of the Allegations
Allegation 1: Conversions Used in the Valuation of Certain Inputs
Allegation 2: Basis for the VAT Calculation
Allegation 3: The Inclusion of Double F Limited in the **Federal Register**
Allegation 4: Whether the Department Incorrectly Treated Indirect Wages in Financial Ratio Calculations
Allegation 5: Whether the Department Incorrectly Attributed Arguments Regarding Richmond Plywood Corporation
Allegation 6: Whether the Department Incorrectly Summarized Fine Furniture's Argument Regarding Winlex
Allegation 7: Whether the Department Overlooked Record Evidence Regarding Industrial Plywood
Allegation 8: Whether the Department Used the Correct Name for Separate Rate Respondents Recommendation

[FR Doc. 2014–14491 Filed 6–19–14; 8:45 am]

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[5] The following companies are collectively known as The Fusong Jinlong Group (''Fusong Jinlong Group''): Dalian Qianqiu Wooden Product Co., Ltd.; Fusong Jinlong Wooden Group Co., Ltd.; Fusong Jinqiu Wooden Product Co., Ltd.; and Fusong Qianqiu Wooden Products Co., Ltd.

[6] The following companies were named in the *Initiation Notice* but did not submit a certification of no shipment, separate rate application or separate rate certification; therefore the Department has determined that they are part of the PRC-wide entity: Baiying Furniture Manufacturer Co., Ltd.; Dazhuang Floor Co. (dba Dasso Industrial Group Co., Ltd.); Dunhua Jisheng Wood Industry Co., Ltd; Fu Lik Timber (HK) Co., Ltd.; Furnco International (HK) Company Limited; Fusong Qianqiu Wooden Group Co., Ltd.; Guangdong Jiasheng Timber Industry Co., Ltd.; Guanghzhou Panyu Shatou Trading Co., Ltd.; Huzhou Fuma Wood Bus. Co., Ltd.; Jiazing Brilliant Import & Export Co., Ltd.; Puli Trading Co., Ltd.; Sennorwell International Group (Hong Kong) Limited; Shanghai Demeijia Wooden Co., Ltd.; Shenyang Haobainian Wood Co.; Shenyang Sende Wood Co., Ltd.; Suzhou Anxin Weiguang Timber Co., Ltd.; Yekalon Industry, Inc.; Zhejiang AnJi XinFeng Bamboo & Wood Co., Ltd.; Zhejiang Haoyun Wood Co., Ltd.; Zhejiang Jeson Wood Co., Ltd.; and Zhejiang Jiechen Wood Industry Co., Ltd. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 6291 (January 30, 2013); *see also Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 13633 (February 28, 2013) (''*Initiation Notice*'').

[7] For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD342

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability and request for comment.

SUMMARY: Notice is hereby given that NMFS has prepared a draft supplemental environmental assessment under the National Environmental Policy Act (NEPA) of the potential effects of the operation of five Hatchery and Genetic Management Plans (plans) specifying the propagation of five species of salmon and steelhead in the Elwha River of Washington state. The plans were prepared and submitted jointly by the Lower Elwha Klallam Tribe and the Washington Department of Fish and Wildlife (WDFW). All comments and other information received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA.

DATES: Comments and other submissions must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on July 21, 2014.

ADDRESSES: Written responses to the draft supplemental environmental assessment should be sent to Allyson Purcell, National Marine Fisheries Services, Sustainable Fisheries Division, 1201 N.E. Lloyd Boulevard, Suite 1100, Portland, OR 97232. Comments may also be submitted by email to: *ElwhaHatcheries.wcr@noaa.gov.* Include in the subject line of the email comment the following identifier: Comments on the Elwha Hatcheries Assessment. When commenting on the draft supplemental environmental assessment, please refer to the specific page number and line number of the subject of your comment. Comments may also be sent via facsimile (fax) to (503) 872–2737. Requests for copies of the draft supplemental environmental assessment should be directed to the National Marine Fisheries Services, Sustainable Fisheries Division, 1201 N.E. Lloyd Boulevard, Suite 1100, Portland, OR 97232. The documents are also available on the Internet at *www.westcoast.fisheries.noaa.gov.* Comments received will also be available for public inspection, by appointment, during normal business hours by calling (503) 230–5418.

FOR FURTHER INFORMATION CONTACT: Allyson Purcell at (503) 736–4736 or email: *allyson.purcell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): endangered, naturally produced and artificially propagated Upper Columbia River spring-run.

Steelhead (*Oncorhynchus mykiss*): threatened, naturally produced and artificially propagated Upper Columbia.

Background

Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits to take listed species for any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, under section 10(a)(1)(A) of the ESA. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

The Lower Elwha Klallam Tribe and the WDFW submitted plans to NMFS for five jointly operated hatchery programs in the Elwha River basin. The plans were submitted pursuant to limit 6 of the ESA 4(d) Rule for the listed Puget Sound Chinook salmon evolutionarily significant unit (ESU) and listed Puget Sound steelhead distinct population segment (DPS). Two of the hatchery programs release ESA-listed Chinook salmon and steelhead, and three hatchery programs release non-ESA listed coho, fall chum, and pink salmon into the Elwha River watershed. All of the programs are currently operating, and all five hatchery programs raise fish native to the Elwha River basin. The current draft supplemental environmental assessment was prepared to more clearly describe the potential effects of an alternative involving production levels substantially reduced from those described in the plans.

Authority

NEPA requires Federal agencies to conduct an environmental analysis of their proposed actions to determine if the actions may affect the human environment. Therefore, NMFS is seeking public input on the scope of the required NEPA analysis, including the range of reasonable alternatives and associated impacts of any alternatives.

Dated: June 16, 2014.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–14433 Filed 6–19–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD335

Fisheries of the Exclusive Economic Zone Off Alaska; Stock Assessment of Bering Sea/Aleutian Islands Atka Mackerel; Peer Review Meeting

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

ACTION: Notice of peer review meeting.

SUMMARY: NMFS has requested the Center for Independent Experts (CIE) to conduct a peer review of the agency's stock assessment of Bering Sea/Aleutian Islands Atka mackerel. The CIE is a group that provides independent peer reviews of NMFS science nationwide, including reviews of stock assessments for fish and marine mammals. The CIE review will examine whether the assessment incorporates the best available scientific information and provides a reasonable approach to understanding the population dynamics and stock status of Bering Sea/Aleutian Islands Atka mackerel. The public is invited to attend and observe the presentations and discussions between the CIE panel and the NMFS scientists who collected and processed the data, and designed the underlying model.

DATES: The review will be held July 29 through July 31, 2014, from 9 a.m. to 5 p.m. Pacific Daylight Time.

ADDRESSES: The review will be held at the NMFS Alaska Fisheries Science Center, 7600 Sand Point Way NE., Building 4, Seattle, WA, 98115, in conference room 2039.

FOR FURTHER INFORMATION CONTACT: Sandra Lowe, 206–526–4230, or Jim Ianelli, 206–526–6510.

SUPPLEMENTARY INFORMATION: The CIE panel will consist of three peer reviewers who will assess materials related to the topic, participate in a review workshop with the NMFS scientists who developed the model and the analytical approach, and produce a report. This review will be highly technical in nature and will cover mathematical details of the analytical

approach. Members of the public are invited to observe, and will be provided opportunities to contribute on July 29.

The final report is due to the NMFS contractor officer's representative (COR) on August 29, 2014, and will consist of individual reports from each panelist. The NMFS COR will distribute the final CIE reports to the Alaska Fisheries Science Center by September 5, 2014.

Special Accommodations

The review will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jennifer Ferdinand, (206) 526–4076, at least 5 working days prior to the meeting date.

Dated: June 17, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–14477 Filed 6–19–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 7/21/2014.

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 CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 1/31/2014 (79 FR 5383); 4/21/2014 (79 FR 22104–22105); 4/25/2014 (79 FR 22951–22952); 5/2/2014 (79 FR 25115); and 5/16/2014 (79 FR 28490–28491), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN: 7350–00–290–0586—Cup, Disposable, Paper, Hot Food, 16 oz, White
NSN: 7350–00–926–9233—Plate, Paper, Disposable, 3-Compartmented Tray, Rectangular, White, 8″ x 10″
NPA: The Lighthouse for the Blind in New Orleans, Inc., New Orleans, LA
Contracting Activity: General Services Administration, Fort Worth, TX
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration, Fort Worth, TX.

NSN: MR 592—Pad, Cleaning, Sponge and Eraser, 2PK
NPA: New York City Industries for the Blind, Inc., Brooklyn, NY
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency, Fort Lee, VA.

NSN: MR 339—Slicer, Banana, Plastic
NSN: MR 340—Fruit Slicer, Round
NSN: MR 341—Food Chopper, Double Bladed, Stainless
NSN: MR 362—Set, Salad Bowl, Event Serverware
NSN: MR 363—Set, Pitcher and Tumbler, Event Serverware
NSN: MR 364—Set, Ice Bucket and Goblet, Event Serverware
NSN: MR 383—Server, Beverage, w Spout, 1.25G
NSN: MR 1096—Rack, Storage, Broom and Mop, Metal
NSN: MR 1097—Utility Knife, Light Duty, Retractable
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency, Fort Lee, VA.

NSN: MR 333—Utensil, Splitter, Mango
NSN: MR 334—Turner, Omelet
NSN: MR 337—Scrubber Brush, Produce
NSN: MR 830—Spinner, Salad
NPA: Cincinnati Association for the Blind, Cincinnati, OH
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency, Fort Lee, VA.

NSN: MR 10640—Bowl, Dressing Dispenser, Salad
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency, Fort Lee, VA.

Premium Grade Screwdrivers

NSN: 5120–00–NIB–0072—3/16w Slotted Tip, Premium Grade, 3″
NSN: 5120–00–NIB–0073—1/4w Slotted Tip, Premium Grade, 4″
NSN: 5120–00–NIB–0074—5/16w Slotted Tip, Premium Grade, 6″
NSN: 5120–00–NIB–0075—3/8w Slotted Tip, Premium Grade, 8″
NSN: 5120–00–NIB–0076—7/16w Slotted Tip, Premium Grade, 10″
NSN: 5120–00–NIB–0077—1/4w Slotted Tip, Premium Grade, 1-7/8″
NSN: 5120–00–NIB–0078—#1 Phillips, Premium Grade, 3″
NSN: 5120–00–NIB–0079—#2 Phillips, Premium Grade, 4″
NSN: 5120–00–NIB–0080—#2 Phillips, Premium Grade, 8″
NSN: 5120–00–NIB–0081—#3 Phillips, Premium Grade, 6″
NSN: 5120–00–NIB–0082—#4 Phillips, Premium Grade, 6″
NSN: 5120–00–NIB–0083—#2 Phillips, Premium Grade, 1-1/2
NSN: 5120–00–NIB–0084—Set, 3/16–3/8w Slotted Tip, Premium Grade, 6PC
NSN: 5120–00–NIB–0085—Set, Phillips, Premium Grade, 6PC
NSN: 5120–00–NIB–0086—Set, Assorted, Premium Grade, 7PC
NPA: Industries for the Blind, Inc., West Allis, 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.

Services

Service Type/Locations: Building Operations and Maintenance Service
GSA, PBS, Region 2, Theodore Roosevelt US Courthouse, South Wing, Emanuel Celler US Courthouse, North Wing, 225 Cadman Plaza East, Brooklyn, NY
GSA, PBS, Region 2, U.S. Post Office and Conrad B. Duberstein Bankruptcy Courthouse, 271 Cadman Plaza East, Brooklyn, NY
NPA: Fedcap Rehabilitation Services, Inc., New York, NY
Contracting Activity: GSA/Public Buildings Service, Brooklyn, NY

Service Type/Location: Janitorial Service
U.S. Coast Guard, Air Station Atlantic City, William J. Hughes Federal Aviation Administration Technical Center, Atlantic City International Airport, FAA Technical Center, Building 350, Egg Harbor Township, NJ
NPA: Fedcap Rehabilitation Services, Inc., New York, NY
Contracting Activity: Department of Homeland Security, U.S. Coast Guard, Base Portsmouth, Portsmouth, VA

Service Type/Location: Healthcare Housekeeping and Related Service
U.S. Army Medical Command, Madigan Army Medical Center and affiliated Medical Treatment Facilities, Joint Base Lewis-McChord, WA
NPA: HHI Services Inc., San Antonio, TX
Contracting Activity: Dept of the Army, W40M USA MEDCOM HCAA, Fort Sam Houston, TX

Service Type/Location: Warehouse Service
Social Security Administration, Birmingham Social Security Center, 1200 Rev. Abraham Woods, Jr. Blvd., Birmingham, AL
NPA: Alabama Goodwill Industries, Inc., Birmingham, AL
Contracting Activity: Social Security Administration, HDQTRS—Office of Acquisition & Grants, Baltimore, MD

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–14464 Filed 6–19–14; 8:45 am]

BILLING CODE 6353–01–P

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 and services 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: 7/21/2014.

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 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 U.S.C. 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 and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

Cover, Toilet Seat, Disposable, Paper

NSN: 8540–00–965–5790—Quarter-Folded
NSN: 8540–00–NIB–0060—Half-Folded
NPA: Outlook-Nebraska, Inc., Omaha, NE
Contracting Activity: General Services Administration, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration, New York, NY.

Measuring Tool, Set, Machinist's, MMTS

NSN: 5280–00–NIB–9919
NPA: Industries for the Blind, Inc., Milwaukee, WI
Contracting Activity: Army Contracting Command—U.S. Army Tank and Automotive Command, Warren, MI
Coverage: C-List for 100% of the requirements of the U.S. Army as aggregated by Army Contracting Command—U.S. Army Tank and Automotive Command, Warren, MI.

Services

Service Type/Location: Administrative Contract Close-Out Support Service
Consumer Financial Protection Bureau, 1625 Eye Street NW., Washington, DC
NPA: ServiceSource, Inc., Alexandria, VA
Contracting Activity: Department of Treasury, Bureau of the Fiscal Service, PSB 3, Parkersburg, WV

Service Type/Location: IT Service Desk Support Service
U.S. Department of Agriculture Forest Service, 101B Sun Avenue NE., Suite 200, Albuquerque, NM
NPA: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: Department of Agriculture Forest Service, WO–AQM IT Support, Albuquerque, NM

Service Type/Location: Janitorial, Grounds and Refuse Collection Service
U.S. Air Force, Arnold Air Force Base, 100 Kindel Drive, Arnold AFB, TN
NPA: CW Resources, Inc., New Britain, CT
Contracting Activity: Dept of the Air Force, FA9101 AEDC PKP, Procurement Branch, Arnold AFB, TN

Service Type/Location: Contact Center Service
Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD
NPA: InspiriTec, Inc., Philadelphia, PA
Contracting Activity: Department of Health and Human Services, Centers for Medicare and Medicaid Services, Baltimore, MD

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–14463 Filed 6–19–14; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Notice of Solicitation of Applications for Stakeholder Representative Members of the Missouri River Recovery Implementation Committee

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The Commander of the Northwestern Division of the U.S. Army Corps of Engineers (Corps) is soliciting applications to fill vacant stakeholder representative member positions on the Missouri River Recovery Implementation Committee (MRRIC). Members are sought to fill vacancies on a committee to represent various categories of interests within the Missouri River basin. The MRRIC was formed to advise the Corps on a study of the Missouri River and its tributaries and to provide guidance to the Corps with respect to the Missouri River recovery and mitigation activities currently underway. The Corps established the MRRIC as required by the U.S. Congress through the Water Resources Development Act of 2007 (WRDA), Section 5018.

DATES: The agency must receive completed applications and endorsement letters no later than July 25, 2014.

ADDRESSES: Mail completed applications and endorsement letters to U.S. Army Corps of Engineers, Omaha District (Attn: MRRIC), 1616 Capitol

Avenue, Omaha, NE 68102–4901 or email completed applications to *info@mrric.org.* Please put ''MRRIC'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Mary S. Roth, 402–995–2919.

SUPPLEMENTARY INFORMATION: The operation of the MRRIC is in the public interest and provides support to the Corps in performing its duties and responsibilities under the Endangered Species Act, 16 U.S.C. 1531 *et seq.;* Sec. 601(a) of the Water Resources Development Act (WRDA) of 1986, Public Law 99–662; Sec. 334(a) of WRDA 1999, Public Law 106–53, and Sec. 5018 of WRDA 2007, Public Law 110–114. The Federal Advisory Committee Act, 5 U.S.C. App. 2, does not apply to the MRRIC.

A Charter for the MRRIC has been developed and should be reviewed prior to applying for a stakeholder representative membership position on the Committee. The Charter, operating procedures, and stakeholder application forms are available electronically at *www.MRRIC.org.*

Purpose and Scope of the Committee

1. The primary purpose of the MRRIC is to provide guidance to the Corps and U.S. Fish and Wildlife Service with respect to the Missouri River recovery and mitigation plan currently in existence, including recommendations relating to changes to the implementation strategy from the use of adaptive management; coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan. Information about the Missouri River Recovery Program is available at *www.MoRiverRecovery.org.*

2. Other duties of MRRIC include exchange of information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation plan; establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues; facilitating the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan; coordination of scientific and other research associated with the Missouri River recovery and mitigation plan; and annual preparation of a work plan and associated budget requests.

Administrative Support. To the extent authorized by law and subject to the availability of appropriations, the Corps provides funding and administrative support for the Committee.

Committee Membership. Federal agencies with programs affecting the Missouri River may be members of the MRRIC through a separate process with the Corps. States and Federally recognized Native American Indian tribes, as described in the Charter, are eligible for Committee membership through an appointment process. Interested State and Tribal government representatives should contact the Corps for information about the appointment process.

This Notice is for individuals interested in serving as a stakeholder member on the Committee. Members and alternates must be able to demonstrate that they meet the definition of ''stakeholder'' found in the Charter of the MRRIC. Applications are currently being accepted for representation in the stakeholder interest categories listed below:

a. Agriculture;
b. Conservation Districts;
c. Fish and Wildlife;
d. Flood Control;
e. Hydropower;
f. Irrigation;
g. Navigation;
h. Recreation;
i. Thermal Power;
j. Water Supply; and
k. At Large.

Terms of stakeholder representative members of the MRRIC are three years. There is no limit to the number of terms a member may serve. Incumbent Committee members seeking reappointment do not need to re-submit an application. However, they must submit a renewal letter and related materials as outlined in the ''Streamlined Process for Existing Members'' portion of the document *Process for Filling MRRIC Stakeholder Vacancies* (*www.MRRIC.org*).

Members and alternates of the Committee will not receive any compensation from the federal government for carrying out the duties of the MRRIC. Travel expenses incurred by members of the Committee are not currently reimbursed by the federal government.

Application for Stakeholder Membership. Persons who believe that they are or will be affected by the Missouri River recovery and mitigation activities may apply for stakeholder membership on the MRRIC. Committee members are obligated to avoid and disclose any individual ethical, legal, financial, or other conflicts of interest they may have involving MRRIC. Applicants must disclose on their application if they are directly employed by a government agency or program (the term ''government'' encompasses state, tribal, and federal agencies and/or programs).

Applications for stakeholder membership may be obtained electronically at *www.MRRIC.org.* Applications may be emailed or mailed to the location listed (see **ADDRESSES**). In order to be considered, each application must include:

1. The name of the applicant and the primary stakeholder interest category that person is qualified to represent;

2. A written statement describing the applicant's area of expertise and why the applicant believes he or she should be appointed to represent that area of expertise on the MRRIC;

3. A written statement describing how the applicant's participation as a Stakeholder Representative will fulfill the roles and responsibilities of MRRIC;

4. A written description of the applicant's past experience(s) working collaboratively with a group of individuals representing varied interests towards achieving a mutual goal, and the outcome of the effort(s);

5. A written description of the communication network that the applicant plans to use to inform his or her constituents and to gather their feedback, and

6. A written endorsement letter from an organization, local government body, or formal constituency, which demonstrates that the applicant represents an interest group(s) in the Missouri River basin.

To be considered, the application must be complete and received by the close of business on July 25, 2014, at the location indicated (see **ADDRESSES**). Applications must include an endorsement letter to be considered complete. Full consideration will be given to all complete applications received by the specified due date.

Application Review Process. Committee stakeholder applications will be forwarded to the current members of the MRRIC. The MRRIC will provide membership recommendations to the Corps as described in Attachment A of the *Process for Filling MRRIC Stakeholder Vacancies* document (*www.MRRIC.org*). The Corps is responsible for appointing stakeholder members. The Corps will consider applications using the following criteria:

- Ability to commit the time required.
- Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns.

• Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures.

• Demonstration of a formal designation or endorsement by an organization, local government, or constituency as its preferred representative.

• Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed.

• Agreement to participate in collaboration training as a condition of membership. All applicants will be notified in writing as to the final decision about their application.

Certification. I hereby certify that the establishment of the MRRIC is necessary and in the public interest in connection with the performance of duties imposed on the Corps by the Endangered Species Act and other statutes.

Dated: June 12, 2014.

Mary S. Roth,

Project Manager for the Missouri River, Recovery Implementation Committee (MRRIC).

[FR Doc. 2014–14456 Filed 6–19–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0092]

Agency Information Collection Activities; Comment Request; Migrant Education Program Regulations and Certificate of Eligibility

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 19, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0092 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, 202–260–0998.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Migrant Education Program Regulations and Certificate of Eligibility.

OMB Control Number: 1810–0662.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or households, State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 150,847.

Total Estimated Number of Annual Burden Hours: 278,593.

Abstract: The regulations for Title I, Part C establish minimum requirements for a State Educational Agency (SEA) comprehensive needs assessment, plan for service delivery, and program evaluation. The regulations also establish minimum requirements for documenting eligibility, re-interviewing, and establishing a system of quality controls. The Secretary will use the information collected to monitor the accuracy of program eligibility determinations, make needed improvements, and adjust State Migrant Education Program (MEP) allocations based on reported defect rates.

Dated: June 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14423 Filed 6–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0093]

Agency Information Collection Activities; Comment Request; Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 19, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0093 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ,

Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Todd Stephenson, 202–205–1645.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children.

OMB Control Number: 1810–0060.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 3,252.

Total Estimated Number of Annual Burden Hours: 4,360.

Abstract: The U.S. Department of Education is requesting a three-year extension of ED Form 4376 Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected and Delinquent Children. Approval of this form is needed in order to continue the on-going collection of data used to allocate funds authorized by Title I, Part A and Part D, Subparts 1 and 2 of the Elementary and Secondary Education Act of 1965, as amended, for school years 2015–16 and beyond.

Dated: June 16, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–14424 Filed 6–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Application for New Awards; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools

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

ACTION: Notice.

Overview Information:

Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282M.

Dates:

Applications Available: June 20, 2014.

Date of Pre-Application Meeting: June 26, 2014, 2:30 p.m. to 4:30 p.m., Washington, DC, time.

Deadline for Transmittal of Applications: July 21, 2014.

Deadline for Intergovernmental Review: October 3, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the CSP is to increase national understanding of the charter school model by expanding the number of high-quality charter schools available to students across the Nation; providing financial assistance for the planning, program design, and initial implementation of charter schools; and evaluating the effects of charter schools, including their effects on students, student academic achievement, staff, and parents.

The purpose of the Replication and Expansion of High-Quality Charter Schools (Replication and Expansion) competition (CFDA 84.282M) is to award grants to eligible applicants to enable them to replicate or expand high-quality charter schools with demonstrated records of success, including success in increasing student academic achievement. Eligible applicants may use their grant funds to expand the enrollment of one or more existing charter schools by substantially increasing the number of available seats per school or to open one or more new charter schools that are based on the charter school model for which the eligible applicant has presented evidence of success.

New Additions to the Replication and Expansion Grant competition for FY 2014: The Department has added a new competitive preference priority and selection criterion to this competition. We also address recent updates to the CSP Nonregulatory Guidance on weighted lotteries and language in the FY 2014 appropriations bill that authorizes the use of CSP funds to support preschool education.

For the FY 2014 competition, we are using the Promise Zones priority, published in the **Federal Register** on March 27, 2014 (79 FR 17035), as a competitive preference priority to support projects that are designed to serve and coordinate with one or more of the newly-created, federally designated Promise Zones. ''Promise Zones'' are part of an initiative by President Barack Obama to designate 20 high-poverty communities for the Federal government to partner with, and invest in, to create jobs, increase economic activity, improve educational opportunities, reduce violent crime, and leverage private investment.[1] By partnering with Promise Zone designees, the Federal Government will help communities access the resources and expertise they need—including resources from various neighborhood revitalization initiatives—to ensure that Federal programs and resources support efforts to transform these communities. The first five Promise Zones, located in San Antonio, Philadelphia, Los Angeles, Southeastern Kentucky, and the Choctaw Nation of Oklahoma, have each put forward a plan on how they will partner with local business and community leaders to make investments that reward hard work and expand opportunity. Under this priority, the Department asks applicants to submit a letter from the lead entity of a designated Promise Zone attesting to its support of the application and the expected contribution of the proposed activities in the Promise Zone. Applicants are also encouraged to describe the quality of engagement and coordination with the federally designated Promise Zone and the resources the applicant expects to allocate towards supporting activities within the Promise Zone.

[1] For additional information on Promise Zones, see *www.hud.gov/promisezones.*

The Department has also revised the selection criterion on the quality of the project design to add a factor that assesses the extent to which each proposed project is supported by *evidence of promise* (as defined in this notice). Because the CSP Replication and Expansion grant program provides funds to charter management organizations (CMOs) and other non-profit entities that demonstrate that their existing charter schools are achieving positive student academic achievement results, applications also will be evaluated on the rigor and relevance of the evidence that supports the proposed project's elements. The Department expects that successful applicants will have used at least some practices that have demonstrated *evidence of promise* through one of the means defined in this notice.

In addition, in January 2014, the Department updated Section E of the CSP Nonregulatory Guidance to clarify the circumstances in which charter schools receiving CSP funds may use weighted lotteries, including to give educationally disadvantaged students slightly better chances for admission. Applicants proposing to use weighted lotteries should review the information in the *Note* for Application Requirement (j) and the updated CSP Nonregulatory Guidance at *http://www2.ed.gov/programs/charter/nonregulatory-guidance.html.*

All charter schools receiving CSP funds, as outlined in section 5210(1)(G) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), must comply with various non-discrimination laws, including the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, part B of the Individuals with Disabilities Education Act (specifies rights afforded to students with disabilities and their parents), and applicable State laws.

Finally, the FY 2014 appropriations bill (Consolidated Appropriations Act, 2014, Division H, Pub. L. 113–76.) included language authorizing the use of CSP grant funds to support preschool education in charter schools. Applicants proposing to use CSP funds to support preschool education in charter schools should review the Funding Restrictions section of this notice.

Priorities: This notice includes one absolute priority and five competitive preference priorities. The absolute and competitive preference priorities are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on July 12, 2011 (76 FR 40898); the notice of final priority published in the **Federal Register** on March 27, 2014 (79 FR 17035); and 34 CFR 75.225(a).

Absolute Priority: For FY 2014 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Experience Operating or Managing High-Quality Charter Schools. (76 FR 40898)

This priority is for projects that will provide for the replication or expansion of high-quality charter schools by applicants that currently operate or manage more than one *high-quality charter school* (as defined in this notice).

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we will award an additional 10 points to an application that meets *Competitive Preference Priority 1;* an additional four points to an application that meets *Competitive Preference Priority 2;* an additional five points to an application that meets *Competitive Preference Priority 3;* and an additional three points to an application that meets *Competitive Preference Priority 5.* We will also award up to an additional two points to an application that addresses *Competitive Preference Priority 4,* depending on how well the application addresses this priority. The maximum total competitive preference points an application can receive for this competition is 24.

Note: In order to receive points under these competitive preference priorities, the applicant must identify the priority or priorities that it wishes the Department to consider for purposes of awarding competitive preference priority points and provide documentation with respect to the identified competitive preference priority or priorities.

These priorities are:

Competitive Preference Priority 1—Low-Income Demographic. (76 FR 40900) (0 or 10 points)

To meet this priority, an applicant must demonstrate that at least 60 percent of all students in the charter schools it currently operates or manages are individuals from *low-income families* (as defined in this notice).

Note 1: The Secretary encourages an applicant responding to this priority to describe the extent to which the charter schools it currently operates or manages serve individuals from low-income families at rates that are at least comparable to the rates at which these individuals are served by public schools in the surrounding area.

Note 2: For charter schools that serve students younger than 5 or older than 17 in accordance with their State's definition of ''elementary education'' or ''secondary education,'' at least 60 percent of all students in the schools who are between the ages of 5 and 17 must be individuals from low-income families to meet this priority.

Competitive Preference Priority 2—School Improvement. (76 FR 40900) (0 or 4 points)

To meet this priority, an applicant must demonstrate that its proposed replication or expansion of one or more *high-quality charter schools* (as defined in this notice) will occur in partnership with, and will be designed to assist, one or more local educational agencies (LEAs) in implementing academic or structural interventions to serve students attending schools that have been identified for improvement, corrective action, closure, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and as described in the notice of final requirements for the School Improvement Grants, published in the **Federal Register** on October 28, 2010 (75 FR 66363).

Note: Applicants in States operating under ESEA Flexibility that have opted to waive the requirement in ESEA section 1116(b) for LEAs to identify for improvement, corrective action, or restructuring, as appropriate, their Title I schools that fail to make adequate yearly progress (AYP) for two or more consecutive years may partner with LEAs to serve students attending priority or focus schools (see the June 7, 2012, ''ESEA Flexibility'' guidance at *www.ed.gov/esea/flexibility*). The Secretary encourages such applicants to describe how their proposed projects complement the efforts to serve students attending priority or focus schools described in States' approved requests for waivers under ESEA Flexibility.

Competitive Preference Priority 3—Promoting Diversity. (76 FR 40900) (0 or 5 points)

This priority is for applicants that demonstrate a record of (in the schools they currently operate or manage), as well as an intent to continue (in schools that they will be creating or substantially expanding under this grant), taking active measures to—

(a) Promote student diversity, including racial and ethnic diversity, or avoid racial isolation;

(b) Serve students with disabilities at a rate that is at least comparable to the rate at which these students are served

in public schools in the surrounding area; and

(c) Serve English learners at a rate that is at least comparable to the rate at which these students are served in public schools in the surrounding area.

In support of this priority, applicants must provide enrollment data as well as descriptions of existing policies and activities undertaken or planned to be undertaken.

Note 1: An applicant addressing *Competitive Preference Priority 3—Promoting Diversity* is invited to discuss how the proposed design of its project would help bring together students of different backgrounds, including students from different racial and ethnic backgrounds, to attain the benefits that flow from a diverse student body, or to avoid racial isolation.

Note 2: For information on permissible ways to meet this priority, please refer to the joint guidance issued by the Department of Education and the Department of Justice entitled, ''Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools'' at *http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf.*

Competitive Preference Priority 4—Promise Zones. (79 FR 17035) (Up to 2 points)

This priority is for projects that are designed to serve and coordinate with a federally designated Promise Zone.

Note: Applicants should submit a letter from the lead entity of a designated Promise Zone attesting to the contribution that the proposed activities would make, and supporting the application. A list of designated Promise Zones and lead organizations can be found at *www.hud.gov/promisezones.*

Competitive Preference Priority 5—Novice Applicant. (34 CFR 75.225(c)(2)) (0 or 3 points)

This priority is for applicants that qualify as novice applicants. ''Novice applicant'' means an applicant for a grant from the Department that (i) has never received a Replication and Expansion grant; (ii) has never been a member of a group application, submitted in accordance with 34 CFR 75.127–75.129, that received a Replication and Expansion grant; and (iii) has not had an active discretionary grant from the Federal government in the five years before the deadline date for applications for new awards under this Replication and Expansion grant competition.

For purposes of clause (iii) in the preceding paragraph, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds (34 CFR 75.225(b)).

Definitions:

The following definitions are from the notice of final priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on July 12, 2011 (76 FR 40898) and 34 CFR 77.1.

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a performance target, whether a performance target is ambitious depends upon the context of the relevant performance measure and the baseline for that measure. (34 CFR 77.1)

Baseline means the starting point from which performance is measured and targets are set. (34 CFR 77.1)

Charter management organization (CMO) is a nonprofit organization that operates or manages multiple charter schools by centralizing or sharing certain functions and resources among schools. (76 FR 40901)

Educationally disadvantaged students includes, but is not necessarily limited to, *individuals from low-income families* (as defined in this notice), English learners, migratory children, children with disabilities, and neglected or delinquent children. (76 FR 40901)

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

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

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

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

(C) *Randomized controlled trial* (as defined in this notice) that meets the What Work Clearinghouse Evidence Standards with or without reservations.[3]

(ii) The study referenced in paragraph (i) found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger), favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. (34 CFR 77.1)

High-quality charter school is a school that shows evidence of strong academic results for the past three years (or over the life of the school, if the school has been open for fewer than three years), based on the following factors:

(1) Increasing student academic achievement and attainment for all students, including, as applicable, educationally disadvantaged students served by the charter schools operated or managed by the applicant.

(2) Either (i) Demonstrated success in closing historic achievement gaps for the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA at the charter schools operated or managed by the applicant, or

(ii) No significant achievement gaps between any of the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA at the charter schools operated or managed by the applicant and significant gains in student academic achievement have been made with all populations of students served by the charter schools operated or managed by the applicant.

(3) Achieved results (including performance on statewide tests, annual student attendance and retention rates, high school graduation rates, college attendance rates, and college persistence rates where applicable and available) for low-income and other educationally disadvantaged students served by the charter schools operated or managed by the applicant that are above the average academic achievement results for such students in the State.

(4) No *significant compliance issues* (as defined in this notice), particularly in the areas of student safety and financial management. (76 FR 40901–02)

Individual from low-income family means an individual who is determined by a State educational agency (SEA) or LEA to be a child, ages 5 through 17, from a low-income family on the basis of (a) data used by the Secretary to determine allocations under section 1124 of the ESEA, (b) data on children eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act, (c) data on

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

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

children in families receiving assistance under part A of title IV of the Social Security Act, (d) data on children eligible to receive medical assistance under the Medicaid program under Title XIX of the Social Security Act, or (e) an alternate method that combines or extrapolates from the data in items (a) through (d) of this definition (see 20 U.S.C. 6537(3)). (76 FR 40902)

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (i.e., the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally. (34 CFR 77.1)

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance. (34 CFR 77.1)

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project. (34 CFR 77.1)

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations [4] (they cannot meet What Works Clearinghouse Evidence Standards without reservations). (34 CFR 77.1)

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcome for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.[5] (34 CFR 77.1)

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program. (34 CFR 77.1)

Replicate means to open one or more new charter schools that are based on the charter school model or models for which the applicant has presented evidence of success. (76 FR 40902)

Significant compliance issue means a violation that did, will, or could lead to the revocation of a school's charter. (76 FR 40902)

Substantially expand means to increase the student count of an existing charter school by more than 50 percent or to add at least two grades to an existing charter school over the course of the grant. (76 FR 40902)

Program Authority: Consolidated Appropriations Act, 2014, Division H, Pub. L. 113–76; and Title V, Part B of the Elementary and Secondary Education Act of 1965, as amended.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Department of Education Debarment and Suspension regulations at 2 CFR 3485. (c) The notice of final priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on July 12, 2011 (76 FR 40898). (d) The notice of final priority for Promise Zones published on March 27, 2014 (79 FR 17035).

Note 1: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note 2: The regulations in 34 CFR part 86 apply only to institutions of higher education.

Note 3: The regulations in 34 CFR part 99 apply only to an educational agency or institution.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $26,500,000.

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

Note: The Consolidated Appropriations Act, 2014 states that ''funds available for part B of title V of the ESEA may be used for grants that support preschool education in charter schools.'' An application submitted under this competition may propose to use CSP funds to support preschool education in a charter school, provided that the charter school meets the definition of ''charter school'' in section 5210(1) of the ESEA, including the requirement that the charter school provide a program of elementary or secondary education, or both. Under section 9101(18) of the ESEA, ''elementary school'' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. In a number of States, preschool education is part of elementary education under State law. In such States, CSP funds may be used to support preschool education in charter schools (as defined in section 5210(1)) that provide elementary or secondary education beyond preschool, as well as in charter schools that provide only preschool education. In States in which preschool education is not part of elementary education under State law, CSP funds may be used to support preschool education so long as the preschool program is offered as part of a school that meets the definition of ''charter school'' in section 5210(1)—that is, the school provides elementary or secondary education, or both. Thus, in States in which preschool education is not part of elementary education under State law, CSP funds may not be used to support charter schools that provide only preschool education. In Summer 2014, the Department plans to release nonregulatory guidance that will provide additional information about how CSP funds may be used to support preschool education in charter schools. Please continue to check the CSP Web site for updates.

Estimated Range of Awards: $500,000 to $3,000,000 per year.

Estimated Average Size of Awards: $1,600,000 per year.

Estimated Number of Awards: 14–19.

Note: The Department is not bound by any estimates in this notice. The estimated range, average size, and number of awards are based on a single 12-month budget period. However, the Department may choose to fund more than 12 months of a project using FY 2014 funds.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Non-profit *charter management organizations* (as defined in this notice) and other entities that are not for-profit entities. Eligible applicants may also apply as a group or consortium.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other:*

(a) *Reasonable and Necessary Costs:* The Secretary may elect to impose maximum limits on the amount of grant funds that may be awarded per charter school replicated, per charter school substantially expanded, or per new school seat created.

For this competition the maximum limit of grant funds that may be awarded per new school seat is $3,000, including a maximum limit per new school created of $800,000. The

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

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

maximum limit per new school seat in a charter school that is substantially expanding its enrollment is $1,500, including a maximum limit per substantially expanded school of $800,000.

Note: Applicants must ensure that all costs included in the proposed budget are reasonable and necessary in light of the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

(b) *Other CSP Grants:* A charter school that receives funds under this competition is ineligible to receive funds for the same purpose under section 5202(c)(2) of the ESEA, including for planning and program design or the initial implementation of a charter school (i.e., CFDA 84.282A or 84.282B).

A charter school that has received CSP funds for replication previously, or that has received funds for planning or initial implementation of a charter school (i.e., CFDA 84.282A or 84.282B), may not use funds under this grant for the same purpose. However, such charter schools may be eligible to receive funds under this competition to substantially expand the charter school beyond the existing grade levels or student count.

IV. Application and Submission Information

1. *Address to Request Application Package:* LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov*.

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2.a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit the application narrative [Part III] to no more than 60 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

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

b. *Submission of Proprietary Information:*

Given the types of projects that may be proposed in applications for the Replication and Expansion competition, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

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

3. *Submission Dates and Times:*

Applications Available: June 20, 2014.

Date of Pre-Application Meeting: The Department will hold a pre-application meeting via Webinar for prospective applicants on June 26, 2014 from 2:30 p.m. to 4:30 p.m., Washington, DC, time. Individuals interested in attending this meeting are encouraged to pre-register by emailing their name, organization, and contact information with the subject heading ''PRE-APPLICATION MEETING'' to *CharterSchools@ed.gov.* There is no registration fee for attending this meeting.

For further information about the pre-application meeting, contact LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov*.

Deadline for Transmittal of Applications: July 21, 2014.

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

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

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

Deadline for Intergovernmental Review: October 3, 2014.

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

5. *Funding Restrictions:* Grantees under this program must use the grant funds to *replicate* or *substantially expand* the charter school model or models for which the applicant has presented evidence of success. Grant funds must be used to carry out allowable activities, as described in section 5204(f)(3) of the ESEA (20 U.S.C. 7221c(f)(3)).

Pursuant to section 5204(f)(3) of the ESEA, grantees under this program must use the grant funds for—

(a) Post-award planning and design of the educational program, which may include: (i) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (ii) professional development of teachers and other staff

who will work in the charter school; and

(b) Initial implementation of the charter school, which may include: (i) Informing the community about the school; (ii) acquiring necessary equipment and educational materials and supplies; (iii) acquiring or developing curriculum materials; and (iv) other initial operational costs that cannot be met from State or local sources.

Note: A grantee may use up to 20 percent of grant funds for initial operational costs associated with the expansion or improvement of the grantee's oversight or management of its charter schools, provided that: (i) The specific charter schools being created or substantially expanded under the grant are the intended beneficiaries of such expansion or improvement, and (ii) such expansion or improvement is intended to improve the grantee's ability to manage or oversee the charter schools created or substantially expanded under the grant.

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

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

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

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

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

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

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

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

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

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

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

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

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

7. *Other Submission Requirements.* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the CSP Grants for Replication and Expansion of High-Quality Charter Schools, CFDA number 84.282M, must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

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

You may access the electronic grant application for CSP Grants for Replication and Expansion of High-Quality Charter Schools at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.282, not 84.282M).

Please note the following:

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

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

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a .PDF (Portable Document) read-only, non-modifiable format. Specifically, do not upload an interactive or fillable .PDF file. Do not upload an interactive or fillable .PDF file. If you upload a file type other than a read-only, non-modifiable .PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

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

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

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

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

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

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

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

Address and mail or fax your statement to: LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. FAX: (202) 205–5630.

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

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.282M, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

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

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

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

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

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

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

(1) A private metered postmark.

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

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

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

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

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.282M, 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. *Application Requirements:* Applicants applying for CSP grant funds must address the following application requirements and the selection criteria described in this notice. An applicant may choose to respond to the application requirements in the context of its responses to the selection criteria.

These application requirements are from the notice of final priorities, requirements, definitions, and selection criteria for this competition published in the **Federal Register** on July 12, 2011 (79 FR 40898).

(a) Describe the objectives of the project for replicating or substantially expanding *high-quality charter schools* (as defined in this notice) and the methods by which the applicant will determine its progress toward achieving those objectives.

(b) Describe how the applicant currently operates or manages the charter schools for which it has presented evidence of success, and how the proposed new or substantially expanded charter schools will be operated or managed. Include a description of central office functions, governance, daily operations, financial management, human resources management, and instructional management. If applying as a group or consortium, describe the roles and responsibilities of each member of the group or consortium and how each member will contribute to this project.

(c) Describe how the applicant will ensure that each proposed new or substantially expanded charter school receives its commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the school and any year in which the school's enrollment substantially expands.

(d) Describe the educational program to be implemented in the proposed new or substantially expanded charter schools, including how the program will enable all students (including educationally disadvantaged students) to meet State student academic achievement standards, the grade levels or ages of students to be served, and the curriculum and instructional practices to be used.

Note: An applicant proposing to create or substantially expand a single-sex charter school should include in its application a detailed description of how it is complying with applicable nondiscrimination laws, including the Equal Protection Clause of the U.S. Constitution (as interpreted in *United States* v. *Virginia,* 518 U.S. 515 (1996) and other cases) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*) and its regulations, including 34 CFR 106.34(c). Specifically, the applicant should provide a written justification for a proposed single-sex charter school that explains (1) how the single-sex charter school is based on an important governmental objective(s); and (2) how the single-sex nature of the charter school is substantially related to the stated objective(s). An applicant proposing to operate a single-sex charter school that is part of an LEA and not a single-school LEA under State law, should also provide (1) information about whether there is a substantially equal single-sex school(s) for students of the excluded sex, and, if so, a detailed description of both the proposed single-sex charter school and the substantially equal single-sex school(s) based on the factors in 34 CFR 106.34(c)(3); and (2) information about whether there is a substantially equal coeducational school(s) for students of the excluded sex, and, if so, a detailed description of both the proposed single-sex charter school and the substantially equal coeducational school(s) based on the factors in 34 CFR 106.34(c)(3).

(e) Describe the administrative relationship between the charter school or schools to be replicated or substantially expanded by the applicant and the authorized public chartering agency.

(f) Describe how the applicant will provide for continued operation of the proposed new or substantially expanded charter school or schools once the Federal grant has expired.

(g) Describe how parents and other members of the community will be involved in the planning, program design, and implementation of the proposed new or substantially expanded charter school or schools.

(h) Include a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the proposed new or substantially expanded charter schools.

(i) Describe how the grant funds will be used, including how these funds will be used in conjunction with other Federal programs administered by the Secretary, and with any matching funds.

(j) Describe how all students in the community, including students with disabilities, English learners, and other educationally disadvantaged students, will be informed about the proposed new or substantially expanded charter schools and given an equal opportunity to attend such schools.

Note: The applicant should provide a detailed description of its recruitment and admissions policies and practices, including a description of the lottery it plans to employ at each charter school if more students apply for admission than can be accommodated. The applicant should also describe any current or planned use of a weighted lottery or exemptions of certain categories of students from the lottery and how the use of such weights or exemptions is consistent with State law and the CSP authorizing statute. For information on the CSP lottery requirement, including permissible exemptions from the lottery and the circumstances under which charter schools receiving CSP funds may use weighted lotteries, see Section E of the CSP Nonregulatory Guidance at *http://www2.ed.gov/programs/charter/nonregulatory-guidance.html* (revised January 2014).

An application that proposes to use a weighted lottery should provide the following:

(1) Information concerning the circumstances in which a weighted lottery would be used, including the specific categories of students the weighted lottery would favor;

(2) Evidence that (a) the use of a weighted lottery is necessary to comply with Federal or State law; or (b) the State permits the use of a weighted lottery under the circumstances in which a weighted lottery is proposed to be used (e.g., in favor of educationally disadvantaged students). State permission to use a weighted lottery can be evidenced by the fact that weighted lotteries for such students are expressly permitted under the State charter school law, a State regulation, or a written State policy consistent with the State charter school law or regulation, or, in the absence of express authorization, confirmation from the State's Attorney General, in writing, that State law permits the use of weighted lotteries in favor of such students;

(3) Information concerning the mechanisms that exist (if any) for an oversight entity (e.g., the SEA or an authorized public chartering agency) to review, approve, or monitor specific lottery practices, including the establishment of weight amounts if applicable;

(4) Information concerning how the use of a weighted lottery for a permitted purpose is within the scope and objectives of the proposed project; and

(5) Information concerning the amount or range of lottery weights that

will be employed or permitted and the rationale for these weights.

(k) Describe how the proposed new or substantially expanded charter schools that are considered to be LEAs under State law, or the LEAs in which the new or substantially expanded charter schools are located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act (IDEA) (for additional information on IDEA, please see *http://idea.ed.gov/explore/view/p/%2Croot%2Cstatute%2CI%2CB%2C613%2C*).

(l) Provide information on any significant compliance issues identified within the past three years for each school managed by the applicant, including compliance issues in the areas of student safety, financial management, and statutory or regulatory compliance.

(m) For each charter school currently operated or managed by the applicant, provide the following information: The year founded, the grades currently served, the number of students, the address, the percentage of students in each subgroup of students described in section 1111(b)(2)(C)(v)(II) of the ESEA, results on the State assessment for the past three years (if available) by subgroup, attendance rates, student attrition rates for the past three years, and (if the school operates a 12th grade) high school graduation rates and college attendance rates (maintaining standards to protect personally identifiable information).

Note: The Secretary encourages applicants to also provide suspension and expulsion rates by each subgroup for the past three years (if available) for each charter school currently operated or managed by the applicant.

(n) Provide objective data showing applicant quality. In particular, the Secretary requires the applicant to provide the following data:

(1) Performance (school-wide and by subgroup) for the past three years (if available) on statewide tests of all charter schools operated or managed by the applicant as compared to all students in other schools in the State or States at the same grade level, and as compared with other schools serving similar demographics of students (maintaining standards to protect personally identifiable information);

(2) Annual student attendance and retention rates (school-wide and by subgroup) for the past three years (or over the life of the school, if the school has been open for fewer than three years), and comparisons with other similar schools (maintaining standards to protect personally identifiable information); and

(3) Where applicable and available, high school graduation rates, college attendance rates, and college persistence rates (school-wide and by subgroup) for the past three years (if available) of students attending schools operated or managed by the applicant, and the methodology used to calculate these rates (maintaining standards to protect personally identifiable information). When reporting data for schools in States that may have particularly demanding or low standards of proficiency, applicants are invited to discuss how their academic success might be considered against applicants from across the country.

(o) Provide such other information and assurances as the Secretary may require.

2. *Selection Criteria.* The selection criteria for this program are from the notice of final priorities, requirements, definitions, and selection criteria for this program published in the **Federal Register** on July 12, 2011 (76 FR 40898), and from 34 CFR 75.210. The maximum possible score for addressing all of the criteria in this section is 100 points. The maximum possible score for addressing each criterion is indicated in parentheses following the criterion.

In evaluating an application, the Secretary considers the following criteria:

(a) *Quality of the eligible applicant.* (76 FR 40898) (50 points)

In determining the quality of the applicant, the Secretary considers the following factors—

(1) The degree, including the consistency over the past three years, to which the applicant has demonstrated success in significantly increasing student academic achievement and attainment for all students, including, as applicable, educationally disadvantaged students served by the charter schools operated or managed by the applicant (20 points).

(2) Either—

(i) The degree, including the consistency over the past three years, to which the applicant has demonstrated success in closing historic achievement gaps for the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA at the charter schools operated or managed by the applicant, or

(ii) The degree, including the consistency over the past three years, to which there have not been significant achievement gaps between any of the subgroups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA at the charter schools operated or managed by the applicant and to which significant gains in student academic achievement have been made with all populations of students served by the charter schools operated or managed by the applicant (15 points).

(3) The degree, including the consistency over the past three years, to which the applicant has achieved results (including performance on statewide tests, annual student attendance and retention rates, high school graduation rates, college attendance rates, and college persistence rates where applicable and available) for low-income and other educationally disadvantaged students served by the charter schools operated or managed by the applicant that are significantly above the average academic achievement results for such students in the State (15 points).

(b) *Contribution in assisting educationally disadvantaged students.* (76 FR 40898) (10 points)

The contribution the proposed project will make in assisting educationally disadvantaged students served by the applicant to meet or exceed State academic content standards and State student academic achievement standards, and to graduate college- and career-ready. When responding to this selection criterion, applicants must discuss the proposed locations of schools to be created or substantially expanded and the student populations to be served.

Note: The Secretary encourages applicants to describe their prior success in improving educational achievement and outcomes for educationally disadvantaged students, including students with disabilities and English learners. In addition, the Secretary encourages applicants to address how they will ensure that all eligible students with disabilities receive a free appropriate public education and how the proposed project will assist educationally disadvantaged students, including students with disabilities and English learners, in mastering State academic content standards and State student academic achievement standards.

(c) *Quality of the project design.* (76 FR 40898 and 34 CFR 75.210(c)(2)(xxviii)) (15 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors—

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified, measurable, and attainable. Applicants proposing to open schools serving substantially different populations than those currently served by the model for which they have demonstrated evidence of success must address the attainability of outcomes given this difference (5 points).

(2) The extent to which the proposed project is supported by *evidence of promise* (as defined in this notice) (10 points).

(d) *Quality of the management plan and personnel.* (76 FR 40898) (20 points)

The Secretary considers the quality of the management plan and personnel to replicate and substantially expand *high-quality charter schools* (as defined in this notice). In determining the quality of the management plan and personnel for the proposed project, the Secretary considers—

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (4 points).

(2) The business plan for improving, sustaining, and ensuring the quality and performance of charter schools created or substantially expanded under these grants beyond the initial period of Federal funding in areas including, but not limited to, facilities, financial management, central office, student academic achievement, governance, oversight, and human resources of the charter schools (4 points).

(3) A multi-year financial and operating model for the organization, a demonstrated commitment of current and future partners, and evidence of broad support from stakeholders critical to the project's long-term success (4 points).

(4) The plan for closing charter schools supported, overseen, or managed by the applicant that do not meet high standards of quality (4 points).

(5) The qualifications, including relevant training and experience, of the project director, chief executive officer or organization leader, and key project personnel, especially in managing projects of the size and scope of the proposed project (4 points).

(e) *Quality of the evaluation plan.* (34 CFR 75.210(h)(2)(iv)) (5 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data.

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 this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:*

(a) Program Performance Measures. The goal of the CSP is to support the creation and development of a large number of high-quality charter schools that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has two performance indicators to measure progress towards this goal: (1) The number of charter schools in operation around the Nation, and (2) the percentage of fourth- and eighth-grade charter school students who are achieving at or above the proficient level on State assessments in mathematics and reading/language arts. Additionally, the Secretary has established the following measure to examine the efficiency of the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more consecutive years).

(b) Project-Specific Performance Measures. Applicants must propose project-specific performance measures and performance targets consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed *performance measure* (as defined in this notice) would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline data. (i) Why each proposed *baseline* (as defined in this notice) is valid; or (ii) If the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed *performance target* (as defined

in this notice) is *ambitious* (as defined in this notice) yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

Note: The Secretary encourages the applicant to consider measures and targets tied to their grant activities (for instance, if grant funds will support professional development for teachers and other staff, applicants should include measures related to the outcomes for the professional development), as well as to student academic achievement during the grant period. The measures should be sufficient to gauge the progress throughout the grant period, and show results by the end of the grant period.

For technical assistance in developing effective performance measures, applicants are encouraged to review information provided by the Department's Regional Educational Laboratories (RELs). The RELs seek to build the capacity of States and school districts to incorporate data and research into education decision-making. Each REL provides research support and technical assistance to its region but makes learning opportunities available to educators everywhere. For example, the REL Northeast and Islands has created the following resource on logic models: *http://relpacific.mcrel.org/ELM.html.*

(4) The applicant must also describe in the application: (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data, and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If the applicant does not have experience with collection and reporting of performance data through other projects or research, the applicant should provide other evidence of capacity to successfully carry out data collection and reporting for their proposed project.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 17, 2014.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2014–14506 Filed 6–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Award; Center for Best Practices To Support Single Parent Students

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Center for Best Practices to Support Single Parent Students Notice inviting applications for a new award for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.116L.

DATES:

Applications Available: June 20, 2014.

Deadline for Transmittal of Applications: July 21, 2014.

Deadline for Intergovernmental Review: September 18, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to support a Center for Best Practices to Support Single Parent Students, to study and develop best practices for institutions of higher education to support single parents who are also students attending these institutions. The Center funded under this section must: (a) Assist institutions implementing innovative programs that support single parents pursuing higher education; (b) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies; (c) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and (d) develop and disseminate best practices for these programs.

This notice contains one Competitive Preference Priority. For 2014, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(1), we award any application that meets this competitive preference priority an additional three points. Applicants must clearly mark the Abstract and Information page in the application package if they intend to address this competitive preference priority. The competitive preference priority is:

Projects at four-year institutions of higher education that can demonstrate expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

Note: The Department establishes this competitive priority to respond to congressional intent that the Center funded under this competition be located at an institution with demonstrated expertise in developing programs to assist single parent students. The Department believes that the

best way to ensure that the successful applicant is an institution that can demonstrate such expertise is by awarding additional points to applicants that credibly address this priority, as assessed by non-federal reviewers.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, definitions, and other requirements. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, allows the Secretary to exempt from rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for the Center for Best Practices to Support Single Parent Students program under 20 U.S.C. 1138(c) and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on the priorities, definitions, and requirements under section 437(d)(1) of GEPA. These priorities, selection criteria, definitions and requirements will apply to the FY 2014 grant competition only.

Program Authority: 20 U.S.C. 1138(c).\

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $495,000.

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

Estimated Range of Award: $450,000–$495,000.

Maximum Award: We will reject any application that proposes a budget exceeding $495,000 for the entire project period. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

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

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* Four-year Institutions of higher education (IHEs).

2. (a) *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs).

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

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

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.116L.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

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

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to no more than 20 pages, using the following standards:

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

Note: For purposes of determining compliance with the page limit, each page on which there are words will be counted as one full page.

- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, endnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced.
- Use a font that is either 12 point or larger; or, no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424) and the Department of Education Supplemental Information for the SF 424 Form; the one-page Abstract; Budget Information—Non-Construction Programs (ED 524); or Part IV, the Assurances and Certifications. The page limit also does not apply to a Table of Contents, if you include one. However, the page limit does apply to all of the project narrative section in Part III.

If you include any attachments or appendices not specifically requested, these items will be counted as part of the program narrative [Part III] for purposes of the page limit requirement.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: June 20, 2014.

Deadline for Transmittal of Applications: July 21, 2014.

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

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

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

Deadline for Intergovernmental Review: September 18, 2014.

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

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

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

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

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

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

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

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

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

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

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

If you are currently registered with the 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: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

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

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Center for Best Practices to Support Single Parent Students, CFDA number 84.116L, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

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

You may access the electronic grant application for the Center for Best Practices to Support Single Parent Students at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.116, not 84.116L).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

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

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

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

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

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

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

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

Address and mail or fax your statement to: Kelly Harris, Center for Best Practices to Support Single Parent Students, U.S. Department of Education, 1990 K Street NW., Room 6161, Washington, DC 20006–8544. *FAX:* (202) 502–7877.

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

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.116L), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

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

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

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

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

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

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

(1) A private metered postmark.

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

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

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

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

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.116L), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

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

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

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

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the

Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under 34 CFR 75.110, the Secretary has established the following Government Performance and Results Act of 1993 (GPRA) performance measures for the Center for Best Practices to Support Single Parent Students: (1) The extent to which the project is institutionalized at the end of the project period; and (2) The extent to which the efficacy of the strategies developed, identified or disseminated by the grantee is supported by the evidence that meets What Works Clearinghouse Standards With or Without Reservations (**Note**: The link for the What Works Clearinghouse Procedures and Standards Handbook (Version 2.1, September 2011), can be found at: *http://ies.ed.gov/nvee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1*).

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Kelly Harris, Center for Best Practices to Support Single Parent Students, U.S. Department of Education, 1990 K Street NW., Room 6161, Washington, DC 20006–8544. Telephone: (202) 219–7083 or by email: *kelly.harris@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to 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 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: June 16, 2014.

Lynn B. Mahaffie,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–14386 Filed 6–19–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. 14–28–LNG; 14–26–NG; 14–27–LNG; 14–33–NG; 13–155–LNG; 14–30–LNG]

Universal LNG Solutions Inc.; Noble Americas Gas & Power Corp.; Shell NA LNG LLC; Toyota Motor Engineering & Manufacturing North America, Inc.; ConocoPhillips Alaska Natural Gas Corporation; BG LNG Services, LLC; Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas and Vacating Prior Authority During April 2014

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during April 2014, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas and to vacate prior authority. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fossil.energy.gov/programs/gasregulation/authorizations/Orders-2014.html.* They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000

Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on June 9, 2014.

John A. Anderson,

Director, Division of Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

Appendix

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3414	04/25/14	14–28–LNG	Universal LNG Solutions Inc	Order granting blanket authority to export LNG to Canada/Mexico in ISO containers transported by vessel, and to import LNG from various international sources in ISO containers transported by vessel.
3415	04/10/14	14–26–NG	Noble Americas Gas & Power Corp	Order granting blanket authority to import/export natural gas from/to Canada/Mexico, to import LNG from various international sources by vessel and to vacate prior authority—Order 3098.
3416	04/10/14	14–27–LNG	Shell NA LNG LLC	Order granting blanket authority to import LNG from various international sources by vessel.
3417	04/10/14	14–33–NG	Toyota Motor Engineering & Manufacturing North America, Inc.	Order granting blanket authority to export natural gas to Mexico.
3418	04/14/14	13–155–LNG	ConocoPhillips Alaska Natural Gas Corporation.	Order granting blanket authority to export LNG by vessel from the Kenai LNG Facility near Kenai, Alaska to Non-Free Trade Agreement nations.
3419	04/10/14	14–30–LNG	BG LNG Services, LLC	Order granting blanket authority to import LNG from various international sources by vessel.

[FR Doc. 2014–14454 Filed 6–19–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Sector Framework Implementation Guidance

AGENCY: Department of Energy.

ACTION: Notice of Stakeholder Participation.

SUMMARY: The Department of Energy (DOE) invites public participation in DOE's efforts to develop a guidance document entitled: Energy Sector Framework Implementation Guidance.

FOR FURTHER INFORMATION CONTACT: Requests for participation in DOE's Guidance development efforts and additional information should be directed to *Cyber.Framework@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: Since the release of the Cybersecurity Framework by the National Institute of Standards and Technology (NIST) on February 12, 2014, DOE has engaged both private and public sector stakeholders for the development of the Energy Sector Framework Implementation Guidance (Guidance). The DOE is currently collaborating with private sector stakeholders through the Electricity Subsector Coordinating Council (ESCC) and the Oil & Natural Gas Subsector Coordinating Council (ONG SCC) forums. The DOE is also coordinating with other Sector Specific Agency (SSA) representatives and interested government stakeholders for the development of the Guidance.

The DOE invites energy sector stakeholder participation in bi-weekly conference calls being held jointly by the ESCC and ONG SCC forums. These forums also provide periodic opportunities for participants to comment on the incremental updates to the Draft Framework Implementation Guidance document. The document is being designed to help energy sector stakeholders develop or align existing cybersecurity risk management programs with the Cybersecurity Framework. The document will also take into consideration energy sector organizations that may have business activities across multiple critical infrastructure sectors, e.g., Dams, Transportation, Chemicals, etc. requiring a harmonized implementation approach with these other sectors.

Authority: Section 8(b) of the Executive Order 13636, ''Improving Critical Infrastructure Cybersecurity''

Issued at Washington, DC, on June 16, 2014.

Patricia A. Hoffman,

Assistant Secretary, Electricity Delivery and Energy Reliability.

[FR Doc. 2014–14453 Filed 6–19–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, July 9, 2014 2 p.m.–4 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration,

waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda:

1. 2 p.m.—Approval of Agenda
2. 2:02 p.m.—Approval of Minutes from April 9, 2014
3. 2:05 p.m.—Old Business
   - Report from Annual Evaluation Ad Hoc Committee, Suggested Changes to Board Process—Alex Puglisi, Ashley Sanderson, Manuel Pacheco
4. 2:15 p.m.—New Business
   - Consideration and Action on Draft Recommendation 2014–02: Institution of Measures to Help Ensure Waste Isolation Pilot Plant (WIPP) and Los Alamos National Laboratory Transuranic Disposal Operations Remain Continually Operational
5. 2:30 p.m.—Update from Executive Committee—Carlos Valdez, Chair
6. 2:40 p.m.—Update from DOE—Lee Bishop, Deputy Designated Federal Officer
   - Update on WIPP Status and Issues
7. 3:15 p.m. Committee Breakout Session
   - Review Committee Work Plans for Impacts from Changes in 3706 Campaign
   - Discuss Topics for Committee Sponsored Draft Recommendations
8. 3:45 p.m.—Public Comment Period
9. 4 p.m.—Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov.*

Issued at Washington, DC, on June 16, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–14474 Filed 6–19–14; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13714–001]

El Dorado Irrigation District; Notice of Application To Amend Exemption (Conduit) Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of Exemption (Conduit).

b. *Project No:* 13714–001.

c. *Date Filed:* May 22, 2014.

d. *Applicant:* El Dorado Irrigation District.

e. *Name of Project:* Tank 7 In-Conduit Hydroelectric Project.

f. *Location:* The small conduit hydropower project would be located on the Pleasant Oak main pipeline at the Tank 7 storage tank in El Dorado County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Brian Deason, Hydroelectric Compliance Analyst, 2890 Mosquito Road, Placerville, CA 95667, (530) 642–4064.

i. *FERC Contact:* Christopher Chaney, (202) 502–6778, *christopher.chaney@ferc.gov*.

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file any motion to intervene, protest, comments, and/or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13714–001.

k. *Description of Request:* El Dorado Irrigation District proposes to amend the exemption to reduce the number of authorized generating units from three to two, and reduce the installed capacity from 590 kilowatts to 420 kilowatts. Due to the reduction in units, El Dorado also proposes to reduce the size of the powerhouse and project boundary.

l. *Locations of the Application:* This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number P–13714 in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: June 16, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14468 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–496–000]

Dominion Transmission, Inc.; Notice of Application

Take notice that on June 2, 2014, Dominion Transmission, Inc. (DTI), 120 Tredegar Street, Richmond, Virginia 23219, filed in Docket No. CP14–496–000, an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, for a certificate of public convenience and necessity to construct and operate certain compression facilities located in Marshall County, West Virginia and Monroe County, Ohio known as the Clarington Project.

Specifically, DTI plans to install over 16,130 of horsepower (hp) at existing compressor stations (6, 130 hp at Burch Ridge Stateion in Marshal County, WV and 10,000 hp at Mullett Station in Monroe County, OH), two meter stations and 2,612 feet of new 20-inch diameter suction piping and 2,756 feet of new 16-inch diameter discharge piping in Monroe County, OH. The project is designed to provide natural gas incremental firm transportation services of 250,000 dekatherms per day on DTI's system. DTI has an initial incremental rate to recover the costs of the Project facilities. The estimated cost for DTI's construction of the project is $76,560,748, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Matthew R. Bley, Manager, Gas Transmission Certificates, Dominion Transmission, Inc., 701 East Cary Street, Richmond, Virginia 23219, phone: (804) 771–4399, fax: (804) 771–4804, or email: *matthew.r.bley@dom.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents,

and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659. Comment Date: 5:00 p.m. Eastern Time on July 7, 2014.

Dated: June 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14373 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–493–000]

Southern Natural Gas Company, LLC; Notice of Application for Certificate of Public Convenience and Necessity

Take notice that on May 30, 2014 Southern Natural Gas Company, LLC (Southern), 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, filed in the above referenced docket an application pursuant to section 7(c) and 7(b) of the Natural Gas Act (NGA) and Parts 157 and 284 of the Commission's regulations, requesting a certificate of public convenience and necessity authorizing their Zone 3 Expansion Project. This project that creates an additional 235 million cubic feet per day (MMcf/d) of firm transportation capacity on the Southern is pipeline system. Southern also requested authorization for incremental rate treatment for the Zone 3 Expansion Project, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Glenn A. Sheffield, Director, Rates & Regulatory Affairs, Southern Natural Gas Company, LLC, 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, phone (205) 325–3813 or email *glenn_sheffield@kindermorgan.com.*

Specifically, Southern will be (1) constructing a 3.3 mile long, 36-inch outer-diameter pipeline loop in Marengo County, Alabama; (2) installing compressor unit 4,000 Horsepower (Hp) at an existing compressor station in Upson County, Georgia; (3) abandoning a compressor unit 4,700 International Standard Organization (ISO) Hp from operation at an existing compressor station in St. Bernard Parish, Louisiana and relocating it to an existing compressor station in Liberty County, Georgia; (4) installing relocated compressor unit 4,700 ISO Hp and installing gas cooling at an existing compressor station in Liberty County, Georgia; (5) installing new gas cooling at an existing compressor station in Glynn County, Georgia; (6) constructing a new compressor station, one unit of 4,700 ISO Hp and a main line valve in Nassau County, Florida; (7) installing miscellaneous upgrades at an existing meter station in Wayne County, Georgia; (8) and installing up to three pipeline taps and Supervisory Control and Data Acquisition system interconnection along the existing Southern Cypress line in Nassau and/or Duval Counties, Florida.

Southern states that the Zone 3 Expansion Project will provide Southern's customers with access to additional supplies of domestically-produced natural gas entering Southern's system through its interconnections with Elba Express Company, LLC. Southern states that the project is supported by signed precedent agreements for firm transportation service with ten new and existing customers for all the capacity created by the Zone 3 Expansion Project. Southern requests that the Commission issue the requested authorizations on or before May 15, 2015, in order to allow Southern sufficient time to meet the June 1, 2016 in-service date set forth in the precedent agreements. Southern states that the Zone 3 Expansion Project will result in no subsidization from existing shippers, and is seeking incremental rate treatment for the project. The cost of the project is $93,468,931.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in

determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: July 7, 2014.

Dated: June 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14372 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1292–001.

Applicants: Public Service Company of New Mexico.

Description: Compliance Filing of Revised PNM Cargill TSA to be effective 12/1/2015.

Filed Date: 6/12/14.

Accession Number: 20140612–5092.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–1865–002.

Applicants: BETM Solutions LLC.

Description: Amendment to Notice of Succession and Tariff Revision Filing to be effective 5/3/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5047.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2160–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Amendment to RS 342 Cargill and DEC PSA to be effective 6/10/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5033.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2161–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–06–12 SMMPA Attachment O Revisions to be effective 6/13/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5111.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2162–000.

Applicants: Southwest Power Pool, Inc.

Description: Update to Index of Grandfathered Agreements to be effective 8/11/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5134.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2163–000.

Applicants: Green Mountain Power Corporation.

Description: Partial Cancellation of Tariff ID 200 to be effective 6/13/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5138.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2164–000.

Applicants: PJM Interconnection, L.L.C.

Description: Queue Position R76; Original Service Agreement No. 3862 to be effective 5/13/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5143.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2165–000.

Applicants: BE KJ LLC.

Description: Notice of cancellation to be effective 6/30/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5148.

Comments Due: 5 p.m. ET 7/3/14.

Docket Numbers: ER14–2166–000.

Applicants: Alabama Power Company.

Description: Attachment S (GPCo) Updated Depreciation Rates Filing 2014 to be effective 1/1/2014.

Filed Date: 6/12/14.

Accession Number: 20140612–5160.

Comments Due: 5 p.m. ET 7/3/14.

Take notice that the Commission received the following electric reliability filings.

Docket Numbers: RD14–11–000.

Applicants: North American Electric Reliability Corp.

Description: Petition for approval of proposed Reliability Standards VAR–001–4 (Voltage and Reactive Control) and VAR–002–3 (Generator Operation for Maintaining Network Voltage Schedules) of North American Electric Reliability Corporation.

Filed Date: 6/9/14.

Accession Number: 20140609–5087.

Comments Due: 5 p.m. ET 7/14/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 85.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14371 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–102–000.
Applicants: Black Hills Wyoming, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act of Black Hills Wyoming, LLC.
Filed Date: 6/12/14.
Accession Number: 20140612–5200.
Comments Due: 5 p.m. ET 7/3/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1872–002.
Applicants: Southwest Power Pool, Inc.
Description: 2562 Kansas Municipal Energy Agency NITSA and NOA Refund Report to be effective N/A.
Filed Date: 6/12/14.
Accession Number: 20140612–5162.
Comments Due: 5 p.m. ET 7/3/14.
Docket Numbers: ER14–2167–000.
Applicants: Triton Power Michigan LLC.
Description: Notice of cancellation to be effective 6/30/2014.
Filed Date: 6/12/14.
Accession Number: 20140612–5161.
Comments Due: 5 p.m. ET 7/3/14.
Docket Numbers: ER14–2168–000.
Applicants: Wolverine Power Supply Cooperative, Inc.
Description: Normal Gray IFA to be effective 6/13/2014.
Filed Date: 6/13/14.
Accession Number: 20140613–5023.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2169–000.
Applicants: Lilabell Energy LLC.
Description: Lilabell Energy, LLC FERC Electric Tariff to be effective 6/30/2014.
Filed Date: 6/13/14.
Accession Number: 20140613–5034.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2170–000.
Applicants: Duke Energy Progress, Inc.
Description: Cancellation of Rate Schedule No. 194 to be effective 6/12/2014.
Filed Date: 6/13/14.
Accession Number: 20140613–5044.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2171–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–06–13_SA 2670 GRE–NSP T–T IA to be effective 6/14/2014.
Filed Date: 6/13/14.
Accession Number: 20140613–5046.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2172–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–06–13_SA 2671 Crystal Lake-ITC MPFCA to be effective 6/14/2014.
Filed Date: 6/13/14.
Accession Number: 20140613–5047.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2173–000.
Applicants: Entergy Power, LLC.
Description: EPL Cancellation of Confirmations 6–13–2014 to be effective 11/8/2013.
Filed Date: 6/13/14.
Accession Number: 20140613–5052.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2174–000.
Applicants: Entergy Power, LLC.
Description: EPL Cancellation of Tariff No 2 6–13–2014 to be effective 12/19/2013.
Filed Date: 6/13/14.
Accession Number: 20140613–5053.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2175–000.
Applicants: EAM Nelson Holding, LLC.
Description: EAMN Cancellation of Master PPA 6–13–2014 to be effective 12/19/2013.
Filed Date: 6/13/14.
Accession Number: 20140613–5055.
Comments Due: 5 p.m. ET 7/7/14.
Docket Numbers: ER14–2176–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–06–13_SA 6500 Escanaba SSR Renewal to be effective 6/15/2014.
Filed Date: 6/13/14.
Accession Number: 20140613–5056.
Comments Due: 5 p.m. ET 7/7/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–44–000.
Applicants: El Paso Electric Company.
Description: Application of El Paso Electric Company under Section 204 of the Federal Power Act.
Filed Date: 6/12/14.
Accession Number: 20140612–5184.
Comments Due: 5 p.m. ET 7/3/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14467 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13739–002]

Lock+ Hydro Friends Fund XLII, LLC; Notice of Final Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 447897), the Office of Energy Projects has reviewed the application for an original license for the proposed 5.25-megawatt (MW) Braddock Locks and Dam Hydroelectric Project, which would be located on the U.S. Army Corps of Engineers' Braddock Locks and Dam facility on the Monongahela River in the Borough of West Mifflin and the City of Duquesne, Allegheny County, Pennsylvania. Commission staff prepared a final Environmental Assessment (EA) which analyzes the potential environmental effects of construction and operation of the project and concludes that issuing a license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the final EA is on file with the Commission and is available for public inspection. The final EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access documents. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-

free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information contact Andy Bernick at (202) 502–8660.

Dated: June 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14374 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP12–507–000; CP12–508–000]

Corpus Christi Liquefaction, LLC; Cheniere Corpus Christi Pipeline, LP; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Corpus Christi LNG Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Corpus Christi LNG Project (Project), proposed by Corpus Christi Liquefaction, LLC and Cheniere Corpus Christ Pipeline, LP (collectively Cheniere) in the above-referenced docket. Cheniere requests authorization to construct and operate the facilities necessary to import, export, store, vaporize, and liquefy natural gas and deliver the resulting product either into existing interstate and intrastate natural gas pipelines in the Corpus Christi area, or export liquefied natural gas (LNG) elsewhere.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in the EIS, would ensure that impacts in the Project area would be avoided or minimized and would not be significant. Construction and operation of the Project would result in mostly temporary and short-term environmental impacts; however, some long-term and permanent environmental impacts would occur.

The U.S. Army Corps of Engineers (COE), U.S. Coast Guard, U.S. Department of Energy (DOE), U.S. Environmental Protection Agency (EPA), and U.S. Department of Transportation (DOT) participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The DOE will adopt and use the EIS in issuing their permit. The U.S. Coast Guard, EPA, and DOT cooperated in the preparation of this EIS because of their special expertise with respect to resources potentially affected by the proposal. Although the cooperating agencies provide input to the conclusions and recommendations presented in the draft EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision for the Project.

The draft EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

- Liquefaction facilities, including three liquefaction trains capable of producing 782 million British thermal units (MMBtu) per year of LNG;
- vaporization facilities, including two trains of ambient air vaporizers and send out pumps capable of vaporizing sufficient LNG volume for each to send out 200 MMBtu per day of natural gas;
- LNG storage facilities, including three LNG storage tanks each capable of storing 160,000 cubic meters of LNG;
- marine terminal with two LNG carrier berths;
- 23 miles of 42-inch-diameter pipeline;
- one 41,000 horsepower compressor station and one 12,260 horsepower compressor station; and
- ancillary facilities.

The FERC staff mailed copies of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the Project area; and parties to this proceeding. Everyone on our environmental mailing list will receive a CD version of the draft EIS. In addition, the draft EIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

If you would like a hard copy of the draft EIS, please contact the Public Reference Room.

Any person wishing to comment on the draft EIS may do so. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments before August 4, 2014.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket numbers (CP12–507–000 and CP12–508–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public comment meeting its staff will conduct in the Project area to receive comments on the draft EIS. We encourage interested groups and individuals to attend and present oral comments on the draft EIS. Transcripts of the meetings will be available for review in eLibrary under the Project docket numbers. The meeting will begin at 7:00 p.m. and is scheduled as follows:

Date	Location
July 15, 2014	Portland Community Center, 2000 Billy G Webb Drive, Portland, TX 78374.

Any person seeking to become a party to the proceeding must file a motion to

intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR Part 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP12–507 and CP12–508). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14375 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP12–509–000; CP12–29–000]

Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, FLNG Liquefaction 3, LLC; Notice of Availability of the Final Environmental Impact Statement for the Proposed Phase II Modification and Liquefaction Projects

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final Environmental Impact Statement (EIS) for the Freeport LNG Phase II Modification Project and the Liquefaction Project (Projects) proposed by Freeport LNG Development, L.P., FLNG Liquefaction LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC (collectively referred to as Freeport LNG) in the above-referenced dockets. Freeport LNG requests authorization to export up to 13.2 million tons of liquefied natural gas (LNG) per year from its proposed Liquefaction Plant and associated facilities in Brazoria County, Texas and modify its previously approved Phase II Project facilities within the Town of Quintana.

The final EIS assesses the potential environmental effects of the construction and operation of the Projects in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the Projects would have some adverse impacts; however, most of these impacts would be reduced to less than significant levels with the implementation of Freeport LNG's proposed mitigation and the additional measures recommended by the FERC staff in the final EIS.

The United States Department of Energy (USDOE), United States Environmental Protection Agency (USEPA), United States Department of Transportation (USDOT), the United States Army Corps of Engineers (USACE), and the National Oceanic Atmospheric Administration (NOAA) Fisheries participated as cooperating agencies in the preparation of the final EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The USACE, USEPA, and USDOE can adopt and use the EIS to support their respective permit decisions after an independent review of the document. The USDOT and NOAA Fisheries cooperated in the preparation of this final EIS because of their special expertise with respect to resources potentially affected by the proposal. Although the cooperating agencies provided input on the conclusions and recommendations presented in the final EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision or other determinations for the Projects.

The proposed Phase II Modification Project includes modification to the previously authorized, but not constructed, LNG vessel berthing dock, LNG transfer pipelines, LNG unloading arms; and the access road system. In addition, Freeport LNG would either eliminate or modify components of the previously authorized facility.

The Liquefaction Project consists of multiple components, including facilities at and adjacent to the existing Quintana Island terminal and facilities located beyond Quintana Island. The Liquefaction Plant, located at and adjacent to the existing Quintana Island terminal, would consist of three propane pre-cooled mixed refrigerant liquefaction trains, each capable of producing a nominal 4.4 million metric tons per annum of LNG for export, which equates to a total liquefaction capacity of approximately 1.8 billion cubic feet per day of natural gas.

To support the Liquefaction Plant, Freeport LNG proposes to construct a natural gas Pretreatment Plant located about 2.5 miles north of the existing Quintana Island terminal. The Pretreatment Plant would process the gas for liquefaction. In addition several interconnecting pipelines and utility lines including a five-mile-long, 12-inch-diameter boil-off gas feed pipeline from the Quintana Island terminal to the Pretreatment Plant (referred together as the Pipeline/Utility Line System). The Liquefaction Plant, the Pretreatment Plant, and the Pipeline/Utility Line System, together with the associated appurtenant structures, are collectively referred to as the Liquefaction Project.

The FERC staff mailed copies of the EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. Paper copy versions of this EIS were mailed to those specifically requesting them; all others received a CD version. In addition, the EIS is available for public viewing on the FERC's Web site

(*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP12–509, CP12–29). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 16, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14465 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Exempt:

Docket No.	Filed date	Presenter or requester
1. ER14–1386–000, ER14–1578–000, ER14–1729–000	5–20–14	Hon. Harry Reid.
2. CP13–483–000, CP13–492–000	5–29–14	FERC Staff.[1]
3. ER14–1386–000, ER14–1729–000, ER14–1578–000	6–2–14	Governors of the States California and Nevada.
4. ER13–1380–000	6–2–14	Hon. Patrick Maloney.
5. P–459–000	6–2–14	Hon. Mark Kirk.
6. P–516–000	6–3–14	Hon. Jeff Duncan.
7. CP13–113–000	6–5–14	Hon. Lisa Murkowski.
8. P–405–106	6–9–14	FERC Staff.[2]
9. P–14345–001	6–11–14	FERC Staff.[3]
10. CP13–552–000, CP13–553–000	6–11–14	FERC Staff.[4]
11. CP13–483–000 , CP13–492–000	6–16–14	FERC Staff.[5]

[1] Notes from May 28, 2014 bi-weekly telephone conference call with federal cooperating agencies.

[2] Summary of April 23, May 6, May 20, May 27, and June 3, 2014 telephone and email correspondence with Maryland Department of Natural Resources.

[3] eMail communication between FERC Staff and Mary Edgar.

[4] Summary of May 14, 2014 conference call with Cheniere Creole Trail Pipeline, L.P.

[5] Notes from June 12, 2014 bi-weekly telephone conference call with federal cooperating agencies.

Dated: June 16, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–14466 Filed 6–19–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9015–5]

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 06/09/2014 Through 06/13/2014.

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. 20140171, Draft EIS,WAPA, NE, Interconnection of the Grande Prairie Wind Farm, Comment Period Ends: 08/04/2014, Contact: Rod O'Sullivan 720–962–7260.

EIS No. 20140172, Draft EIS, USACE, OR, Double-crested Cormorant Management Plan to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary, Comment Period Ends: 08/04/2014, Contact: Sondra Ruckwardt 503–808–4510.

EIS No. 20140173, Final EIS, USFS, OR, Wolf Fuels and Vegetation Management Project, Review Period Ends: 07/28/2014, Contact: Jeff Marszal 541–416–6436.

EIS No. 20140174, Final EIS, USAF, NH, Second Main Operating Base KC–46A Beddown at Alternative Air National Guard Installations, Review Period Ends: 07/21/2014, Contact: Kevin Marek 240–612–8855.

EIS No. 20140175, Draft EIS, FERC, TX, Corpus Christi LNG Project, Comment Period Ends: 08/04/2014, Contact: Kandi Barakat 202–502–6365.

EIS No. 20140176, Final EIS, USACE, LA, Calcasieu Lock, Louisiana Feasibility Study, Review Period Ends: 07/21/2014, Contact: Timothy K. George 314–331–8459.

Amended Notice:

EIS No. 20140167, Final EIS, USACE, HI, Honolulu Seawater Air Conditioning Project, Review Period Ends: 07/28/2014, Contact: Ryan Winn 808–835–4309.

Revision to the FR Notice Published 6/13/2014; Correct Review Period from 7/14/2014 to 07/28/214.

Dated: June 17, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–14480 Filed 6–19–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9912–58–Region 2]

New York State Prohibition of Discharges of Vessel Sewage; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination.

SUMMARY: Notice is hereby given that, pursuant to Clean Water Act Section 312(f)(3), the State of New York has determined that the protection and enhancement of the quality of the New York State (NYS or the State) area of Lake Erie requires greater environmental protection, and has petitioned the United States Environmental Protection Agency, Region 2, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for those waters, so that the State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters.

NYS has proposed to establish a ''Vessel Waste No Discharge Zone'' for the NYS area of Lake Erie stretching from the Pennsylvania-New York State boundary to include the upper Niagara River to Niagara Falls. The proposed No Discharge Zone encompasses approximately 593 square miles and 84 linear shoreline miles, including the navigable portions of the Upper Niagara River and numerous other tributaries and harbors, embayments of the Lake including Barcelona Harbor, Dunkirk Harbor and Buffalo Outer Harbor, and other formally designated habitats and waterways of local, state, and national significance.

On December 6, 2012, the EPA completed a review of NYS's petition and issued a tentative affirmative determination in the **Federal Register** that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels for such waters are reasonably available. During the 30-day public comment period, the EPA received significant comments regarding the availability of adequate pumpouts for commercial vessels. Specifically, two commenters submitted that the December 6, 2012 notice did not contain adequate information about the availability of pumpout facilities for large commercial vessels. Subsequently, the EPA and New York State collected additional information to demonstrate the reasonable availability of pumpout services for commercial vessels that use the New York area of Lake Erie.

EPA Response to Public Comments on the September 27, 2013 Tentative Affirmative Determination

On September 27, 2013, EPA published notice of its tentative affirmative determination (''TAD'') that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within the New York State waters of Lake Erie, and its approval of New York's proposal to ban the discharge of treated and untreated sewage from vessels into those waters under Clean Water Act (''CWA'') § 312(f)(3). (78 FR 59681) Public comments were solicited for 30 days and the comment period ended on October 28, 2013.

EPA received a total of eight comments via letter and email. Six of the commenters support EPA's tentative affirmative determination and two commenters oppose it. All of the relevant comments received have been considered, as discussed below, and EPA hereby issues a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within the New York State waters of Lake Erie.

Comment 1: Several commenters, including boaters, residents, Non-Governmental Organizations (NGOs) and community advocates, expressed strong support for the establishment of a vessel waste no discharge zone (''NDZ'') for the New York waters of Lake Erie. Some commenters pointed out that this action will reduce pathogens and chemicals, improve water quality and further protect drinking water and restore the Lake.

Response: The petition was submitted under CWA § 312(f)(3), which allows New York to establish a vessel sewage no discharge zone if the state determines that the protection and enhancement of the quality of some or all of the waters within the state require greater environmental protection and if EPA determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available within those waters. Therefore, while these comments are consistent with New York's determination of need, that determination is beyond the scope of EPA's review.

Comment 2: Two commenters stated that New York's petition did not include the additional information about available commercial pumpout trucks that was included in the republication.

Response: In a letter to EPA dated September 6, 2013, prior to the

republication, DEC supplemented its petition with the commercial pumpout information, and that information was subject to public review and comment in the pending TAD.

Comment 3: Two commenters stated that the petition did not include the information required to be submitted by New York State under 40 CFR 140.4(a).

Response: The commenters did not specify what information was allegedly missing from New York's petition, and EPA has determined that New York's petition supports a finding that adequate facilities for the safe and sanitary removal and treatment of sewage from commercial vessels are reasonably available. Specifically, the petition contains information demonstrating that four pumpout truck companies are available to serve the ports of Buffalo and Lackawanna, with a total of ten trucks and a total pumpout capacity of 33,500 gallons.

Comment 4: Two commenters stated that the public record is inadequate because it does not include any communications with, or information provided by, the vendors to support EPA's determination and because several questions suggested by the commenters were not asked of the vendors.

Response: EPA is not required to publish all of its, or the state's, fact-finding communications, as long as the data relied upon by EPA is published and subject to public scrutiny and comment. The **Federal Register** notice for the pending TAD contained all of the data and criteria upon which EPA based its tentative determination, including two criteria (hose fittings, flexibility and length, and head pump pressure) that were suggested by the same two commenters and incorporated by EPA and DEC in their evaluation of the adequacy of the commercial pumpout companies. Other questions suggested by the two commenters were deemed by EPA and DEC to be irrelevant to EPA's determination, and therefore were not explored. For example, the commenters asked that the petition include references, insurance coverage, port access agreements, spill procedures, employee training information, and testing and labeling of hoses, none of which is required by the law or is otherwise necessary for EPA's determination.

Comment 5: Two commenters stated that three of the four commercial pumpout companies ''declined to service [their] vessels outright (two in writing, one orally),'' and submitted a copy of a fax from Macken Services, Inc., an email from Ball Toilet and Septic Service and an email from Western New York Septic Tank Cleaning Service purporting to demonstrate those declinations.

Response: The purported declinations are responses to a different and more elaborate survey that the commenters sent to the companies, which contains several questions that are irrelevant to EPA's finding of adequacy. Therefore, a refusal to answer that survey is not equivalent to a refusal to provide the pumpout services that the companies specifically told EPA and DEC that they could provide. Additionally, the purported response from Macken Services, Inc, is actually consistent with EPA's findings, even if it doesn't answer all of the commenter's additional questions to their satisfaction. Further, the responses from Ball Toilet and Septic Service and Western New York Septic Tank Cleaning Services are not specific about which questions they are responding to, and therefore, do not rebut the answers that the companies provided for New York's petition. Finally, there is no evidence of the purported oral declination. While it might be presumed that the commenters are referring to Meyer Septic Service (because the comments do not include any purported written declination from Meyer), there is no evidence or description of that alleged oral declination.

Comment 6: Two commenters stated that Ball Toilet and Septic Service does not meet the minimum criteria because it has no spill control plan or sewage pumping training, and because it only has three trucks, with holding tanks that are too small for vessels that hold 4,000–111,000 gallons, require 3 hours advance notice, and cannot guarantee their availability.

Response: A spill control plan is not required for EPA to determine that the pumpout services are reasonably available. Regarding the holding capacity of the pumpout trucks, during the previous public comment period, one of these commenters submitted evidence to EPA that their members' vessels typically discharge sewage while holding less than 3,000 gallons, and, among the four companies that are available to provide pumpout truck services, there are a total of eight trucks with tanks equal to or greater than 3,500 gallons. Therefore, the pumpout truck companies have sufficient capacity to meet the needs of the commenters' vessels. Moreover, one commenter states that its members' vessels call on the Port of Buffalo 80 times per year (every 4–5 days), and another commenter states that its members' vessels each transit through the New York portion of Lake Erie approximately 30 times per year (also see Comment 10, below). These numbers are consistent with the numbers contained in the petition, and with EPA's determination that the four pumpout truck companies are capable of serving the waste disposal needs of the commenters' members' vessels.

Comment 7: One commenter stated that New York's petition should be denied because EPA Region 5 denied a petition from Ohio, in 2004, to designate the Ohio section of Lake Erie a no discharge zone.

Response: Ohio's petition submitted 10 years ago has no bearing on the instant determination because EPA must evaluate each petition on its own facts and merits in determining whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available.

Comment 8: Two commenters stated that New York's petition does not establish the need for greater environmental protection because their members' discharges conform to Coast Guard standards for marine sanitation devices (''MSDs'') and Canadian effluent limitations for commercial vessels, respectively, and therefore pose no threat to human health or the marine environment.

Response: Section 312(f) of the CWA specifically contemplates the imposition of a ban on the discharge of treated or untreated sewage, notwithstanding any other requirements to control or limit pollutants in those discharges. Furthermore, EPA's determination in the instant matter is limited to evaluating the adequacy of pumpout facilities, and does not include a review of the adequacy of New York's Certification of Need or the water quality impacts of any particular pollutant or source.

Comment 9: One commenter stated that the establishment of a NDZ is an inadequate solution to water pollution in Lake Erie and also argues that its members' vessels should be exempt from the ban because the petition does not demonstrate that they are a significant source of water pollution.

Response: Section 312(f) of the CWA does not require that the NDZ be a total solution to all water pollution problems in the proposed NDZ, or that the state demonstrate that any particular vessels are a significant source of pollution.

Comment 10: One commenter stated that EPA understates the vessel traffic in the proposed NDZ, and that the number is closer to 3,000 transits per year for its 100 member vessels.

Response: This number of vessels contradicts the commenter's claim, in the same comment letter, that it has 80

member vessels. In any event, as noted above, even assuming 3,000 transits for 100 vessels, each vessel would make, on average, 30 transits per year. Furthermore, not every vessel will need to discharge every time it transits through the Lake Erie NDZ.

Comment 11: Two commenters stated that EPA has failed to answer the state's petition within the 90 days required under the regulations, and therefore lacks authority to make the determination.

Response: EPA extended the public comment period and its consideration of this petition, including issuing a second TAD with additional information, in response to the same commenters' request for an extension of time to comment on the first TAD and the same commenters' request, which EPA granted, for a meeting in order to share their concerns about the petition. Therefore, those commenters have not been harmed by EPA's extended consideration of the petition and have no valid objection to the extended timeline for which they advocated and from which they benefitted.

Comment 12: One commenter stated that the petition should have been reviewed under CWA § 312(f)(4)(B), as a request to only ban vessel sewage discharges in specified drinking water intake zones.

Response: The petition was submitted under CWA § 312(f)(3). While New York notes in the petition that much of the proposed zone could be designated as an NDZ under CWA § 312(f)(4)(B), which allows for the establishment of NDZs in drinking water intake zones, the petition goes on to state that, in order to designate the entire New York State section of Lake Erie as an NDZ, the state was submitting the information required for a CWA § 312(f)(3) petition, namely a Certification of Need, and a demonstration of the adequacy of pumpout facilities. Significantly, the petition contains no information about the location or extent of drinking water intake zones, nor does it contain any request to create NDZs in drinking water intake zones.

FOR FURTHER INFORMATION CONTACT: Moses Chang, (212) 637–3867, email address: *chang.moses@epa.gov.*

The EPA Region 2 NDZ Web site is: *http://www.epa.gov/region02/water/ndz/index.html.* A copy of the State's NDZ petition can be found there.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the State of New York has petitioned the United States Environmental Protection Agency, Region 2, (EPA) pursuant to section 312(f)(3) of Public Law 92–500 as amended by Public Law 95–217 and Public Law 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the NYS area of Lake Erie.

New York State's Certification of Need

The New York State Department of Environmental Conservation (DEC) developed its petition in collaboration with the New York State Department of State (DOS) and the New York State Environmental Facilities Corporation (EFC) in order to establish a vessel waste No Discharge Zone (NDZ) on the open waters, tributaries, harbors and embayments of the New York State area of Lake Erie, and has submitted a Certification of the Need for Greater Protection and Enhancement of Lake Erie waters. Below is a summary of the basis for New York's certification.

The Great Lakes are the largest group of freshwater lakes on Earth, containing 95% of the fresh surface water in the United States and acting as the largest single reservoir on Earth. The glacial history and the influence of the Lakes themselves create unique conditions that support a wealth of biological diversity, including over 200 globally rare plants and animals and more than 40 species that are found nowhere else in the world.

Lake Erie is the smallest and shallowest of the Great Lakes, with depths that range from an approximate average of 24 feet in the western basin, to 82 feet in the deeper eastern basin. Because of its shallowness, it warms quickly in the spring and summer and cools quickly in the fall. As a result, Lake Erie is the most biologically productive of the Great Lakes.

The Lake Erie watershed is also home to approximately one-third of the total human population of the Great Lakes basin—11.6 million people (10 million in the U.S. and 1.6 million in Canada), including 17 metropolitan areas with more than 50,000 residents. The majority, 11 million people, receive their drinking water from the Lake. Of all the Great Lakes, Lake Erie is exposed to the greatest stress from urbanization, industrialization and agriculture. Because the Lake Erie basin supports the largest population, it also surpasses all the other Great Lakes in the amount of effluent discharged from sewage treatment plants.

There are 18 designated Significant Coastal Fish and Wildlife Habitats in the two counties that comprise New York's Lake Erie shoreline including: Cattaraugus Creek, Dunkirk Harbor, Buckhorn Island Wetlands and Grand Island Tributaries. These habitats are essential to the survival of a large portion of lake fish or wildlife population and support populations of species which are of special concern and which have significant commercial, recreational, and educational value.

The New York State shoreline and waters of Lake Erie also host a variety of swimming, boating and recreational activities. These recreational activities act as a source of revenue to the regional economy by bringing people to the shoreline, where they patronize local businesses.

Virtually all of Lake Erie is classified by New York State as Class A waters. This classification means that the best uses of these waters are for drinking, culinary or food processing purposes, recreation and fishing, and that the waters shall be suitable for fish, shellfish, and wildlife propagation and survival. Also, when the water in the Lake is used as a source of drinking water, it must comply with the New York State Department of Health's (DOH) drinking water safety standards. There are currently six New York municipal and community water supplies, including Buffalo and Erie County, that draw water from Lake Erie to serve approximately 275,000 people.

In summary, as one of the nation's premier water bodies, Lake Erie supports several important uses, including drinking water supplies, valuable habitats, commercial shipping, recreational boating and other recreational activities, and serves as an economic engine for the region. The protection and enhancement of the open waters, tributaries, harbors and embayments of the New York State area of Lake Erie require greater protection than is afforded by applicable federal standards. An NDZ designation covering the NYS waters of the Lake represents one component of a comprehensive approach to water quality management, which also includes initiatives to control point and non-point source pollution, including pollution associated with municipal discharges, combined sewer overflows, and storm water runoff.

Adequacy and Availability of Sewage Pumpout Facilities

Adequate pumpout facilities for recreational vessels are defined, under the Clean Vessel Act, as one pumpout station for every 300–600 boats. *See* Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines (**Federal Register**, Vol. 59, No. 47, March 10, 1994). Two major sources of information were consulted to develop a reasonable estimate of recreational vessel population. The first was DOS's

Clean Vessel Act Plan (''Statewide Plan''), released in 1996. Using data from the Statewide Plan, the estimated number of recreational vessels in each of the counties bordering Lake Erie is 2,029. The second source for the State's estimate of the recreational vessel population is boater registrations, obtained through the New York State Office of Parks, Recreation and Historic Preservation's 2010 Boating Report (OPRHP Report) for the counties of Erie and Chautauqua (all of which have shoreline on Lake Erie). The data in the OPRHP Report yields an estimate of 2,204 vessels with marine sanitation devices (MSDs) in the respective counties, which are assumed to operate in Lake Erie.

The State provided sufficient information about fifteen pumpout facilities that are publicly available for use by recreational and small commercial vessels in the New York State area of Lake Erie, and which either discharge to a holding tank, to a municipal wastewater treatment plant or to an on-site septic system. All fifteen were created through funding provided by the Clean Vessel Act (CVA) Grant Program, and are thus required to be open to the public. Nine additional marinas are located along Lake Erie in New York State, including five at which CVA funding could support the development of future pumpout facilities for recreational and small commercial vessels. However, only the fifteen CVA-funded facilities were considered in determining the adequacy and availability of pumpout facilities for those vessels. Those facilities are summarized in Table 1, below. Using those fifteen facilities, and the most conservative estimate of small vessel usage of the NYS area of the Lake, the ratio of pumpout facilities to recreational vessels is 15:2,204, or 1:147. This ratio falls well within the range recommended in the Clean Vessel Act guidance, and therefore demonstrates that adequate pumpout facilities for the safe and sanitary removal and treatment of sewage for recreational and small commercial vessels are reasonably available for the New York State area of Lake Erie.

Lake Erie is also used by large commercial vessels. The commercial vessel population was estimated using data from the National Ballast Information Clearinghouse, which records ballast water discharge reports for ships arriving, among other places, at the commercial ports in Buffalo and Lackawanna. In 2010, ballast manifests showed 62 vessels arriving at the Port of Buffalo and one arriving at the Gateway Metroport, in Lackawanna. The majority (58) of these vessels were bulkers, with two passenger ship arrivals and one more listed as ''other.'' The single arrival in Lackawanna was also a bulker. Two commenters representing commercial vessel operators submitted comments stating that more than 62 large commercial vessels use the New York State area of Lake Erie. One commenter estimated that the number was closer to 80, while the other commenter estimated that the number was ''over a hundred.''

Although there is no fixed commercial vessel pumpout facility at either the Port of Buffalo or the Port of Lackawanna, information submitted in the petition, and by companies that provide mobile pumpout services, demonstrates that at least four companies are available and qualified to provide pumpout services to large commercial vessels at either port. In addition to commenting on the number of commercial vessels using the NYS area of Lake Erie, the two commenters submitted criteria they believe are necessary for determining whether a pumpout truck is able to service their vessels. Those criteria were taken into consideration, and were partially incorporated into the list of final criteria the EPA used to determine the reasonable availability of those services. In addition, one commenter confirmed that, while large commercial vessels can hold multiple thousands of gallons of wastewater, it is more likely that when these vessels discharge sewage, their holding tanks contain less than 4,000 gallons of wastewater. Based on all of this information, the EPA had determined that four mobile pumpout companies, with approximately ten pumpout trucks (listed in Table 2, below), are able to provide pumpout services to large commercial vessels at the ports of Buffalo and Lackawanna. Assuming, conservatively, that 100 large commercial vessels use the NYS area of Lake Erie and given that at least four companies with as many as ten pumpout trucks are able to provide pumpout services to these vessels at both New York ports, the ratio of pumpout facilities to commercial vessels is at least 4:100, or 1:25. While the Clean Vessel Act guidance applies, by its terms, only to recreational vessels, the ratio it recommends is instructive for purposes of determining the reasonable availability of pumpout services for large commercial vessels as well. In light of the relatively low ratio of pumpout companies to large commercial vessels (and the even lower ratio of pumpout *trucks* to large commercial vessels), adequate pumpout facilities for the safe and sanitary removal of sewage for large commercial vessels are reasonably available for the New York State area of Lake Erie.

TABLE 1—LIST OF SEWAGE PUMPOUT STATIONS IN THE LAKE ERIE NDZ SERVING RECREATIONAL AND SMALL COMMERCIAL VESSELS

Number	Name	Location	Contact information	Days and hours of operation	Water depth (feet)	Fee
1	City of Dunkirk–Municipal Dock.	Dunkirk Harbor	716–366–9882	April 1–November 15, 6 a.m.–6 p.m..	6′–7′	$5.00
2	Niagara Frontier Trans. Authority—Small Boat Harbor.	Buffalo Harbor and Buffalo River.	716–855–7230	May 15–October 15, 7:00 a.m.–10:30 p.m..	6′–8′	0.00
3	RCR Yachts Skyway Marina	Buffalo Harbor and Buffalo River.	716–856–6314	April 1–November 30, 8:30 a.m.–5:30 p.m..	12′	5.00
4	City of Buffalo—Erie Basin Marina.	Buffalo Harbor and Buffalo River.	716–851–5389	May 1–October 15, 7:00 a.m.–7:00 p.m..	10′	6.50
5	Rich Marine Sales, Inc.	Buffalo Harbor and Buffalo River.	716–873–4060	May 1–November 1, 9:00 a.m.–5:00 p.m..	6′	5.00
6	Harbour Place Marine Sales. Inc.	Buffalo Harbor and Buffalo River.	716–876–5944	April 15–October 31, 24 Hours.	12′	5.00
7	NYSOPRHP—Beaver Island State Park Transient Marina.	Grand Island	716–278–1775	May 15–October 15, 24 Hours.	10′	5.00

TABLE 1—LIST OF SEWAGE PUMPOUT STATIONS IN THE LAKE ERIE NDZ SERVING RECREATIONAL AND SMALL COMMERCIAL VESSELS—Continued

Number	Name	Location	Contact information	Days and hours of operation	Water depth (feet)	Fee
8	Blue Water Marine	Grand Island	716–773–7884	May 1–November 1, 9:00 a.m.–7:00 p.m..	5′	0.00
9	Mid River Marina Inc	Tonawanda Creek	716–875–7447	April 1–September 30, 9:00 a.m.–6:00 p.m..	5′	5.00
10	Collins Marine Inc	Tonawanda Creek	716–875–6000	April 1–November 1, 24 Hours.	6′	5.00
11	The Shores/Placid Harbor Marine—Tonawanda Marine Develop Corp.	Tonawanda Creek	716–625–8235	April 15–October 15, 9:00 a.m.–9:00 p.m..	12′	5.00
12	Niagara River Yacht Club	Tonawanda Creek	716–693–2882	May 1–November 1, Dusk–Dawn.	NA	3.00
13	Smith Boys of North Tonawanda—Upgrade.	Tonawanda Creek	716–695–3472	April–November, 24 Hours	8′	0.00
14	East Pier Marine, Inc	Tonawanda Creek	716–693–6604	May 1–November 15, 9:00 a.m.–8:00 p.m..	5′	5.00
15	NYSOPRHP—Big Six Mile Creek State Marina.	Grand Island	716–278–1775	May 1–November 1, 24 Hours.	10′	5.00

TABLE 2—LIST OF SEWAGE PUMPOUT SERVICES CAPABLE OF SERVING LARGE COMMERCIAL VESSELS IN THE PROPOSED, LAKE ERIE NDZ

Number	Name of company	Location & contact information	Number of sewage hauler pumpout trucks/holding capacity	Days and hours of operation	Hose fittings & length (feet)	Head pump pressure to reach 46.5 ft	Truck serve the port area	Fee/ cost per 1,000 gal
1	Macken Services, Inc.	22 Simme Road, Lancaster, NY 14086, Tel—716 683 0704.	3 sewage trucks—2 4,000 gal and 1—2,500 gal.	Mon–Fri 7:00 a.m.–5:00 p.m.; or by appointment.	Flexible 100 ft	Yes	Yes	$230
2	Meyer Septic Service.	7130 Olean Road, South Wales, NY 14139, Tel—716 652 0553.	3 sewage trucks—3,500 gal each.	Mon–Fri 8:00 a.m.–2:00 p.m.; or by appointment.	Flexible up to 175 ft.	Yes	Yes	255
3	Western New York Septic Tank Cleaning Service.	3045 Daniels Road, Wilson, NY 14172, Tel—716 751 9611.	2 sewage truck—4,000 gal each.	Mon–Fri 7:00 a.m.–5:00 p.m.; or by appointment.	Flexible up to 200 ft.	Yes	Yes	350
4	Ball Toilet & Septic Service.	3725 Jeffrey Blvd., Blasdell, NY 14219, Tel—716 823 3606.	2 sewage truck—1,000 gal and 5,000 gal.	Mon–Fri 6:00 a.m.–4:30 p.m.; or by appointment.	Flexible up to 200 ft.	Yes	Yes	230

Based on the information above, the EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are available for the waters of the New York State area of Lake Erie.

Dated: June 4, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2014–14489 Filed 6–19–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden

for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 19, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1080.

Title: Improving Public Safety Communications in the 800 MHz Band.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; and State, local or tribal governments.

Number of Respondents: 670 respondents; 3,118 responses.

Estimated Time per Response: 4.5 hours (range of 30 minutes to 10 hours).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 160, 251–254, 303, and 332.

Total Annual Burden: 10,691 hours.

Total Annual Cost: $48,800.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary or public safety-sensitive information are resolved in a manner consistent with the Commission's rules. See 47 CFR 0.459.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting OMB approval for an extension of this information collection. The information sought will assist 800 MHz licensees in preventing or resolving interference and enable the Commission to implement its rebanding program. Under that program, certain licensees are being relocated to new frequencies in the 800 MHz band, with all rebanding costs paid by Sprint Nextel Corporation (Sprint). The Commission's overarching objective in this proceeding is to eliminate interference to public safety communications. The Commission's orders provided for the 800 MHz licensees in non-border areas to complete rebanding by June 26, 2008. This completion date was not met and the Commission orders also provide for rebanding to be completed in the areas along the U.S. borders with Canada and Mexico.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–14395 Filed 6–19–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3502–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimates; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB Control Number.

DATES: Written PRA comments should be submitted on or before July 21, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov*. To submit your PRA comments by email, please send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), at 202–418–0217, or via the Internet at: *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0470.

Title: Section 64.901, Allocation of Cost; Section 64.903, Cost Allocation Manuals; and RAO Letters 19 and 26.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1 respondent; 2 responses.

Estimated Time per Response: 200 hours.

Frequency of Response: On occasion and annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 201–205, 215, and 218–220.

Total Annual Burden: 400 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The information is not of a confidential nature. Respondents who believe that certain information to be of a proprietary nature may solicit confidential treatment in accordance with 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Section 64.901 requires carriers to separate their

regulated costs from nonregulated costs using the attributable cost method of cost allocation. Carriers must follow the principles described in section 64.901. Carriers subject to section 64.901 are also subject to the provisions of 47 CFR 32.23 and 32.27 of the Commission's rules. Section 64.903(a) requires each local exchange carrier with annual operating revenues that equal or exceed the indexed revenue threshold, as defined in 47 CFR 32.9000, to file with the Commission a manual containing information regarding its allocation of costs between regulated and non-regulated activities. Section 64.903(b) requires that carriers update their cost allocation manuals (CAMs) at least annually; except that changes to the cost apportionment table and the description of time reporting procedures must be filed at the time of implementation. Proposed changes in the description of time reporting procedures, the statement concerning affiliate transactions, and the cost apportionment table must be accompanied by a statement quantifying the impact of each change on regulated operations. Changes in the description of time reporting procedures and the statement concerning affiliate transactions must be quantified in $100,000 increments at the account level. Changes in the cost apportionment table must be quantified in $100,000 increments at the cost pool level. Moreover, filing of CAMs and occasional updates are subject to the uniform format and standard procedures specified in Responsible Accounting Officer (RAO) Letter 19. RAO Letter 26 provides guidance to carriers in revising their CAMs to reflect changes to the affiliate transactions rules pursuant to the Accounting Safeguards Order (FCC 96–490). The CAM is reviewed by the Commission to ensure that all costs are properly classified between regulated and nonregulated activity. Uniformity in the CAMs helps improve the joint cost allocation process. In addition, this uniformity gives the Commission greater reliability in financial data submitted by the carriers through the Automated Reporting Management Information System (ARMIS). In a *Memorandum Opinion and Order* in WC Docket No. 07–21 (FCC 08–120) the Commission forbore from many of its cost allocation rules as they apply to the former Bell Operating Companies. As reflected in the May 2011 update to this information collection, this decreased the number of respondents affected by the requirements of these rule sections. We are not changing the number of respondents with this submission.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–14393 Filed 6–19–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, June 17, 2014, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Jeremiah O. Norton (Appointive), concurred in by Paul M. Nash (Deputy Comptroller of the Currency) acting in the place and stead of Director Thomas J. Curry (Comptroller of the Currency), Director Richard Cordray (Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, DC.

Dated: June 17, 2014.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2014–14507 Filed 6–18–14; 11:15 am]

BILLING CODE P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday June 24, 2014 At 10 a.m.

PLACE: 999 E Street NW., Washington, DC

STATUS: This Meeting Will Be Closed To The Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Information the premature disclosure of which would be likely to have considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2014–14509 Filed 6–18–14; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 7, 2014.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Neil Anderson, Chanhassen, Minnesota, Charles Budde, Faribault, Minnesota, and David Hellmuth,* Eden Prairie, Minnesota, as a group acting in concert; to acquire voting shares of Morristown Holding Company, Excelsior, Minnesota, and thereby indirectly acquire voting shares of Lake Country Community Bank, Morristown, Minnesota.

Board of Governors of the Federal Reserve System, June 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–14486 Filed 6–19–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 17, 2014.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204:

1. *Beverly Financial, Inc.,* Beverly, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Beverly Bank, Beverly, Massachusetts, in connection with the conversion of Beverly Financial, MHC, Beverly, Massachusetts from mutual to stock form.

B. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Pathfinder Bancorp, Inc.,* Oswego, New York; to become a bank holding company by acquiring Pathfinder Bank, Oswego, New York. Upon the conversion of Pathfinder Bancorp, MHC, and Pathfinder Bancorp, Inc., both in Oswego, New York, the existing mid-tier holding company of Pathfinder Bank, will cease to exist, and Pathfinder Bank will become a wholly-owned subsidiary of Pathfinder Bancorp, Inc., a *de novo* company.

C. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Heritage Financial Group, Inc.,* Albany, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Alarion Financial Services, Inc., and thereby acquire Alarion Bank, both in Ocala, Florida.

Board of Governors of the Federal Reserve System, June 17, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–14485 Filed 6–19–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Financial Resources, Office of Grants and Acquisition Policy and Accountability, Division of Acquisition; Public Availability of the Department of Health and Human Services FY 2013 Service Contract Inventory

AGENCY: Department of Health and Human Services.

ACTION: Notice of Public Availability of FY 2013 Service Contract Inventories.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), Department of Health and Human Services (HHS) is publishing this notice to advise the public of the availability of its FY 2013 Service Contract Inventory. This inventory provides information on service contract actions over $25,000 that were made in FY 2013. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on November 5, 2010 and December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* HHS has posted its inventory and a summary of the inventory on the HHS homepage at the following link: *http://www.hhs.gov/grants/servicecontracts.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Lori Sakalos, Director in the HHS/Office of the Secretary, Assistant Secretary for Financial Resources, Office of Grants and Acquisition Policy and Accountability, Office of Acquisition Policy at 202–690–6361 or *Lori.Sakalos@hhs.gov.*

Dated: June 13, 2014.

Angela Billups,

Associate Deputy Assistant Secretary for Acquisition, Senior Procurement Executive, Assistant Secretary for Financial Resources, Office of the Secretary.

[FR Doc. 2014–14434 Filed 6–19–14; 8:45 am]

BILLING CODE 4150–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–381, CMS–R–21 and CMS–R–148]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

DATES: Comments must be received by *August 19, 2014.*

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–381 Identification of Extension Units of Medicare Approved Outpatient Physical Therapy/Outpatient Speech Pathology (OPT/OSP) Providers and Supporting Regulations

CMS–R–21 Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31

CMS–R–148 Limitations on Provider Related Donations and Health Care Related Taxes; Limitation on Payment to Disproportionate Share Hospitals

Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Identification of Extension Units of Medicare Approved Outpatient Physical Therapy/Outpatient Speech Pathology (OPT/OSP) Providers and Supporting Regulations; *Use:* The provider uses the form to report to the state survey agency extension locations that it has added since the date of last report. The form is used by the state survey agencies and by our regional offices to identify and monitor extension locations to ensure their compliance with the federal requirements for the providers of outpatient physical therapy and speech-language pathology services.

Form Number: CMS–381 (OMB control number: 0938–0273); *Frequency:* Annually; *Affected Public:* Private Sector; Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 2,260; *Total Annual Responses:* 2,260; *Total Annual Hours:* 565. (For policy questions regarding this collection contact James Cowher at 410–786–1948.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31; *Use:* Certain Medicaid providers that are subject to offsets for the collection of Medicaid overpayments may terminate or substantially reduce their participation in Medicaid, leaving the state Medicaid agency unable to recover the amounts due. Recovery procedures allow for determining the amount of overpayments and offsetting the overpayments by withholding the provider's Medicare payments. To effectuate the withholding, the state agency must provide their respective CMS regional office with certain documentation that identifies the provider and the Medicaid overpayment amount. The agency must also demonstrate that the provider was notified of the overpayment and that demand for the overpayment was made. An opportunity to appeal the overpayment determination must be afforded to the provider by the Medicaid state agency. Lastly, Medicaid state agencies must notify CMS when to terminate the withholding.

Form Number: CMS–R–21 (OCN: 0938–0287); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 54; *Total Annual Responses:* 27; *Total Annual Hours:* 81. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694).

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Limitations on Provider Related Donations and Health Care Related Taxes; Limitation on Payment to Disproportionate Share Hospitals; *Use:* States may request a waiver of either or both the broad based and uniformity tax program requirements. Each state must demonstrate that its tax program(s) do not violate the hold harmless provision. Additionally, state Medicaid agencies must report (quarterly) on health care related taxes collected and the source of provider related donations received by the state or unit of local government. Each state must maintain, in readily reviewable form, supporting documentation that provides a detailed description of each donation and tax program being reported, as well as the source and use of all donations received and collected. Without this information, the amount of Federal financial participation payable to a state cannot be determined.

Form Number: CMS–R–148 (OCN: 0938–0618); *Frequency:* Quarterly and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694).

Dated: June 17, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–14484 Filed 6–19–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10521]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *July 21, 2014.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Improving Quality of Care in Medicaid and CHIP through Increased Access to Preventive Services State Survey; *Use:* The survey will be used to gain a better understanding of state efforts to increase the utilization of preventive services and to develop resources (including educational and outreach resources) to help states increase the utilization of these services. The results will provide a baseline regarding the coverage of preventive services and will help us identify ways to assist states with materials focusing on prevention and technical assistance.

Form Number: CMS–10521 (OMB control number: 0938—New); *Frequency:* Once; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 51; *Total Annual Hours:* 128. (For policy questions regarding this collection contact Mary Beth Hance at 410–786–4299).

Dated: June 17, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–14482 Filed 6–19–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: OCSE–157 Child Support Enforcement Program Annual Data Report.

OMB No.: 0970–0177.

Description: The information obtained from this form will be used to: 1) Report Child Support Enforcement activities to the Congress as required by law; 2) calculate incentive measures performance and performance indicators utilized in the program; and 3) assist the Office of Child Support Enforcement(OCSE)in monitoring and evaluating State Child Support programs.

OCSE is proposing minor updates to the OCSE–157 report instructions to update submission procedures. Respondents will no longer have the option to submit hardcopy reports. The reports can only be submitted electronically by using the Online Data Collections (OLDC) system.

Respondents: State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OCSE–157	54	1	7	378

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Estimated Total Annual Burden Hours:				378

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, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–14460 Filed 6–19–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0597]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Index of Legally Marketed Unapproved New Animal Drugs for Minor Species

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 21, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0620. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Index of Legally Marketed Unapproved New Animal Drugs for Minor Species 21 CFR Part 516—(OMB Control Number 0910–0620)—(Extension)

Description: The Minor Use and Minor Species Animal Health Act of 2004 (MUMS Act) amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to authorize FDA to establish new regulatory procedures intended to make more medications legally available to veterinarians and animal owners for the treatment of minor animal species (species other than cattle, horses, swine, chickens, turkeys, dogs, and cats), as well as uncommon diseases in major animal species.

The MUMS Act created three new sections to the FD&C Act (sections 571, 572, and 573), and this final rule implements section 572 of the FD&C Act (21 U.S.C. 360ccc–1), which provides for an index of legally marketed unapproved new animal drugs for minor species. Participation in any part of the MUMS program is optional so the associated paperwork only applies to those who choose to participate. The final rule specifies, among other things, the criteria and procedures for requesting eligibility for indexing and for requesting addition to the index as well as the annual reporting requirements for index holders.

Under subpart C of part 516, § 516.119 provides requirements for naming a permanent-resident U.S. agent by foreign drug companies, and § 516.121 provides for informational meetings with FDA. Section 516.123 provides requirements for requesting informal conferences regarding Agency administrative actions and § 516.125 provides for investigational use of new animal drugs intended for indexing. Provisions for requesting a determination of eligibility for indexing can be found under § 516.129 and provisions for subsequent requests for addition to the index can be found under § 516.145. A description of the written report required in § 516.145 can be found under § 516.143. Under § 516.141 are provisions for drug companies to nominate a qualified expert panel as well as the panel's recordkeeping requirements. This section also calls for the submission of a written conflict of interest statement to FDA by each proposed panel member. Index holders are able to modify their index listing under § 516.161 or change drug ownership under § 516.163. Requirements for records and reports are under § 516.165.

Description of Respondents: Pharmaceutical companies that sponsor new animal drugs.

In the **Federal Register** of April 7, 2014 (79 FR 19094), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total Hours
516.119	2	1	2	1	2
516.121	30	2	60	4	240
516.123	3	1	3	8	24
516.125	2	3	6	20	120
516.129	30	2	60	20	1200
516.141	20	1	20	16	320
516.143	20	1	20	120	2400
516.145	20	1	20	20	400
516.161	1	1	1	4	4
516.163	1	1	1	2	2
516.165	10	2	20	8	160
Total					4,872

[1] There is no capital or operating and maintenance cost associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
516.141	30	2	60	[2] 0.5	30
516.165	10	2	20	1	20
Total					50

[1] There is no capital or operating and maintenance cost associated with this collection of information.
[2] 30 minutes.

Dated: June 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14473 Filed 6–19–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0193]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice Regulations for Medicated Feeds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 21, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0152. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Medicated Feeds—21 CFR Part 225 (OMB Control Number 0910–0152)—Extension

Under section 501 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 351), FDA has the statutory authority to issue current good manufacturing practice (cGMP) regulations for drugs, including medicated feeds. Medicated feeds are administered to animals for the prevention, cure, mitigation, or treatment of disease, or growth promotion and feed efficiency. Statutory requirements for cGMPs have been codified under part 225 (21 CFR part 225). Medicated feeds that are not manufactured in accordance with these regulations are considered adulterated under section 501(a)(2)(B) of the FD&C Act. Under part 225, a manufacturer is required to establish, maintain, and retain records for a medicated feed, including records to document procedures required during the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (i.e. batch and stability testing), labels, and product distribution.

This information is needed so that FDA can monitor drug usage and possible misformulation of medicated feeds to investigate violative drug residues in products from treated animals and to investigate product defects when a drug is recalled. In addition, FDA will use the cGMP criteria in part 225 to determine whether or not the systems and procedures used by manufacturers of medicated feeds are adequate to assure that their feeds meet the requirements of the FD&C Act as to safety and that they

meet their claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the FD&C Act.

A license is required when the manufacturer of a medicated feed involves the use of a drug or drugs that FDA has determined requires more control because of the need for a withdrawal period before slaughter or because of carcinogenic concerns. Conversely, a license is not required and the recordkeeping requirements are less demanding for those medicated feeds for which FDA has determined that the drugs used in their manufacture need less control. Respondents to this collection of information are commercial feed mills and mixer-feeders.

In the **Federal Register** of April 7, 2014 (79 FR 19091), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although one comment was received, it was not responsive to the four elements solicited in the notice and therefore will not be discussed in this document.

FDA estimates the burden for this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Registered licensed commercial feed mills] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
225.42(b)(5) through (b)(8)	840	260	218,400	1	218,400
225.58(c) and (d)	840	45	37,800	0.50 (30 minutes)	18,900
225.80(b)(2)	840	1,600	1,344,000	0.12 (7 minutes)	161,280
225.102(b)(1)	840	7,800	6,552,000	0.08 (5 minutes)	524,160
225.110(b)(1) and (b)(2)	840	7,800	6,552,000	.015 (1 minute)	98,280
225.115(b)(1) and (b)(2)	840	5	4,200	0.12 (7 minutes)	504
Total					1,021,524

[1] There are no capital or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Registered licensed mixer-feeders] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
225.42(b)(5) through (b)(8)	100	260	26,000	0.15 (9 minutes)	3,900
225.58(c) and (d)	100	36	3,600	0.50 (30 minutes)	1,800
225.80(b)(2)	100	48	4,800	0.12 (7 minutes)	576
225.102(b)(1) through (b)(5)	100	260	26,000	0.40 (24 minutes)	10,400
Total					16,676

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Nonregistered unlicensed commercial feed mills] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
225.142	4,186	4	16,744	1	16,744
225.158	4,186	1	4,186	4	16,744
225.180	4,186	96	401,856	0.12 (7 minutes)	48,223
225.202	4,186	260	1,088,360	0.65 (39 minutes)	707,434
Total					789,145

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN

[Nonregistered unlicensed mixer-feeders] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
225.142	3,400	4	13,600	1	13,600
225.158	3,400	1	3,400	4	13,600
225.180	3,400	32	108,800	0.12 (7 minutes)	13,056
225.202	3,400	260	884,000	0.33 (20 minutes)	291,720

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN—Continued

[Nonregistered unlicensed mixer-feeders] [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
Total					331,976

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimate of time required for record preparation and maintenance is based on Agency communications with industry. Other information needed to finally calculate the total burden hours (i.e., number of recordkeepers, number of medicated feeds being manufactured, etc.) is derived from Agency records and experience.

Dated: June 17, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14472 Filed 6–19–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0389]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice Regulations for Type A Medicated Articles

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 21, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0154. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Type A Medicated Articles—21 CFR Part 226 (OMB Control Number 0910–0154)—Extension

Under section 501 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), FDA has the statutory authority to issue current good manufacturing practice (cGMP) regulations for drugs, including Type A medicated articles. A Type A medicated article is a feed product containing a concentrated drug diluted with a feed carrier substance. A Type A medicated article is intended solely for use in the manufacture of another Type A medicated article or a Type B or Type C medicated feed. Medicated feeds are administered to animals for the prevention, cure, mitigation, or treatment of disease or for growth promotion and feed efficiency.

Statutory requirements for cGMPs for Type A medicated articles have been codified in part 226 (21 CFR part 226). Type A medicated articles which are not manufactured in accordance with these regulations are considered adulterated under section 501(a)(2)(B) of the FD&C Act (21 U.S.C. 351(a)(2)(B). Under part 226, a manufacturer is required to establish, maintain, and retain records for Type A medicated articles, including records to document procedures required under the manufacturing process to assure that proper quality control is maintained. Such records would, for example, contain information concerning receipt and inventory of drug components, batch production, laboratory assay results (i.e., batch and stability testing) and product distribution.

This information is needed so that FDA can monitor drug usage and possible misformulation of Type A medicated articles. The information could also prove useful to FDA in investigating product defects when a drug is recalled. In addition, FDA will use the cGMP criteria in part 226 to determine whether or not the systems used by manufacturers of Type A medicated articles are adequate to assure that their medicated articles meet the requirements of the FD&C Act as to safety and also meet the article's claimed identity, strength, quality, and purity, as required by section 501(a)(2)(B) of the FD&C Act. The respondents for Type A medicated articles are pharmaceutical firms that manufacture both human and veterinary drugs, those firms that produce only veterinary drugs, and commercial feed mills.

In the **Federal Register** of April 7, 2014 (79 FR 19093), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
226.42	65	260	16,900	0.75 (45 minutes)	12,675
226.58	65	260	16,900	1.75	29,575
226.80	65	260	16,900	0.75 (45 minutes)	12,675

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours
226.102	65	260	16,900	1.75	29,575
226.110	65	260	16,900	0.25 (15 minutes)	4,225
226.115	65	10	650	0.5 (30 minutes)	325
Total					89,050

[1] There are no capital costs or operating and maintenance costs associated with this collection.

The estimate of time required for record preparation and maintenance is based on previous Agency communications with industry. Other information needed to calculate the total burden hours (i.e., manufacturing sites, number of Type A medicated articles being manufactured, etc.) are derived from Agency records and experience.

Dated: June 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14471 Filed 6–19–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0663]

Draft Guidance for Industry: Determining the Need for and Content of Environmental Assessments for Gene Therapies, Vectored Vaccines, and Related Recombinant Viral or Microbial Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: Determining the Need for and Content of Environmental Assessments for Gene Therapies, Vectored Vaccines, and Related Recombinant Viral or Microbial Products'' dated June 2014. The draft guidance document provides investigational new drug application (IND) sponsors and applicants for a biologics license application (BLA), or a supplement to a BLA, with recommendations on considerations when assessing whether to submit an Environmental Assessment (EA) for gene therapies, vectored vaccines, and related recombinant viral or microbial products (GTVVs). The guidance also contains recommendations as to what information should be included in an EA and what sponsors and applicants can expect once an EA is filed. The guidance, when finalized, will supplement the guidance entitled ''Guidance for Industry: Environmental Assessment of Human Drug and Biologics Applications,'' dated July 1998 (1998 Guidance) and will also supersede those recommendations for GTVVs in section IV.B.1 Assessing Toxicity to Environmental Organisms'' of the guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by September 18, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to 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 the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

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

FOR FURTHER INFORMATION CONTACT: Tami Belouin, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: Determining the Need for and Content of Environmental Assessments for Gene Therapies, Vectored Vaccines, and Related Recombinant Viral or Microbial Products'' dated June 2014. The draft guidance document provides IND sponsors and applicants for a BLA, or a supplement to a BLA, with recommendations on considerations when assessing whether to submit an EA for GTVVs. The guidance also contains recommendations as to what information should be included in an EA and what sponsors and applicants can expect once an EA is filed. Products addressed in the guidance include all GTVVs, but not live-attenuated viral or microbial vaccines created by traditional methods such as serial passaging or recombinant protein-based vaccines. The guidance, when finalized, will supplement the 1998 Guidance, and will also supersede those recommendations for GTVVs in section IV.B.1 entitled ''Assessing Toxicity to Environmental Organisms'' of the guidance.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. 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 requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 25 have been approved under OMB control number 0910–0322; the collections of

information in 21 CFR part 312 have been approved under OMB control number 0910–0014; and the collections of information for 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments 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 draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: June 16, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–14470 Filed 6–19–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–P–1189]

Canned Tuna Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) received applications for temporary permits from Bumble Bee Foods, LLC; Chicken of the Sea International; and StarKist Seafood Company (the applicants). We are announcing that we have issued temporary permits to the applicants to market test products (designated as ''canned tuna'' products) that deviate from the U.S. standard of identity for canned tuna. The purpose of the temporary permits is to market test the product throughout the United States and the Commonwealth of Puerto Rico. The permits will allow the applicants to measure consumer acceptance of the products and assess the commercial feasibility of the products.

DATES: These permits are effective for 15 months, beginning on the date each applicant introduces or causes the introduction of the test products into interstate commerce, but not later than September 18, 2014.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2371.

SUPPLEMENTARY INFORMATION: We have issued a temporary permit to each of the following applicants: Bumble Bee Foods, LLC; Chicken of the Sea International; and StarKist Seafood Company. We are issuing these temporary permits in accordance with 21 CFR 130.17, which addresses temporary permits for interstate shipment of experimental packs of food varying from the requirements of standards of identity issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

These permits cover limited interstate marketing tests of products identified as ''canned tuna.'' These test products deviate from the U.S. standard of identity for canned tuna (21 CFR 161.190) in that they are labeled without the statement ''Below Standard in Fill'' as required in § 161.190(c)(4) and 21 CFR 130.14(b). The test products meet all the requirements of the standard with the exception of this deviation.

The purpose of these temporary permits is to market test the product throughout the United States and the Commonwealth of Puerto Rico. These permits will allow the applicants to measure customer acceptance of the products and assess commercial feasibility of the products.

Table 1 lists the amount of product for distribution and the manufacturers of the products for each of the applicants. The retail cans for the products are of various sizes.

TABLE 1—AMOUNT, MANUFACTURER, AND LOCATION BY APPLICANT

Applicant	Amount of canned tuna for distribution	Manufacturer and location
Bumble Bee Foods, LLC, 9655 Granite Ridge Dr., San Diego, CA 92123.	141,000,000 pounds (lbs) (63,800,905 kilograms (kgs)).	Asian Alliance, 8/8 Moo 3, Rama 2 Rd., Bunbor, Muang, Samutsakorn 74000, Thailand. Chicken of the Sea Georgia Canning, 129 North Commerce Dr., Lyons, GA 30436. Bumble Bee Seafoods, Inc., 13100 Arctic Circle, Santa Fe Springs, CA 90670. Chotiwat Manufacturing Co., 84/22 Moo 7, Asia Highway Rd. #43, P.O. Box 37, T. Korhong, Hatyai Songkhla, Thailand 90110. Gentuna (GTC/Century), P.O. Tambler, General Santos City, South Cotabato, Philippines 9500. I.S.A. Value Co., Ltd. (Narong), 101/6 Mu 6, Soi Muangsakul Road, Samaedam, Bangkhutien, Bangkok 10150, Thailand. Pataya Foods, 90/6 Tambol Tarsai, Muang, Samutprakarn, Pataya, Thailand. PT Aneka Tuna, Jalan Raya Surabaya-Malang Km. 38, Gempol, Pasuruan 67155 Jawa Timur. R.S. Cannery Co., Ltd., 255/1 Industrial Soi 3, Industrial Estate, Samutprakarn 10280, Thailand.

TABLE 1—AMOUNT, MANUFACTURER, AND LOCATION BY APPLICANT—Continued

Applicant	Amount of canned tuna for distribution	Manufacturer and location
Chicken of the Sea International, 9330 Scranton Rd., Suite 500, San Diego, CA 92121.	77,500,000 lbs (35,067,873 kgs)	Tropical Canning Thailand, Km. 19 Kanjanavanich Rd., Thungyai, Hatyai, Songkhla 90110, Thailand. Unicord, 39/3 Moo 8, Sedtakit 1 Rd., Thasai, Muang, Samutsakorn 74000, Thailand. Bumble Bee Seafoods, Inc., 13100 Arctic Circle, Santa Fe Springs, CA 90670. Century Canning, Suite 1906, Centerpoint Bldg., Julia Vargas Avenue cor. Garnet St., Ortigas Ctr., Pasig City, Manila, Philippines 1605. Chicken of the Sea Georgia Canning, 129 North Commerce Dr., Lyons, GA 30436. MMP International, 19/8 Moo 6, Tambol Nadee, Muang District, Samutsakorn 74000, Thailand. PT Juifa International Foods, JL Lingkar Timur No. 53, Tegal Kamulyan Cilacap 53211, Jawa Tengah, Indonesia. Songkhla Canning, 333 Kanjanavanich Rd., Tumbol Pavong, Amphur Muang, Songkhla 90100, Thailand. Thai Union Frozen Products PCL, 72/1 Moo 7 Sethakit 1 Rd., Tambon Tarsrai, Amphur Muang, Samutsakorn 74000, Thailand. Thai Union Manufacturing, 30/2 Moo 8, Sethakit 1 Road, Tambon Tarsrai, Amphur Muang, Samutsakorn 74000, Thailand. Yueh Chyang Canned Food Group, Nhut Chinh Village, Ben Luc District, Long An Province, Vietnam.
StarKist Seafood Company, 225 North Shore Dr., Pittsburgh, PA 15212.	182,500,000 lbs (82,579,185 kgs)	Galapesca S.A., Km. 12.5 Via A Duale, Guayaquil, Ecuador. StarKist Samoa Co., 368 Atu'u Rd., Pago Pago, American Samoa 96799.

Bumble Bee Foods, LLC; Chicken of the Sea International; and StarKist Seafood Company will distribute the test products throughout the United States and the Commonwealth of Puerto Rico. The information panels on the labels of the test products must bear nutrition labeling in accordance with 21 CFR 101.9. Each of the ingredients used in the food must be declared on the labels of the test products as required by the applicable sections of part 101. These permits are effective for 15 months, beginning on the date each applicant introduces or causes the introduction of the test products into interstate commerce, but not later than September 18, 2014.

Dated: June 17, 2014.

Philip C. Spiller,

Acting Director, Office of Nutrition, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition.

[FR Doc. 2014–14447 Filed 6–19–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel SPORE Review II.

Date: July 14, 2014.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W608, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Wlodek Lopaczynski, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W608, Bethesda, MD 20892–8329, 240–276–6458 *lopacw@mail.nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group, NCI Subcommittee A—Cancer Centers.

Date: August 14, 2014.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Sonya Roberson, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W116, Bethesda, MD 20892–9750 240–276–6347, *robersos@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional

information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: June 16, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14409 Filed 6–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Microbiology and Infectious Diseases Area Review.

Date: July 14, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Physiology and Pathobiology of Musculoskeletal, Oral and Skin Systems.

Date: July 14, 2014.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive Bethesda, MD 20892.

Contact Person: Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Cancer Drug Developments & Therapeutics.

Date: July 15–16, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Non-HIV Microbial Vaccine Development.

Date: July 18, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–495–1506, *jakesse@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: Renal Physiology and Pathophysiology.

Date: July 18, 2014.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Patricia Greenwel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Program Project: Improving SAXS Technology.

Date: July 21–23, 2014.

Time: 5:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Argonne Guest House, 9700 S. Cass Ave., Lemont, IL 60439.

Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: June 16, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14408 Filed 6–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Plasticity and Mechanisms of Cognitive Remediation in Older Adults.

Date: July 22, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elaine Lewis, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 16, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14410 Filed 6–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR Panel: Biodemography of Aging.

Date: June 25, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 16, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–14407 Filed 6–19–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Amendment of Meeting Notice

Pursuant to Public Law 92–463, notice is hereby given of an amendment of meeting status of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council to be held on June 23, 10:00 a.m. to 12:00 p.m. via closed teleconference.

Public Notice was published in the **Federal Register** on June 16, 2014, Volume 79, Number 115, Page 34333, announcing that the Center for Mental Health Services' National Advisory Council would be convening an open teleconference on June 23, 2014 at SAMHSA Conference Center, 1 Choke Cherry Road, Rockville, MD 20857, for the purpose of discussions and evaluations of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, this meeting will be closed to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(4) and (6) and (c)(9)(B).

For additional information, contact the Council's Designated Federal Officer (DFO), Ms. Deborah DeMasse-Snell (see contact information below).

Committee Name: SAMHSA's Center for Mental Health Services National Advisory Council.

Date/Time/Type: June 23, 2014, 10:00 a.m.–12:00 p.m.

Place: SAMHSA Building, 1 Choke Cherry Road, Great Falls Room, Rockville, Maryland 20857.

Contact: Deborah DeMasse-Snell M.A. (Than), Designated Federal Official, SAMHSA CMHS National Advisory Council, 1 Choke Cherry Road, Room 6–1084, Rockville, Maryland 20857, Telephone: (240) 276–1861, Fax: (240) 276–1850, Email: *Deborah.DeMasse-Snell@samhsa.hhs.gov*.

Cathy J. Friedman,

Public Health Analyst, SAMHSA.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

[FR Doc. 2014–14449 Filed 6–19–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of an amendment of meeting status of Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council will meet July 23, 2:00 p.m. to 3:00 p.m. via teleconference.

Public Notice was published in the **Federal Register** on June 16, 2014, Volume 79, Number 115, Page 34334, announcing that the Center for Mental Health Services' National Advisory Council would be convening an open teleconference on July 23, 2014 at SAMHSA Conference Center, 1 Choke Cherry Road, Rockville, MD 20857, for the purpose of discussions and evaluations of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, this meeting will be closed to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(4) and (6) and (c)(9)(B).

For additional information, contact the Council's Designated Federal Officer (DFO), Ms. Deborah DeMasse-Snell, (see contact information below).

Committee Name: SAMHSA's Center for Mental Health Services National Advisory Council.

Date/Time/Type: July 23, 2014, 2:00 p.m. to 3:00 p.m.

Place: SAMHSA Building, 1 Choke Cherry Road, Great Falls Room, Rockville, Maryland 20857.

Contact: Deborah DeMasse-Snell M.A. (Than), Designated Federal Official, SAMHSA CMHS National Advisory Council, 1 Choke Cherry Road, Room 6–1084, Rockville, Maryland 20857, Telephone: (240) 276–1861, Fax: (240) 276–1850, Email: *Deborah.DeMasse-Snell@samhsa.hhs.gov*.

Cathy J. Friedman,

Public Health Analyst, SAMHSA.

[FR Doc. 2014–14458 Filed 6–19–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of an amendment of meeting status of Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council will meet August 6, 1:00 p.m. to 2:00 p.m. via closed teleconference.

Public Notice was published in the **Federal Register** on June 16, 2014, Volume 79, Number 115, Page 34333,

announcing that the Center for Mental Health Services' National Advisory Council would be convening an open teleconference on August 6, 2014 at SAMHSA Conference Center, 1 Choke Cherry Road, Rockville, MD 20857, for the purpose of discussions and evaluations of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, this meeting is now amended to be closed to the public as determined by the SAMHSA Administrator, in accordance with Title 5 U.S.C. 552b(c)(4) and (6) and (c)(9)(B).

For additional information, contact the Council's Designated Federal Officer (DFO), Ms. Deborah DeMasse-Snell, (see contact information below).

Committee Name: SAMHSA's Center for Mental Health Services National Advisory Council.

Date/Time/Type: August 6, 2014, 1:00 p.m. to 2:00 p.m.

Place: SAMHSA Building, 1 Choke Cherry Road, Great Falls Room, Rockville, Maryland 20857.

Contact: Deborah DeMasse-Snell M.A. (Than), Designated Federal Official, SAMHSA CMHS National Advisory Council, 1 Choke Cherry Road, Room 6–1084, Rockville, Maryland 20857, Telephone: (240) 276–1861, Fax: (240) 276–1850, Email: *Deborah.DeMasse-Snell@samhsa.hhs.gov*.

Cathy J. Friedman,

Public Health Analyst, SAMHSA.

[FR Doc. 2014–14459 Filed 6–19–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0031]

Privacy Act of 1974; Department of Homeland Security Federal Emergency Management Agency—002 Quality Assurance Recording System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, ''Department of Homeland Security/Federal Emergency Management Agency—002 Quality Assurance Recording System of Records.'' This system of records allows the Department of Homeland Security/Federal Emergency Management Agency to collect and maintain records on the customer service performance of its employees, contractors, and vendors who interact with individuals who apply for the Agency's individual assistance and public assistance programs.

As a result of a biennial review of this system, the Department of Homeland Security/Federal Emergency Management Agency is updating this system of records notice to include updates to the (1) system location, (2) category of individuals, (3) category of records, (4) routine uses, (5) legal authorities, (6) purpose, (7) retrievability, (8) retention and disposal, and (9) record source categories. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. This updated system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before July 21, 2014. This updated system will be effective July 21, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0031 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Eric M. Leckey, (202) 212–5100, Privacy Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC 20478. For privacy questions, please contact: Karen L. Neuman, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) proposes to update and reissue a current DHS system of records titled, ''DHS/FEMA–002 Quality Assurance Recording System of Records.''

DHS/FEMA published this system of records notice because FEMA collects, uses, maintains, and retrieves personally identifiable information (PII) from its employees and contractors for internal employee performance evaluations, training, process improvement, and quality assurance purposes to improve customer service to individual assistance and public assistance applicants. FEMA collects information from individuals (including PII) as necessary, or uses information previously collected from them to provide customer service to these applicants.

FEMA collects, uses, and maintains the records within this system under the authority of 5 U.S.C. 301; 5 CFR 430.102; the Federal Sector Labor Management Relations Act, 5 U.S.C. 4302, and 5 U.S.C. 7106(a); Fraud, Abuse, and Waste Controls, 6 U.S.C. 795; 29 U.S.C. 204(b); Exec. Order No. 1357; FEMA Directive 3100.1; and FEMA Directive 3700.

FEMA is updating this system of records notice because it provides greater transparency by encompassing the additional FEMA National Processing Service Center (NPSC) customer service performance records, including those employees/contractors who assess the customer service satisfaction of public assistance applicants.

(1) FEMA is updating the system location to include the Virginia NPSC in Winchester, Virginia, and the Maryland NPSC in Hyattsville, Maryland as possible locations for records within this system of records. FEMA is also updating the system location to include the Quality Assurance Recording System (QARS) IT system, which maintains these records; (2) FEMA is updating category of individuals to include FEMA employees and contractors that perform customer satisfaction assessments involving applicants of FEMA's individual assistance and public assistance programs; (3) FEMA is revising the category of records to include voice recordings within this system of records. Those records may also include a third-party vendor that is providing language translation services between the individual assistance applicant and

FEMA. The revisions may also expand the ''quality result'' to include FEMA employees/contractors providing customer service to public assistance applicants; to include email addresses for both Individual Assistance and Public Assistance; to include the system-generated Contact ID and Survey ID unique to applicants; and to include specific public assistance applicant information; (4) FEMA is adding one routine use to allow information to be shared with the news media and public with approval of the Chief Privacy Officer in consultation with counsel; (5) FEMA is updating legal authority to include Executive Order No. 13571, ''Streamlining Service Delivery and Improving Customer Service,'' which builds upon the requirements of Executive Order No. 12862 ''Setting Customer Service Standards''; (6) FEMA is updating the purpose to include a reference to public assistance programs; (7) FEMA is amending retrievability to remove the reference to the DHS/FEMA–008 Disaster Recovery Assistance Files System of Records (April 30, 2013, 78 FR 25282), and to add the notation that information in this system of records cannot be retrieved by the PII of individual assistance applicants or public assistance applicants; (8) FEMA is updating retention and disposal to include the FEMA Records Schedule title and NARA authority for the maintenance of these records; (9) FEMA is updating record source categories to explicitly state that the DHS/FEMA–008 Disaster Recovery Assistance Files System of Records (April 30, 2013, 78 FR 25282) and DHS/FEMA–009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs system of records are ''sources'' for information captured within the QARS system of records. Additionally, FEMA is making non-substantive grammatical changes throughout this notice for the purpose of clarification.

The purpose of this system of records is to enable FEMA's Quality Control Department, Customer Satisfaction Analysis Section, Contract Oversight Management Section, and NPSC Supervisory staff to better monitor, evaluate, and assess its employees and/or contractors so that FEMA can improve customer service to those seeking disaster assistance. The purpose is consistent with FEMA's mission to improve its capability to respond to all hazards and support the citizens of our Nation.

This updated system will be included in the Department of Homeland Security's inventory of record systems.

Consistent with DHS's information-sharing mission, information stored in the DHS/FEMA–002 Quality Assurance Recording System of Records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/FEMA may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/FEMA–002 Quality Assurance Recording System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)–002.

SYSTEM NAME:

DHS/FEMA–002 Quality Assurance Recording System (QARS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained primarily at the FEMA Texas National Processing Service Center (NPSC), Denton, TX 76208; however, records may also be maintained at the Virginia NPSC, Winchester, VA, and the Maryland NPSC, Hyattsville, MD, within the QARS IT system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system collects information from FEMA employees and contractors at FEMA's National Processing Service Centers (NPSCs) who are making or receiving telephone calls to or from disaster assistance applicants; FEMA employees and contractors engaged in the case review of disaster assistance applications not related to a telephone call to or from a disaster assistance applicant; and FEMA employees and contractors performing customer service satisfaction assessments involving applicants of FEMA individual assistance or public assistance programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Voice recordings of telephone calls between FEMA employees and/or contractors and applicants for FEMA's individual assistance and public assistance programs. Telephone calls may include a third-party vendor that is providing language translation services on behalf of FEMA;
- A ''quality result'' generated in QARS for each call or case processing activity that is evaluated by a FEMA supervisor or quality control specialist assessing the level of customer service provided by the FEMA employee/contractor to the FEMA individual assistance or public assistance applicant;
- System-generated Contact ID;
- Name of FEMA employee who conducted the assessment;
- Identification number of FEMA employee who conducted the assessment;
- FEMA employee/contractor name; and
- FEMA employee/contractor user identification number.

Tracking of FEMA employee/contractor activity in the National Emergency Management Information System—Individual Assistance (formerly National Emergency Management Information System (NEMIS)–IA) and Customer Satisfaction Analysis System (CSAS) related to call recordings, case review processing not related to a phone call, and/or customer satisfaction assessments may include the following individual assistance applicant information:

- Survey ID;
- Applicant's name;
- Applicant email address;
- Home address;
- Social Security number;
- Applicant phone number(s);

- Current mailing address; and
- Personal financial information including applicant's bank name, bank account information, insurance information, and individual or household income.

Tracking of FEMA employee/contractor activity in CSAS related to call recordings for customer satisfaction assessments may include the following public assistance applicant information:

- Survey ID;
- Applicant/Point of Contact name and title;
- Applicant email address;
- Organization Name;
- Applicant's organization phone number(s); and
- Organization's business and/or mailing address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 CFR 430.102; 5 U.S.C. 4302 and 5 U.S.C. 7106(a); 6 U.S.C. 795; 29 U.S.C. 204(b); Executive Order No. 13571; FEMA Directive 3100.1; FEMA Directive 3700.1; and FEMA Directive 3700.2.

PURPOSE(S):

The purpose of this system is to collect, maintain, use, and retrieve performance records of the FEMA employees, contractors, and vendors who interact with applicants of the Agency's individual assistance and public assistance programs for internal employee and/or contractor performance evaluations, training, and quality assurance purposes to improve FEMA's customer service to and satisfaction of those individuals applying for FEMA's individual and public assistance programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS' efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

DHS/FEMA stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

RETRIEVABILITY:

FEMA retrieves records in QARS by the FEMA employee and/or contractor's name and user identification number, or system-generated Contact ID number. This system does not retrieve information by individual or public assistance applicant information.

SAFEGUARDS:

DHS/FEMA safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. FEMA has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

The retention period for information maintained in QARS depends on the use of the data. Records within QARS that are used in an evaluation of a FEMA employee or contractor are retained for six years, pursuant to FEMA Records Schedule, Series 15–1 ''National Processing Service Centers Evaluated Call Recordings,'' NARA

Authority N1–311–08–1. Records that are not used in an evaluation of a FEMA employee or contractor are purged from the secured servers within 45 days, per FEMA Records Schedule, Series 15–2 ''National Processing Service Centers Unevaluated Call Recordings,'' also under NARA Authority N1–311–08–1.

SYSTEM MANAGER AND ADDRESS:

Manager (940) 891–8500, Enterprise Performance Information Management Section, Federal Emergency Management Agency, Texas National Processing Service Center, Denton, TX 76208.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and Headquarters or FEMA Freedom of Information Act (FOIA) Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

FEMA obtains records from FEMA employees and contractors who assist disaster survivors in the disaster assistance application and casework process, FEMA employees, and/or contractors initiating customer satisfaction assessments of FEMA disaster assistance applicants, and from supervisors or quality control specialists. This system of records contains PII of individual assistance applicants, which is part of the DHS/FEMA–008 Disaster Recovery Assistance Files System of Records, April 30, 2013, 78 FR 25282, as well as PII of public assistance applicants, which is part of the DHS/FEMA–009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs System of Records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: June 3, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–14079 Filed 6–19–14; 8:45 am]

BILLING CODE 9110–17–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0098]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DHS

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Chemical Transportation Advisory Committee (CTAC) and its subcommittees will meet on August 19, 20, and 21, 2014, in Arlington, VA, to discuss the safe and secure marine transportation of hazardous materials. The meetings will be open to the public.

DATES: Subcommittees will meet on Tuesday, August 19, 2014, from 8:30 a.m. to 5 p.m. and on Wednesday, August 20, 2014, from 8:30 a.m. to 5 p.m. The full committee will meet on Thursday, August 21, 2014, from 8:30 a.m. to 5 p.m. Please note that the meetings may close early if the Committee has completed its business.

Please submit written materials and comments to the docket using any one of the methods listed in the **ADDRESSES** section below. Any written material submitted by the public will be distributed to the committee and become part of the public record.

ADDRESSES: The meetings will be held at the U.S. Coast Marine Safety Center, Suite 400, 4200 Wilson Boulevard, Arlington, VA 20598. Attendees will be required to pre-register no later than 5:00 p.m. on August 11, 2014, to be admitted to the meeting. To pre-register contact Lieutenant Cristina Nelson (202–372–1419) or *Cristina.E.Nelson@uscg.mil*) and provide your name, company and telephone number. Attendees will be required to provide a government-issued picture identification card in order to gain admittance to the building.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Committee as listed in the ''Agenda'' section below. In order to be considered at the meetings, comments must be submitted in writing no later than August 11, 2014. Comments may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. (This is the preferred method to avoid delays in processing.)
- *Fax:* 202–493–2252
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments

received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2014–0098 in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Keffler, Alternate Designated Federal Official (ADFO) of the CTAC, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1424, fax 202–372–8380. If you have any questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act* (FACA), 5 U.S.C. App., Public Law 92–463, 86 Stat. 770, as amended.

CTAC is an advisory Committee authorized under section 871 of the Homeland Security Act of 2002, 6 U.S.C. 451, and is chartered under the provisions of the FACA. The committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Deputy Commandant for Operations on matters relating to safe and secure marine transportation of hazardous materials activities insofar as they relate to matters within the United States Coast Guard's (USCG) jurisdiction. The committee advises, consults with, and makes recommendations reflecting its independent judgment to the Secretary.

Agendas of Meetings

Subcommittee Meetings on August 19 and 20, 2014.

The subcommittees on biofuels, liquefied gases, outreach, Ship to Ship Transfer of Hazardous Material Outside of the Baseline, and the International Convention for the Prevention of Pollution from Ships (MARPOL) will meet to continue to address the task statements listed in paragraph (3) of the agenda for the August 21 meeting and the tasks given at the last CTAC meeting. The task statements from the last CTAC meeting are located at Homeport at the following address: *https://homeport.uscg.mil.* Go to: Missions > Ports and Waterways > Safety Advisory Committees > CTAC Subcommittees and Working Groups.

The agenda for each subcommittee will include the following:

1. Review task statements, which are listed in paragraph (3) of the agenda for the August 21 meeting.
2. Work on tasks assigned in task statements mentioned above.
3. Public comment period.
4. Discuss and prepare proposed recommendations for the CTAC meeting on August 21 on tasks assigned in detailed task statements mentioned above.

Committee Meeting on August 21.

The agenda for the CTAC meeting on August 21 is as follows:

1. Introductions and opening remarks.
2. Public comment period.
3. Committee will meet to review, discuss, and formulate recommendations on the following items of interest:

a. Harmonization of Response and Carriage Requirements for Biofuels and Biofuel Blends.

b. Recommendations on Safety Standards for the Design of Vessels Carrying Natural Gas or Using Natural Gas as Fuel.

c. Recommendations for Safety Standards for Ship to Ship Transfer of Hazardous Material Outside of the Baseline.

d. Recommendations for Guidance on the Implementation of Revisions to MARPOL Annex II and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (commonly known as the IBC Code).

e. Requirements for Third-Party Surveyors of MARPOL Annex II Prewash Operations.

f. Improving Implementation of and Education about MARPOL Discharge Requirements Under MARPOL Annex II and V.

4. USCG presentations on the following items of interest:

a. Update on International Maritime Organization activities as they relate to the marine transportation of hazardous materials.

b. Update on U.S. regulations as they relate to the marine transportation of hazardous materials.

c. Update on Bulk Chemical Data Guide (Blue Book).

d. Update on vessel to vessel transfer of hazardous materials in bulk.

5. Set next meeting date and location.
6. Set Subcommittee Meeting schedule.

A public comment period will be held during each Subcommittee and the full committee meeting concerning matters being discussed. Public comments will be limited to 3 minutes per speaker. Please note that the public comment period may end before the time indicated, following the last call for comments. Please contact Mr. Patrick Keffler, listed in the **FOR FURTHER INFORMATION CONTACT** section to register as a speaker.

Dated: June 17, 2014.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2014–14440 Filed 6–19–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–23]

60-Day Notice of Proposed Information Collection: Requirements for Single Family Mortgage Instruments

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 19, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Kevin Stevens, Deputy Director, HMID, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Kevin.L.Stevens@HUD.gov* or telephone (202) 402–4317. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free

Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Stevens.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Requirements for Single Family Mortgage Instruments.

OMB Approval Number: 2502–0404.

Type of Request: Extension.

Form Number: None.

Description of the need for the information and proposed use: This information is used to verify that a mortgage has been properly recorded and is eligible for FHA insurance.

Respondents: Individuals or household.

Estimated Number of Respondents: 11,907.

Estimated Number of Responses: 1,261,143.

Frequency of Response: One per mortgage.

Average Hours per Response: 5 minutes.

Total Estimated Burdens: 630,572.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 11, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–14498 Filed 6–19–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–25]

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: AGRICULTURE: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202) 720–8873; AIR FORCE: Ms.

Connie Lotfi, Air Force Real Property Agency, 143 Billy Mitchell Blvd., San Antonio, TX 78226, (210) 925–3047; 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; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; COAST GUARD: Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St. SW., Stop 7901, Washington, DC 20593–0001; (202) 475–5609; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; INTERIOR: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 3960 N. 56th Ave. #104, Hollywood, FL. 33021; (443) 223–4639; NAVY: Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (These are not toll-free numbers).

Dated: June 12, 2014.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 06/20/2014

Suitable/Available Properties

Building

Florida

Trailer-662900B014,
RPUID 03.571, 14683, Site 01
Ft. Lauderdale FL 33314
Landholding Agency: Agriculture
Property Number: 15201420017
Status: Excess
Comments: off-site removal only; 720 sq. ft.; office; fair conditions; 4+ months vacant; contact Agriculture for more information.

Georgia

Rabbit/Mouse/Bird Holing Bldg.
661246B020; RPUID 03.54972
Athens GA 30605
Landholding Agency: Agriculture
Property Number: 15201420015
Status: Excess
Comments: off-site removal only; 386 sq. ft.; animal housing; 51+ yrs.-old; good to fair conditions; contact Agriculture for more information.

Kansas

Former SS Admin. Building
801 S. Broadway
Pittsburg KS 66762
Landholding Agency: GSA
Property Number: 54201420007
Status: Surplus
GSA Number: 7–G–KS–0529
Comments: 5,918 sq. ft.; sits on .52 acres; Admin. bldg.; 42+ yrs.-old; fair conditions; asbestos; lead-based paint; mold possible; contact GSA for more information.

Minnesota

South Annex Building
200 Ash Ave., NW
Cass Lake MN 56633
Landholding Agency: Agriculture
Property Number: 15201420014
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,950 sq. ft.; 96+ months vacant; fair conditions; office; contact Agriculture for more information.

Missouri

23 Building
364 SE D Hwy
Knob Noster MO 65336
Landholding Agency: Air Force
Property Number: 18201420005
Status: Excess
Directions: 1449; 1450; 1448; 1447; 1446; 1442; 1445; 1436; 1460; 1462; 1464; 1463; 1467; 1465; 69; 46; 1451; 1452; 1453; 1454; 1455; 1456; 1459
Comments: off-site removal only; fair conditions; contact Air Force for information on a specific property and accessibility/removal request.

4008
Whiteman AFB
Whileman AFB MO 65305
Landholding Agency: Air Force
Property Number: 18201420023
Status: Excess
Comments: off-site removal only; 3,131sq.ft.; office; 33+ years old; fair to good conditions; secured area; contact Air Force for more information.

New Jersey

8544
Joint Base McGuire-Dix-Lakehurst
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201420006
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; secured area; contact AF for more info.; accessibility & removal requirements.

27 Buildings
Joint Base McGuire-Dix-Lakehurst (JB MDL)
Fort Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201420030
Status: Unutilized
Directions: 9218; 9491; 94201; 94594; 98371; 98462; 98492; 9858; 9860; 98552; 9859; 8550; 8549; 8547; 8545; 8546; 8551; 9216; 9402; 9426; 9429; 9535; 9833; 9538; 8543; 8542; 8541
Comments: off-site removal only; no future agency need; dissemble required; poor conditions; secured area; contact AF for more information.

Oklahoma

280
7481 Sentry Boulevard
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420002
Status: Excess
Comments: off-site removal only; 19,034 sq. ft.; wing HQs; roof is in poor condition; secured area; contact for accessibility; removal request.

268
7568 Sentry Boulevard
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420008
Status: Underutilized
Comments: Off-site removal only; no future agency need; 7,311 sq. ft.; air passenger terminal; roof needs repairing; secured area; contact AF for more info.

7 Buildings
Tinker AFB
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420050
Status: Unutilized
Directions: 1064; 7043; 7014; 7012; 7011; 7010; 7009
Comments: off-site removal only; no future agency need; poor conditions, secured area; contact AF for more information on a specific property & accessibility requirements.

Oregon

US Moorings
8010 NW St. Helens Rd.
Portland OR 97210
Landholding Agency: COE
Property Number: 31201420012
Status: Underutilized
Directions: USGOV-6705; 6706; 6718; 6715
Comments: off-site removal only; no future agency need; 15x200 for stables; 30x30 for dock hoist house; office/shop; 40% of bldgs. sits on deteriorating dock; contamination; contact COE for more info.

Texas

3 Buildings
Dyess AFB
Dyess AFB TX 79602
Landholding Agency: Air Force
Property Number: 18201420052
Status: Unutilized
Directions: 4308; 4310; 5276
Comments: off-site removal only; no future agency need; poor conditions; secured area; contact AF for more information on a specific property & accessibility requirements.

Property Item TB–26850, Toilet
5171 FM92 South
Woodville TX 75979
Landholding Agency: COE
Property Number: 31201420011
Status: Underutilized
Comments: 825 sq. ft.; waterborne restroom; 45+ yrs.-old; repairs needed; contact COE for more information.

Utah

Building 1607
6263 Hickory Avenue, Hill AFB
Hill AFB UT 84056
Landholding Agency: Air Force
Property Number: 18201420010

Status: Excess
Directions: 1607
Comments: off-site removal only; 16,050 sq. ft.; office; repairs required; secured area; contact Air Force for more information.

Virginia

Cropp House; Tract 901001
16308 Dumfries Rd.
Dumfries VA 22026
Landholding Agency: Interior
Property Number: 61201420001
Status: Excess
Comments: off-site removal only; 1,800 sq. ft.; residential; 140+ months vacant; poor conditions; asbestos; mold; lead-based paint; contact Interior for more information.

Gray House #1; Tract 02–157
11919 general Trimbles Lane
Manassas VA 20110
Landholding Agency: Interior
Property Number: 61201420002
Status: Excess
Comments: off-site removal only; 2,000 sq. ft.; due to structure type relocation may be very difficult; residential; black mold; asbestos; water damage; contact Interior for more info.

Gray House #2; Tract 01–220
6221 Featherbed Lane
Manassas VA 20110
Landholding Agency: Interior
Property Number: 61201420003
Status: Excess
Comments: off-site removal only; 2,100 sq. ft.; poor conditions; due to structure type relocation may be difficult; 4+ yrs. vacant; mold; contact Interior for more information.

Wyoming

#13545
Bow River Work Center Shop/Storage
Elk Mtn. WY
Landholding Agency: Agriculture
Property Number: 15201420016
Status: Excess
Directions: NFSR 261/NFSR 101 JUNCTION
Comments: 813 sq. ft.; storage; 108+ months vacant; floor stringer rotten; roof covering has been removed; no power; contact Agriculture for more information.

Unsuitable Properties

Building

Florida

3 Buildings
Duke Field
3025 Short Street
Duke Field FL 32542
Landholding Agency: Air Force
Property Number: 18201420007
Status: Underutilized
Directions: 3025; 3058; 3104
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

Alaska

57433
Joint Base Elmendorf-Richardson
57433 Stevens Road
JBER-Richardson AK 99505
Landholding Agency: Air Force
Property Number: 18201420034
Status: Underutilized
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Arizona

18 Buildings
Davis Monahan
4855 S. Wickenburg Avenue
Tucson AZ 85707
Landholding Agency: Air Force
Property Number: 18201420016
Status: Underutilized
Directions: FBNV7613; FBNV7708; FBNV7713; FBNV2350; FBNV2250; FBNV3501; FBNV4065; FBNV7403; FBNV7409; FBNV7427; FBNV7431; FBNV7434; FBNV7435; FBNV7437; FBNV7446; FBNV7507; FBNV7513; FBNV7514
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

Arkansas

7 Buildings
Little Rock AFB
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201420037
Status: Unutilized
Directions: 840; 1383; 1389; 1397; 1398; 1432; 230
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

330
Little Rock AFB
330 Chief Williams Drive
Little Rock AR 72099
Landholding Agency: Air Force
Property Number: 18201420038
Status: Underutilized
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

California

4 Buildings
Vandenberg AFB
Vandenberg AFB CA 93437
Landholding Agency: Air Force
Property Number: 18201420036
Status: Unutilized
Directions: 533; 541; 11343; 21294
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

10 Buildings
Camp Pendleton
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77201420010
Status: Excess
Directions: SS014; SS012; SS011; SS007; SS009; SS004; SS008; 14221; 31517; 53373
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Camp Pendleton
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77201420011
Status: Excess
Directions: 1295; 1686; 1255
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility No. 3434
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77201420013
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 6418
Marine Corps Air Station Miramar
San Diego CA
Landholding Agency: Navy
Property Number: 77201420015
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Colorado

Building 814, Backley AF Base
120 Vail Street
Building 814
Aurora CO 80011
Landholding Agency: Air Force
Property Number: 18201420012
Status: Underutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

3 Buildings
Peterson AFB
Peterson CO 80914
Landholding Agency: Air Force
Property Number: 18201420035
Status: Unutilized
Directions: 600; 681; 1281
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

5229
5229 Cedar Drive
USAF Academy CO 80840
Landholding Agency: Air Force
Property Number: 18201420043
Status: Unutilized
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

Building 106
106 NORAD Road,
Cheyenne Mountain AFB
Colorado Springs CO 80914
Landholding Agency: Air Force
Property Number: 18201420046
Status: Unutilized
Comments: public access denied and no alternation without compromising national security.

Reasons: Secured Area

Delaware

2 Buildings
null
Dover AFB
Dover DE 19902–6600
Landholding Agency: Air Force
Property Number: 18201420041
Status: Excess
Directions: 267; 302
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

Florida

Building 1752
Eglin AFB
Eglin AFB FL 32542
Landholding Agency: Air Force
Property Number: 18201420009
Status: Unutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

17 Buildings
Eglin AFB
Eglin FL 32542
Landholding Agency: Air Force
Property Number: 18201420027
Status: Underutilized
Directions: 843; 950; 964; 1242; 1243; 1317; 1331; 1353; 810; 36; 37; 38; 719; 35; 30; 8853; 8852
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

Indiana

Building 1892
300 Hwy 361
Crane IN 47522
Landholding Agency: Navy
Property Number: 77201420012
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Louisiana

B–4359
745 Douhet Street
Barksdale AFB
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201420011
Status: Underutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

B–7201
3702 Dunn Blvd.
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201420025
Status: Underutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

B–6421
334 Davis Avenue W
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201420026
Status: Unutilized
Comments: property located within airport runway clear zone; public access denied and no alternate without compromising national security.
Reasons: Within airport runway clear zone; Secured Area

Maryland

2 Buildings
Joint Base Andrews
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201420032
Status: Unutilized
Directions: 1600; 1642
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Missouri

4019
Stealth Street 100
Whileman AFB MO 65305
Landholding Agency: Air Force
Property Number: 18201420022
Status: Underutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

3006
Whiteman AFB
323 Spirit Blvd.
Whileman AFB MO 65305
Landholding Agency: Air Force
Property Number: 18201420029
Status: Excess
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Nebraska

Building 5081
2506 Roman Hruska Dr.
Offutt AFB NE 65113
Landholding Agency: Air Force
Property Number: 18201420024
Status: Excess
Comments: 100% of property located within airport runway clear zone.
Reasons: Within airport runway clear zone

New Jersey

5903 Water Tower
5903 Montelier Street
Fort Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201420028
Status: Excess
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

New Mexico

5 Buildings
Kirtland AFB
Kirtland NM 87117
Landholding Agency: Air Force
Property Number: 18201420039
Status: Underutilized
Directions: 378; 593; 992; 1009; 20206
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

New York

Bldg. 641
Hancock IAP
Syracuse NY 13211
Landholding Agency: Air Force
Property Number: 18201420004
Status: Unutilized
Comments: public access denied & no alter. w/out compromising Nat'l sec.
Reasons: Secured Area

Building 600
Hancock IAP
6001 E Molloy Road
Syracuse NY 13211
Landholding Agency: Air Force
Property Number: 18201420019
Status: Unutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

70B
US Army Garrison
West Point NY 10996
Landholding Agency: Army
Property Number: 21201420037
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Ohio

6 Buildings
Wright-Patterson AFB
Wright-Patterson AFB OH 45433
Landholding Agency: Air Force
Property Number: 18201420042
Status: Excess
Directions: 20189; 10286; 20198; 30053; 20064; 20068
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

Oklahoma

460
7460 Arnold Avenue
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420045
Status: Excess
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

4 Buildings
Tinker AFB
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420047
Status: Underutilized
Directions: 238; 265; 1039; 7015
Comments: buildings cannot be relocated; public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
Tinker AFB
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420048
Status: Excess
Directions: 1035; 1162; 1036; 1086; 1088; 1122; 1131; 3123
Comments: buildings cannot be relocated; public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

Rhode Island

Facility #346CP
Easton St.
Newport RI 02840
Landholding Agency: Navy
Property Number: 77201420014
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

South Carolina

Army Reserve Building
Chisolm & Broad St
196 Tradd St.
Charleston SC 29401
Landholding Agency: Coast Guard
Property Number: 88201420008
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Tennessee

Building 241
McGhee Tyson Apartment
Louisville TN 37777
Landholding Agency: Air Force
Property Number: 18201420013
Status: Excess
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

18 Buildings
Davis Monahan
4855 S. Wickenburg Avenue
Tucson TN 85707
Landholding Agency: Air Force
Property Number: 18201420014
Status: Underutilized
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

Building 3000, HQ MAJOR CMD
320 Post Avenue
McGhee Tyson ANG Base
Louisville TN 37777
Landholding Agency: Air Force
Property Number: 18201420018
Status: Excess
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

Building 106, Comm Fclty
320 Post Avenue
McGhee Tyson ANG Base
Louisville TN 37777
Landholding Agency: Air Force
Property Number: 18201420021
Status: Excess
Comments: public access denied and no alternate without compromising national security.
Reasons: Secured Area

Building 2120
Arnold AFB
2120 Gossick Road
Arnold TN 37389
Landholding Agency: Air Force
Property Number: 18201420033
Status: Underutilized
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

Building 1433
Arnold AFB
1433 S. Fifth Street
Arnold TN 37389
Landholding Agency: Air Force
Property Number: 18201420040
Status: Unutilized
Comments: public access denied and no alternation without compromising national security.
Reasons: Secured Area

Texas

5 Buildings
Dyess AFB
Dyess AFB TX 76907
Landholding Agency: Air Force
Property Number: 18201420051
Status: Unutilized
Directions: 8032; 7422; 6112; 5019; 4317
Comments: buildings cannot be relocated; public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Virginia

CEP–210
1520 Gilbert St.
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 77201420017
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
1520 Gilbert St.
Norfolk VA 23511
Landholding Agency: Navy
Property Number: 77201420018
Status: Excess
Directions: CEP66; CEP66A; CEP66B
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Land

Alaska

JBER
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201420044
Status: Underutilized
Directions: 40x40 parcel; 10.46 acres; 14.71 acres; 63.21 acres
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Oklahoma

7 Buildings
Tinker AFB
Tinker AFB OK 73145
Landholding Agency: Air Force
Property Number: 18201420049
Status: Unutilized
Directions: 1013; 7006; 7001; 1010; 1016; 1034; 7028
Comments: buildings cannot be relocated; public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

[FR Doc. 2014–14162 Filed 6–19–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N124; FXIA16710900000–145–FF09A30000]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before July 21, 2014. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by July 21, 2014.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov*.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Sedgwick County Zoological Society, Inc., Wichita, KS; PRT–28663B

The applicant requests a permit to import one female captive born gorilla (*Gorilla gorilla*) for the purpose of enhancement of the survival of the species from Calgary Zoo, Botanical Garden and Prehistoric Park, Alberta, Canada.

Applicant: Henry Vilas Zoo, Madison, WI; PRT–672361

The applicant requests renewal of their captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Species:

Bactrian camel (*Camelus bactrianus*)
Northern white rhinoceros (*Ceratotherium simum cottoni*)
Lar gibbon (*Hylobates lar*)
Ring-tailed lemur (*Lemur catta*)
Golden lion tamarin (*Leontopithecus rosalia*)
Siberian tiger (*Panthera* tigris altaica)
Orangutan (*Pongo pygmaeus*)
Jackass penguin (*Spheniscus demersus*)
Malayan tapir (*Tapirus indicus*)

Applicant: Park Management Corp., Six Flags Discovery Kingdom, Vallejo, CA; PRT–35108B

The applicant requests a permit to export 5 male and 5 female captive-bred jackass penguins (*Spheniscus demersus*) to Dolphinaris, Cancun, Mexico, for the purpose of enhancement of the survival of the species through captive breeding and scientific research.

Applicant: John House, Blountstown, FL; PRT–36200B

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

B. Endangered Marine Mammals and Marine Mammals

Applicant: Matson's Laboratory, Milltown, MT; PRT–166346.

The applicant requests renewal of the permit to import teeth from polar bears (*Ursus maritimus*) which were taken during subsistence harvests in Nunavut, Canada, for age analysis for the purpose of scientific research and enhancement of survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–14427 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO600000.L18200000.XH0000]

Third Call for Nominations for Advisory Committees; Montana, Oregon, and Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to reopen the request for public nominations for certain Bureau of Land Management (BLM) Advisory Committees that have member terms expiring this year. These Advisory Committees provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their respective geographic areas. The

Advisory Committees covered by this request for nominations are identified below. The BLM will accept public nominations for 30 days after the publication of this notice.

DATES: All nominations must be received no later than July 21, 2014.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for the address of respective BLM Offices accepting nominations.

FOR FURTHER INFORMATION CONTACT: Lauren Luckey, U.S. Department of the Interior, Bureau of Land Management, WO–610, Public Affairs Division, 20 M Street SE., #6281, Washington, DC 20003, 202–912–7422.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, Resource Advisory Council (RAC) membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the state in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists from being appointed or re-appointed to FACA and non-FACA boards, committees, or councils.

This request for public nominations also applies to the Steens Mountain Advisory Council (SMAC) in Oregon established pursuant to Section 131 of the Steens Mountain Cooperative Management and Protection Act of 2000. The SMAC advises the Secretary of the Interior in managing the Steens Mountain Cooperative Management and Protection Area.

The following must accompany all nominations for the RACs and SMAC:

—Letters of reference from represented interests or organizations;
—A completed Resource Advisory Council application; and
—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM state offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the state and the Steens Mountain Advisory Council in Oregon. If you have already submitted your RAC nomination materials for 2014 you will not need to resubmit. Nominations for the following RACs should be sent to the appropriate BLM offices as noted below:

Montana and Dakotas

Central Montana RAC

Jonathan Moor, Lewistown Field Office, BLM, 920 Northeast Main Street, Lewistown, Montana 59457, (406) 538–1943.

Western Montana RAC

David Abrams, Butte Field Office, BLM, 106 North Parkmont, Butte, Montana 59701, (406) 533–7617.

Oregon/Washington

Eastern Washington RAC; Southeast Oregon RAC; Steens Mountain Advisory Council, Stephen Baker, Oregon State Office, BLM, 1220 SW. 3rd Avenue, Portland, Oregon 97204, (503) 808–6306.

Authority: 43 CFR 1784.4–1.

Dated: June 12, 2014.

Steve Ellis,

Deputy Director, Operations.

[FR Doc. 2014–14437 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2014–0042]

Notice of Determination of No Competitive Interest for the Pacific Marine Energy Center South Energy Test Site Project Offshore Newport, Oregon MMAA104000

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice.

SUMMARY: This notice provides BOEM's determination that there is no competitive interest in the area requested by the Northwest National Marine Renewable Energy Center at Oregon State University (NNMREC–OSU) to acquire an Outer Continental Shelf (OCS) marine hydrokinetic (MHK) research lease as described in the *Potential Marine Hydrokinetic (MHK) Research Lease on the Outer Continental Shelf (OCS) Offshore Oregon, Request for Competitive Interest* (RFCI) that BOEM published on March 24, 2014 (79 FR 16050). The RFCI described NNMREC–OSU's request to obtain a lease for renewable energy research activities approximately five nautical miles offshore Newport, Oregon and provided an opportunity for the public to submit comments about the proposal.

DATES: Effective June 20, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Jean Thurston, Renewable Energy Specialist, BOEM, Pacific OCS Region, Office of Strategic Resources, 770 Paseo Camarillo, Second Floor, Camarillo, California 93010, Phone: (805) 389–7585.

SUPPLEMENTARY INFORMATION:

Authority

This Determination of No Competitive Interest (DNCI) is published pursuant to subsection 8(p)(3) of the OCS Lands Act (43 U.S.C. 1337(p)(3)), and the implementing regulations at 30 CFR Part 585. Subsection 8(p)(3) of the OCS Lands Act requires that OCS renewable energy leases, easements, or rights-of-way (ROW) be issued ''on a competitive basis unless the Secretary [of the Interior] determines after public notice of a proposed lease, easement, or ROW that there is no competitive interest.'' The Secretary delegated the authority to make such determinations to BOEM.

Determination and Next Steps

This DNCI provides notice to the public that BOEM has determined there is no competitive interest in the

proposed lease area, as no indications of competitive interest were submitted in response to the RFCI.

In the RFCI, BOEM also solicited public input from interested stakeholders regarding the proposed lease area, the potential environmental consequences of MHK energy development in the area, and multiple uses of the area. In response to the RFCI, BOEM received public comment submissions from six entities. BOEM will use the comments to inform subsequent decisions. After publication of this DNCI, BOEM may proceed with the noncompetitive leasing process for a research lease pursuant to 30 CFR 585.238.

Map of the Area

A map of the area proposed for a research lease can be found at the following Web site: *http://www.boem.gov/State-Activities-Oregon.*

Dated: May 30, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–14002 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Outer Continental Shelf, Alaska OCS Region, Chukchi Sea Planning Area, Oil and Gas Lease Sale 193

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Intent (NOI) to Prepare a Supplemental Environmental Impact Statement (EIS).

SUMMARY: BOEM is giving notice of its intent to prepare a Supplemental EIS for OCS Oil and Gas Lease Sale 193 in the Chukchi Sea Planning Area, Alaska. This Supplemental EIS will provide new analysis in response to a remand by the United States Court of Appeals for the Ninth Circuit.

SUPPLEMENTARY INFORMATION:

Authority: The NOI is published pursuant to the regulations (40 CFR 1508.22) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.)

Purpose of Notice of Intent: BOEM is announcing its intent to prepare a Supplemental EIS for Oil and Gas Lease Sale 193 in the Chukchi Sea Planning Area, Alaska. The Supplemental EIS will supplement the analysis from the Oil and Gas Lease Sale 193 Final EIS (OCS EIS/EA MMS 2007–0026) and the Oil and Gas Lease Sale 193 Final Supplemental EIS (OCS EIS/EA BOEMRE 2011–041) by providing an updated oil and gas exploration, development and production scenario and associated environmental effects analysis. The Final EIS for Oil and Gas Lease Sale 193 evaluated the potential effects of four alternatives that included a proposed action, a no action alternative, and two other alternatives with sale area configurations that would defer areas from leasing along the coast adjacent to the proposed sale area. The Final Supplemental EIS evaluated the potential effects of exploration seismic surveying and drilling; oil development, production, and transportation; and accidental crude oil spills. The Final Supplemental EIS also evaluated potential effects of a natural gas development and production scenario, as well as a hypothetical Very Large Oil Spill event. The proposed action and alternatives from the Final EIS and Final Supplemental EIS will be carried forward in this supplemental EIS. The Assistant Secretary will issue a new Record of Decision after evaluating this supplemental EIS and public comments. Implementation of the Secretary's selection among the alternatives will require the Secretary to either reaffirm, modify, or vacate the leases previously sold.

Scoping: In accordance with 40 CFR 1502.9(c)(4), there will be no scoping conducted for this Supplemental EIS. The scope of the Final EIS for Sale 193 and the remand by the United States Court of Appeals for the Ninth Circuit establish the scope for this Supplemental EIS. The Draft Supplemental EIS will be announced for public review and comment: (1) In the **Federal Register** by BOEM and the Environmental Protection Agency; (2) on the BOEM Alaska OCS Region homepage; and (3) in the local media. Public hearings will be held following release of the Draft Supplemental EIS. Dates and locations will be determined and published at a later date.

Cooperating Agencies: The Department of the Interior's policy is to invite other Federal agencies, and state, tribal, and local governments to become cooperating agencies during the preparation of an EIS. Council on Environmental Quality (CEQ) regulations state that qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency. Cooperating agency status neither enlarges nor diminishes the final decision making authority of an agency involved in the NEPA process. BOEM invites qualified government entities to inquire about cooperating agency status for this Supplemental EIS. Upon request, BOEM will provide qualified cooperating agencies with a written summary of ground rules for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, and scope and detail of cooperating agencies' contributions. Potential cooperating agencies should also consider the CEQ's ''Factors for Determining Cooperating Agency Status.'' This document is available on the CEQ Web site at: *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagencymemofactors.html.* Even if your organization is not a cooperating agency, you will have an opportunity to provide information and comments to BOEM during the comment phase of the Supplemental EIS process. Additional information may be found at the following Web site: *http://www.boem.gov/Alaska-Region.*

FOR FUTHER INFORMATION CONTACT: Frances Mann, Chief, Environmental Analysis Section II, Bureau of Ocean Energy Management, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503–5820, telephone (907) 334–5277.

Dated: June 9, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–14290 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA 104000]

Central Planning Area Lease Sales 241 and 247, and Eastern Planning Area Lease Sale 226

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Intent (NOI) to Prepare a Supplemental Environmental Impact Statement (EIS).

SUMMARY: Consistent with the regulations implementing the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*) (NEPA), BOEM is announcing its intent to prepare a Supplemental EIS for proposed Central

Planning Area (CPA) Lease Sales 241 and 247, and Eastern Planning Area (EPA) Lease Sale 226 in the Gulf of Mexico (CPA 241 and 247/EPA 226 Supplemental EIS). Proposed Lease Sale 241 is the next proposed lease sale in the Gulf of Mexico's CPA off the States of Louisiana, Mississippi, and Alabama. Proposed Lease Sale 226 is the next proposed lease sale in the Gulf of Mexico's EPA off the States of Alabama and Florida. The CPA 241 and 247/EPA 226 Supplemental EIS will update the environmental and socioeconomic analyses in the *Gulf of Mexico OCS Oil and Gas Lease Sales: 2012–2017; Western Planning Area Lease Sales 229, 233, 238, 246, and 248; Central Planning Area Lease Sales 227, 231, 235, 241, and 247, Final Environmental Impact Statement* (OCS EIS/EA BOEM 2012–019) (2012–2017 WPA/CPA Multisale EIS); *Gulf of Mexico OCS Oil and Gas Lease Sales: 2013–2014; Western Planning Area Lease Sale 233; Central Planning Area Lease Sale 231, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2013–0118) (WPA 233/CPA 231 Supplemental EIS); and *Gulf of Mexico OCS Oil and Gas Lease Sales: 2015–2017; Central Planning Area Lease Sales 235, 241, and 247, Final Supplemental Environmental Impact Statement* (OCS EIS/EA BOEM 2014–010) (CPA 235, 241, and 247 Supplemental EIS). The 2012–2017 WPA/CPA Multisale EIS was completed in July 2012. The WPA 233/CPA 231 Supplemental EIS was completed in April 2013. The CPA 235, 241, and 247 Final Supplemental EIS was completed in March 2014. The CPA 241 and 247/EPA 226 Supplemental EIS will also update the environmental and socioeconomic analyses in the *Outer Continental Shelf Oil and Gas Leasing Program: 2012–2017; Final Programmatic Environmental Impact Statement* (OCS EIS/EA BOEM 2012–030) (Five-Year Program EIS) and *Gulf of Mexico OCS Oil and Gas Lease Sales: 2014 and 2016; Eastern Planning Area Lease Sales 225 and 226, Final Environmental Impact Statement* (OCS EIS/EA BOEM 2013–200) (EPA 225/226 EIS). The Five-Year Program EIS was completed in July 2012. The EPA 225/226 EIS was completed in October 2013.

A Supplemental EIS is deemed appropriate to supplement the NEPA documents cited above for the proposed lease sales in order to consider new circumstances and information arising from, among other things, the *Deepwater Horizon* explosion, oil spill, and response. The CPA 241 and 247/EPA 226 Supplemental EIS analysis will focus on updating the baseline conditions.

The CPA 241 and 247/EPA 226 Supplemental EIS analysis will focus on any new information on the potential environmental effects of oil and natural gas leasing, exploration, development, and production in the CPA and EPA identified through the Area Identification procedure as the proposed lease sale areas. In addition to the no action alternative (i.e., canceling a proposed lease sale), other alternatives may be considered for the proposed CPA and EPA lease sales, such as deferring certain areas from the proposed lease sale areas.

SUPPLEMENTARY INFORMATION: On August 27, 2012, the Secretary of the Interior approved as final the *Proposed Final OCS Oil & Gas Leasing Program: 2012–2017* (Five-Year Program). The Five-Year Program includes the two remaining CPA lease sales (Lease Sales 241 and 247) and the remaining EPA lease sale (Lease Sale 226) that will be considered in the CPA 241 and 247/EPA 226 Supplemental EIS. Proposed CPA Lease Sale 241 and EPA Lease Sale 226 are tentatively scheduled to be held in 2016, and proposed CPA Lease Sale 247 is tentatively scheduled to be held in 2017. The proposed CPA lease sale area encompasses about 63 million acres of the total CPA area of 66.45 million acres (excluding whole and partial blocks deferred by the Gulf of Mexico Energy Security Act of 2006 and blocks that are adjacent to or beyond the United States' Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap). The proposed EPA lease sale area covers approximately 657,905 acres and includes those blocks previously included in the EPA Lease Sales 224 and 225 Area and a triangular-shaped area south of this area bordered by the CPA boundary on the west and the Military Mission Line (86°41′ W. longitude) on the east. The area is south of eastern Alabama and western Florida; the nearest point of land is 125 miles (201 kilometers) northwest in Louisiana.

This **Federal Register** notice is not an announcement to hold a proposed lease sale, but it is a continuation of information gathering and is published early in the environmental review process in furtherance of the goals of NEPA. The comments received during the scoping comment period will help form the content of the CPA 241 and 247/EPA 226 Supplemental EIS and will be summarized in presale documentation prepared during the decisionmaking process for CPA Lease Sale 241 and EPA Lease Sale 226. If, after completion of the CPA 241 and 247/EPA 226 Supplemental EIS, the Secretary of the Interior decides to hold the lease sales, then the lease sale areas identified in the final Notices of Sale may exclude or defer certain lease blocks from the area offered. However, for purposes of the CPA 241 and 247/EPA 226 Supplemental EIS and to adequately assess the potential impacts of an areawide lease sale, BOEM is assuming that all unleased blocks may be offered in proposed CPA Lease Sale 241 and EPA Lease Sale 226, and in the remaining proposed CPA Lease Sale 247, which is tentatively scheduled to be held in 2017.

In order to ensure a greater level of transparency during the Outer Continental Shelf Lands Act (OCSLA) stages and tiered NEPA processes of the Five-Year Program, BOEM established an alternative and mitigation tracking table, which is designed to track the receipt and treatment of alternative and mitigation suggestions. Section 4.3.2 of the Five-Year Program EIS presented a list of deferral and alternative requests that were received during the development of the Five-Year Program EIS, but they were determined to be more appropriately considered at subsequent OCSLA and NEPA stages. These deferral and alternative requests were previously addressed in the 2012–2017 WPA/CPA Multisale, EPA 225/226 EIS, and other supplemental EIS documents for these planning areas and were deemed inappropriate for further analysis at the time. In this and future NEPA analyses, BOEM will continue to evaluate whether these or other deferral or alternative requests warrant additional consideration as appropriate. A key principle at each stage in the NEPA process is to identify how the recommendations for deferral and mitigation requests are being addressed and whether new information or circumstances favor new or different analytical approaches in response to these requests.

Scoping Process: This NOI also serves to announce the scoping process for identifying issues for the CPA 241 and 247/EPA 226 Supplemental EIS. Throughout the scoping process, Federal, State, Tribal, and local governments and the general public have the opportunity to help BOEM determine significant resources and issues, impacting factors, reasonable alternatives, and potential mitigation measures to be analyzed in the CPA 241 and 247/EPA 226 Supplemental EIS. BOEM will also use the NEPA commenting process to initiate the Section 106 consultation process of the National Historic Preservation Act (16

U.S.C. 470f), as provided for in 36 CFR 800.2(d)(3).

Pursuant to the regulations implementing the procedural provisions of NEPA, BOEM will hold public scoping meetings in Louisiana, Mississippi, Alabama, and Florida on the CPA 241 and 247/EPA 226 Supplemental EIS. The purpose of these meetings is to solicit comments on the scope of the CPA 241 and 247/EPA 226 Supplemental EIS. BOEM's scoping meetings will be held at the following places and times:

- Panama City, Florida: Tuesday, July 8, 2014, Hilton Garden Inn Panama City, 1101 U.S. Highway 231, Panama City, Florida, 32405, two meetings, the first beginning at 1:00 p.m. CDT and the second beginning at 6:00 p.m. CDT;
- Mobile, Alabama: Wednesday, July 9, 2014, Hilton Garden Inn Mobile West, 828 West I–65 Service Road South, Mobile, Alabama 36609, two meetings, the first beginning at 1:00 p.m. CDT and the second beginning at 6:00 p.m. CDT;
- Gulfport, Mississippi: Thursday, July 10, 2014, Courtyard Marriott, Gulfport Beachfront, 1600 East Beach Boulevard, Gulfport, Mississippi 39501, two meetings, the first beginning at 1:00 p.m. CDT and the second beginning at 6:00 p.m. CDT;
- New Orleans, Louisiana: Monday, July 14, 2014, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, one meeting beginning at 1:00 p.m. CDT; and
- Larose, Louisiana: Monday, July 14, 2014, Larose Regional Park and Civic Center, 307 E 5th Street, Larose, Louisiana 70373, one meeting beginning at 6:00 p.m. CDT.

Cooperating Agency: BOEM invites other Federal, State, Tribal, and local governments to consider becoming cooperating agencies in the preparation of the CPA 241 and 247/EPA 226 Supplemental EIS. We invite qualified government entities to inquire about cooperating agency status for the CPA 241 and 247/EPA 226 Supplemental EIS. Following the guidelines from the Council on Environmental Quality (CEQ), qualified agencies and governments are those with ''jurisdiction by law or special expertise.'' Potential cooperating agencies should consider their authority and capacity to assume the responsibilities of a cooperating agency, and remember that an agency's role in the environmental analysis neither enlarges nor diminishes the final decisionmaking authority of any other agency involved in the NEPA process. Upon request, BOEM will provide potential cooperating agencies with a written summary of ground rules for cooperating agencies, including time schedules and critical action dates, milestones, responsibilities, scope and detail of cooperating agencies' contributions, and availability of predecisional information. BOEM anticipates this summary will form the basis for a Memorandum of Agreement between BOEM and any cooperating agency. Agencies should also consider the ''Factors for Determining Cooperating Agency Status'' in Attachment 1 to CEQ's January 30, 2002, Memorandum for the Heads of Federal Agencies: *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act.* These documents are available at the following locations on the Internet: *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html;* and *http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagencymemofactors.html.*

BOEM, as the lead agency, will not provide financial assistance to cooperating agencies. Even if an organization is not a cooperating agency, opportunities will exist to provide information and comments to BOEM during the normal public input stages of the NEPA/EIS process. For further information about cooperating agencies, please contact Mr. Gary D. Goeke at 504–736–3233.

Comments: All interested parties, including Federal, State, Tribal, and local governments, and other interested parties, may submit written comments on the scope of the CPA 241 and 247/EPA 226 Supplemental EIS, significant issues that should be addressed, alternatives that should be considered, potential mitigation measures, and the types of oil and gas activities of interest in the proposed CPA 241 and 247/EPA 226 lease sale areas.

Written scoping comments may be submitted in one of the following ways:

1. In an envelope labeled ''Scoping Comments for the CPA 241 and 247/EPA 226 Supplemental EIS'' and mailed (or hand delivered) to Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394;

2. Through the regulations.gov web portal: Navigate to *http://www.regulations.gov* and search for ''Oil and Gas Lease Sales: Gulf of Mexico, Outer Continental Shelf; Central Planning Area Lease Sales 241 and 247/Eastern Planning Area Lease Sale 226''. (**Note**: It is important to include the quotation marks in your search terms.) Click on the ''Comment Now!'' button to the right of the document link. Enter your information and comment, then click ''Submit''; or

3. BOEM's email address: *cpa241-epa226@boem.gov.*

Petitions, although accepted, do not generally provide useful information to assist in the development of alternatives, resources, and issues to be analyzed, or impacting factors. BOEM does not consider anonymous comments; please include your name and address as part of your submittal. BOEM makes all comments, including the names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that BOEM withhold their names and/or addresses from the public record; however, BOEM cannot guarantee that we will be able to do so. If you wish your name and/or address to be withheld, you must state your preference prominently at the beginning of your comment. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

DATES: Comments should be submitted by July 21, 2014 to the address specified above.

FOR FURTHER INFORMATION CONTACT: For information on the CPA 241 and 247/EPA 226 Supplemental EIS, the submission of comments, or BOEM's policies associated with this notice, please contact Mr. Gary D. Goeke, Chief, Environmental Assessment Section, Office of Environment (GM 623E), Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, telephone 504–736–3233.

Authority: This NOI is published pursuant to the regulations (40 CFR 1501.7) implementing the provisions of NEPA.

Dated: May 30, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–14104 Filed 6–19–14; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–417 and 731–TA–953, 957–959, 961, and 962 (Second Review)]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the countervailing duty order on carbon and certain alloy steel wire rod (''wire rod'') from Brazil and the antidumping duty orders on wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission also determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on wire rod from Ukraine would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on June 3, 2013 (78 FR 33103) and determined on September 6, 2013 that it would conduct full reviews (78 FR 60316, October 1, 2013). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 18, 2013 (78 FR 76653). The hearing was held in Washington, DC, on April 22, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determinations in these reviews on June 16, 2014. The views of the Commission are contained in USITC Publication 4472 (June 2014), entitled *Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Investigation Nos. 701–TA–417 and 731–TA–953, 957–959, 961, and 962 (Second Review).*

By order of the Commission.

Issued: June 16, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–14422 Filed 6–19–14; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Irving A. Williamson and Commissioner David S. Johanson dissented with respect to subject imports from Ukraine, finding that revocation of the antidumping duty order on wire rod from Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Commissioner David S. Johanson also dissented with respect to subject imports from Mexico, finding that revocation of the antidumping duty order on wire rod from Mexico would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Commissioner Rhonda K. Schmidtlein did not participate in these reviews.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–549]

Rice: Global Competitiveness of the U.S. Industry

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of hearing.

SUMMARY: Following receipt on May 15, 2014, of a request from the Committee on Ways and Means (Committee) of the House of Representatives under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332–549, *Rice: Global Competitiveness of the U.S. Industry.*

DATES:

August 26, 2014: Deadline for filing requests to appear at the public hearing.

September 2, 2014: Deadline for filing prehearing briefs and statements.

September 10, 2014: Public hearing.

September 17, 2014: Deadline for filing posthearing briefs and statements.

December 9, 2014: Deadline for filing all other written submissions.

April 14, 2015: Transmittal of Commission report to the Committee.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Project leader John Giamalva (202–205–3329 or *john.giamalva@usitc.gov*) or deputy project leader Marin Weaver (202–205–3461 or *marin.weaver@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). 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.

Background: As requested by the Committee, the Commission will conduct an investigation and prepare a report on the factors affecting the global competitiveness of the U.S. rice industry. As requested and to the extent that information is publicly available, the report will include the following:

1. An overview of the rice industry in the United States and other major global producing and exporting countries (such as China, India, Indonesia, Thailand, Vietnam, Uruguay, and Brazil), including production of rice, processing volumes, processing capacity, carry-over inventory, and consumption;

2. Information on recent trade trends and developments in the global market for rice, including U.S. and major foreign supplier imports and exports;

3. A comparison of the competitive strengths and weaknesses of rice production and exports in the United States and other major exporting countries, including such factors as producer revenue and costs of production, industry structure, input prices and availability, processing technology, product innovation, exchange rates, pricing, and market regimes, as well as government policies and programs that directly or indirectly

affect rice production and exporting in these countries;

4. A qualitative and, to the extent possible, quantitative assessment of the impact of government policies and programs of major producing and exporting countries on their rice production, exports, consumption, and domestic prices, as well as on rice prices globally; and

5. an overview of the impact on the U.S. rice industry of exports from the highlighted countries of rice to the United States and to traditional export markets of the United States such as, but not limited to, Mexico, Haiti, and West Africa.

The Committee asked that the report focus primarily on the period 2009–2013 and that the Commission deliver its report no later than 11 months following the receipt of this request. The Committee also stated that it intends to make the Commission's report public and asked that the report not include any confidential business information.

Public Hearing: The Commission will hold a public hearing in connection with this investigation at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on Wednesday, September 10, 2014. Requests to appear at the public hearing should be filed with the Secretary not later than 5:15 p.m., August 26, 2014, in accordance with the requirements in the ''Submissions'' section below. All prehearing briefs and statements should be filed with the Secretary not later than 5:15 p.m., September 2, 2014; and all posthearing briefs and statements responding to matters raised at the hearing should be filed with the Secretary not later than 5:15 p.m., September 17, 2014. All hearing-related briefs and statements should be filed in accordance with the requirements for filing written submissions set out below. In the event that, as of the close of business on August 26, 2014, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant may call the Office of the Secretary (202–205–2000) after August 26, 2014, for information concerning whether the hearing will be held.

Written Submissions: In lieu of, or in addition to, participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and all such submissions (other than prehearing and posthearing briefs and statements) should be received not later than 5:15 p.m., December 9, 2014. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In the request letter, the Committee stated that it intends to make the Commission's report available to the public in its entirety, and asked that the Commission not include any confidential business information in the report it sends to the Committee. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: June 17, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–14455 Filed 6–19–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–750]

Certain Mobile Devices, and Related Software Thereof; Commission Determination Not To Review an Initial Determination Granting Joint Motion To Terminate the Remand Investigation Based on a Settlement Agreement; Termination of Remand Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination (''ID'') of the presiding Administrative Law Judge, granting the joint motion of complainant Apple Inc., f/k/a Apple Computer, Inc., of Cupertino, California (''Apple'') and respondent Motorola Mobility, Inc. (''Motorola'') of Libertyville, Illinois to terminate the investigation based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 30, 2010, based on a complaint filed by Apple. 75 FR 74081–82 (Nov. 30, 2010). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile devices and related software by reason of infringement of

certain claims of U.S. Patent Nos. 7,812,828 (''the '828 Patent''); 7,663,607 (''the '607 Patent''); and 5,379,430. The Commission's notice of investigation named Motorola, Inc. n/k/a Motorola Solutions of Schaumburg, Illinois (''Motorola Solutions'') and Motorola as respondents. The Office of Unfair Import Investigation was named as a participating party. The Commission subsequently terminated Motorola Solutions as a respondent based on withdrawal of allegations pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)). Notice (Aug. 31, 2011).

On January 13, 2012, the ALJ issued his final ID, finding no violation of section 337. On March 16, 2012, the Commission issued a notice, determining to review the ID in part, and on review, to affirm the ALJ's determination of no violation and to terminate the investigation. 77 FR 16860–62 (Mar. 22, 2012). On April 13, 2012, Apple timely appealed the Commission's final determination of no violation of section 337 as to the '607 and '828 patents to the United States Court of Appeals for the Federal Circuit. On August 7, 2013, the Federal Circuit affirmed-in-part, reversed-in-part, and vacated-in-part the Commission's decision and remanded for further proceedings. *Apple, Inc.* v. *Int'l Trade Comm'n.,* 725 F.3d 1356 (Fed. Cir. 2013). On September 6, 2013, intervenor Motorola filed a combined petition for panel rehearing and rehearing en banc concerning the panel's holding that the Commission failed to consider secondary considerations in finding claim 10 of the '607 patent invalid for obviousness. On November 8, 2013, the Court denied the petition. The mandate issued on November 15, 2013, returning jurisdiction to the Commission.

On May 6, 2014, the Commission issued a Notice and Order remanding the investigation for an ALJ to make certain findings concerning infringement, validity, and domestic industry with respect to the '607 and '828 patents. 79 *FR* 26993–95 (May 12, 2014).

On May 22, 2014, Apple and Motorola filed a joint motion to terminate the remand investigation based on a settlement agreement reached between Apple and Motorola's parent company, Google Inc. On May 27, 2014, the Commission investigative attorney filed a response not opposing the termination.

On May 28, 2014, the ALJ issued the subject ID, granting the joint motion for termination pursuant to section 210.21(b) of the Commission's Rules of Practice and Procedure. No petitions for review were filed.

The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 16, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–14406 Filed 6–19–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–868]

Certain Wireless Devices With 3G and/or 4G Capabilities and Components Thereof; Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond in the above-captioned investigation. The Commission is soliciting comments from the public on public interest issues raised by the recommended relief, specifically that if the Commission were to find a violation of section 337, 19 U.S.C. 1337, that the Commission issue limited exclusion orders directed to the Nokia and ZTE respondents and cease and desist orders directed to the Nokia respondents. The ALJ recommended that implementation of any limited exclusion order be delayed by six months. The ALJ rejected the respondents' arguments that the public interest stands in the way of relief for the complainants. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bond issued in this investigation on June 13, 2014.

Comments should address whether issuance of a limited exclusion order and/or cease and desist orders in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third

party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the limited exclusion order and/or cease and desist orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on Monday, July 7, 2014.

By order of the Commission.

Issued: June 16, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–14411 Filed 6–19–14; 8:45 am]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–14–022]

Government In The Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 27, 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–415 and 731–TA–933–934 (Second Review) (Polyethylene Terephthalate (PET) Film from India and Taiwan). The Commission is currently scheduled to complete and file its determinations and views of the Commission on July 11, 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.

Issued: June 17, 2014.

Jennifer D. Rohrbach,

Supervisory Attorney.

[FR Doc. 2014–14557 Filed 6–18–14; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Suspension of Pension Benefits

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) concerning suspension of pension benefits to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 21, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201405-1210-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Suspension of Pension Benefits Pursuant to Regulations 29 CFR 2530.203–3 information collection requirements. Employee Retirement Income Security Act (ERISA) section 203(a)(3)(B), 29 U.S.C. 1103(a)(3)(B), and its implementing regulations govern the circumstances under which a pension plan may suspend pension benefit payments to a retiree who returns to work or of a participant who continues to work beyond normal retirement age. In order for a plan to suspend benefits, it must notify the affected retiree or participant during the first calendar month or payroll period in which the plan withholds payment that benefits are suspended. The notice must include the specific reasons for such suspension, a general description of the plan provisions authorizing the suspension, a copy of the relevant plan provisions, and a statement indicating where the applicable regulations may be found, i.e., 29 CFR 2530.203–3. The suspension notification must also inform the retiree or participant of the plan's procedure for affording a review of the suspension of benefits. ERISA section 203 authorizes this information collection. *See* 29 U.S.C. 1103.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0048.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 29, 2013 (78 FR 71668).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0048. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Suspension of Pension Benefits Pursuant to Regulations 29 CFR 2530.203–3.

OMB Control Number: 1210–0048.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 39,500.

Total Estimated Number of Responses: 171,000.

Total Estimated Annual Time Burden: 133,000 hours.

Total Estimated Annual Other Costs Burden: $63,000.

Dated: June 13, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–14418 Filed 6–19–14; 8:45 am]

BILLING CODE 4510–29–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0104]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 72, ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste and Reactor-Related Greater than Class C Waste.''

2. *Current OMB approval number:* 3150–0132.

3. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur; submittal of reports varies from less than one per year under some rule sections to up to an average of about 80 per year under other rule sections. Applications for new licenses, certificates of compliance (CoCs), and amendments may be submitted at anytime; applications for renewal of licenses are required every 40 years for an Independent Spent Fuel Storage Installation (ISFSI) or CoC effective May 21, 2011, and every 40 years for a Monitored Retrievable Storage (MRS) facility.

4. *Who is required or asked to report:* Certificate holders and applicants for a CoC for spent fuel storage casks; licensees and applicants for a license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI; and the Department of Energy for licenses to receive, transfer, package and possess power reactor spent fuel, high-level waste, and other radioactive materials associated with spent fuel and high-level waste storage in an MRS.

5. *The number of annual respondents:* 76.

6. *The number of hours needed annually to complete the requirement or request:* 69,065.7 hours (27,630.7 reporting + 38,683.0 recordkeeping + 2,752.0 third party disclosure).

7. *Abstract:* Part 72 of Title 10 of the *Code of Federal Regulations (10 CFR),* establishes mandatory requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, as well as requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials in an MRS. The information in the applications, reports, and records is used by NRC to make licensing and other regulatory determinations.

Submit, by August 19, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0104. You may submit your comments by any of the following methods: Electronic comments go to: *http://www.regulations.gov* and search for Docket No. NRC–2014–0104. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355, or by email to: *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 16th day of June, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–14450 Filed 6–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0145]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for a new information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Request for Information Related to the Filtering Strategies and Severe Accident Management of Boiling Water Reactors (BWR) with Mark I and Mark II Containments Rulemaking.

2. *Current OMB approval number:* 3150–XXXX.

3. *How often the collection is required:* Once.

4. *Who is required or asked to report:* The Nuclear Energy Institute (NEI) has been asked to respond for the industry. All BWR with Mark I and Mark II containments are expected to provide information to NEI.

5. *The number of annual respondents:* The NEI is collecting information that will be submitted to the NRC. The NRC estimates that there are 30 nuclear power plants that will be affected and one organization (NEI).

6. *The number of hours needed annually to complete the requirement or request:* The burden to respond to the one-time request is estimated to be 2,140 hours (annualized to 713.3 hours).

7. *Abstract:* The Information being collected is for the Filtering Strategies and Severe Accident Management of BWR with Mark I and Mark II Containment rulemaking. The NRC is requesting specific information, including detailed cost estimates of alternatives, general assumptions from proprietary documents being made public and plant-specific information on BWR with Mark I and Mark II containments.

Submit, by August 19, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/*. The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0145. You may submit your comments by any of the following methods: Electronic comments go to: *http://www.regulations.gov* and search for Docket No. NRC–2014–0145. Mail comments to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Kristen Benney (T–5 F50), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355, or by email to: *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 16th day of June, 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–14451 Filed 6–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Request To Amend a License To Export Deuterium

Pursuant to 10 CFR 110.70 (b) ''Public Notice of Receipt of an Application,'' please take notice that the Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty (30) days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Office of Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139; August 28, 2007. Information about filing electronically is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications

The information concerning this export license amendment application follows.

NRC EXPORT LICENSE AMENDMENT APPLICATION

Name of applicant, date of application, date received, Application No., Docket No.	Description of material			
	Material type	Total quantity	End use	Recipient country
Cambridge Isotope Laboratories, Inc., May 30, 2014, June 4, 2014, XMAT426/01, 11006063.	Deuterium gas, deuterium oxide, and deuterium compounds.	10,000 kgs	Non-nuclear end-use in medical, pharmaceutical, chemical, and industrial markets.	United Arab Emirates.

For the Nuclear Regulatory Commission.

Dated this 11th day of June 2014 in Rockville, Maryland.

Michael J. Case,

Acting Deputy Director, Office of International Programs.

[FR Doc. 2014–14495 Filed 6–19–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0057]

Bioassay at Uranium Mills

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to Regulatory Guide (RG) 8.22, ''Bioassay at Uranium Mills.'' This guide describes a bioassay program acceptable to the NRC staff for uranium mills and applicable portions of uranium conversion facilities where the possibility of exposure to yellowcake dust exists.

ADDRESSES: Please refer to Docket ID NRC–2012–0057 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0057. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Revision 2 of RG 8.22 is available in ADAMS under Accession No. ML13350A638. The regulatory analysis may be found in ADAMS under Accession No. ML110960341.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Harriet Karagiannis, telephone: 301–251–7477, email: *Harriet.Karagiannis@nrc.gov; or* Casper Sun, telephone: 301–251–7912; email: *Casper.Sun@nrc.gov.* Both of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The NRC issued Revision 2 of RG 8.22 for public comment with a temporary identification as draft regulatory guide (DG), DG–8051. This guide describes a method that the NRC staff considers acceptable for complying with the Commission's regulations concerning bioassay at uranium mills. It provides methods that the NRC staff considers acceptable to implement Part 20 of Title 10 of the *Code of Federal Regulations,* (10 CFR), ''Standards for Protection Against Radiation.''

II. Additional Information

Draft Regulatory Guide, DG–8051, was published in the **Federal Register** on March 13, 2012 (77 FRN 14837), for a 60-day public comment period. The public comment period closed on May 11, 2012. Public comments on DG–8051 and the NRC staff's responses to the public comments are available in ADAMS under Accession No. ML13350A639.

The NRC revised this guide for a better alignment with: (1) 10 CFR Part 20; (2) the internal dose assessment recommended by the International Commission on Radiological Protection (ICRP), Publication 30, ''Limits for Intakes of Radionuclides by Workers''; and (3) the recommended bioassay interpretation method by ICRP Publication 54, ''Individual Monitoring for Intakes of Radionuclides by Workers: Design and Interpretation.''

Regulatory Guide, 8.22, Revision 2 also provides: (1) Recommendations based on the nephrotoxic analyses in NUREG–0874, ''Internal Dosimetry Model for Applications to Bioassay at Uranium Mills,'' (Appendix A of the guide); and (2) the consensus standard of the American National Standards Institute/Health Physics Society (ANSI/HPS) N13.30–2011, ''Performance Criteria for Radiobioassay,'' that is applicable for uranium mills.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Issuance of this final RG does not constitute backfitting as defined in 10 CFR 50.109, 70.76, 72.62, or 76.76 and is not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' This final RG provides guidance to applicants for, and holders of, uranium milling licenses and some uranium conversion facility licenses on methods for meeting certain NRC regulatory requirements for bioassays in 10 CFR Part 20.

Licensees may voluntarily use RG 8.22, Revision 2 to demonstrate compliance with the underlying NRC's regulations.

Dated at Rockville, Maryland, this 17th day of June, 2014.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2014–14452 Filed 6–19–14; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Disclosure of Termination Information

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval.

SUMMARY: Pension Benefit Guaranty Corporation (''PBGC'') intends to request that the Office of Management and Budget (''OMB'') extend approval, under the Paperwork Reduction Act of 1995, of a collection of information on the disclosure of termination information under its regulations for distress terminations, 29 CFR part 4041, Subpart C, and for PBGC-initiated terminations under 29 CFR part 4042 (OMB control number 1212–0065; expires September 30, 2014). This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 19, 2014.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site at *www.pbgc.gov.*

Copies of the collection of information may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, visiting the Disclosure Division, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The regulations and instructions relating to this collection of information are available on PBGC's Web site at *www.pbgc.gov.*

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY and TDD, call 800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Sections 4041 and 4042 of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''), 29 U.S.C 1301–1461, govern the termination of single-employer defined benefit pension plans that are subject to Title IV of ERISA. A plan administrator may initiate a distress termination pursuant to section 4041(c), and PBGC may itself initiate proceedings to terminate a pension plan under section 4042 if PBGC determines that certain conditions are present. Section 506 of the Pension Protection Act of 2006 amended sections 4041 and 4042 of ERISA. These amendments require that, upon a request by an affected party, a plan administrator must disclose information it has submitted to PBGC in connection with a distress termination filing, and that a plan administrator or plan sponsor must disclose information it has submitted to PBGC in connection with a PBGC-initiated termination. The provisions also require PBGC to disclose the administrative record relating to a PBGC-initiated termination upon request by an affected party.

A description of the current disclosure provisions for distress terminations can be found on PBGC's Web site at *www.pbgc.gov/Documents/Disclosure_of_Distress_Termination_Information.pdf.*

PBGC estimates that three participants or other affected parties will annually make requests for termination information. PBGC estimates that the total annual burden for the collection of information will be about 45 hours and $900 (15 hours and $300 per request).

PBGC is soliciting public comments to—

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Issued in Washington, DC, this 16th day of June, 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–14462 Filed 6–19–14; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–27 and CP2014–53; Order No. 2092]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting the addition of Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 24, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by

telephone for advice on filing alternatives.

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

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–27 and CP2014–53 to consider the Request pertaining to the proposed Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than June 24, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–27 and CP2014–53 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than June 24, 2014.

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

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–14469 Filed 6–19–14; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 13, 2014 (Request).

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of modification to existing systems of records.

SUMMARY: The United States Postal Service® is proposing to modify a Customer Privacy Act System of Records to enable the Postal Service to collect additional information from customers who register with *usps.com* online. Such information will include technical information pertaining to the computers, software, and devices that registrants use to access *usps.com,* as well as information supplied by businesses that participate in promotional marketing campaigns. These changes will enhance the Postal Service's abilities to verify a registrant's identity online, identify and mitigate fraudulent transactions, and to improve *usps.com* as well as postal products and services. Additional updates are being made to expand the types of business specific information maintained by the Postal Service in the Customer Registration application.

DATES: These revisions will become effective without further notice on July 21, 2014 unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be mailed or delivered to the Privacy and Records Office, United States Postal Service, 475 L'Enfant Plaza SW., Room 9517, Washington, DC 20260–1101. Copies of all written comments will be available at this address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Matthew J. Connolly, Chief Privacy Officer, Privacy and Records Office, 202–268–8582 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their amended systems of records in the **Federal Register** when there is a revision, change, or addition. The Postal Service™ has reviewed this system of records and has determined that this Customer Privacy Act System of Records should be revised to modify categories of records in the system.

I. Background

To date, approximately 20 million customers (individuals and corporate entities) conduct transactions with the Postal Service online through *usps.com.* To create an account on *usps.com,* users must register through the Customer Registration application. This application requires each registrant to submit personal, user-specific information such as his or her name, physical address, email address, and phone number, to enable the registrant to make purchases for postal products and services online.

Additional information is collected from the customer automatically when the customer registers through *usps.com,* such as the registrant's Internet Protocol (IP) address, domain name, operating system versions, browser version, date and time of connection, and geographic location. This information is used to support the Customer Registration application and provide a secure environment for customer transactions.

The Customer Registration application is a target for various types of fraudulent activity, such as the creation of fraudulent accounts, identity theft, and unauthorized account access. Consistent with the official USPS Privacy Policy, available at *www.usps.com/privacypolicy,* the Postal Service has implemented policies and programs that attempt to identify and mitigate such fraudulent activities, including the collection and analysis of Internet Protocol (IP) addresses from users of *usps.com* for the purposes of identifying potential fraudulent activities. While these policies and programs have had success, the Postal Service is seeking to enhance its ability to identify and mitigate fraud through the collection of additional types of customer information during the Customer Registration process. Accordingly, the Postal Service is seeking to amend System of Records 810.100, *www.usps.com* Registration, to authorize such collection.

The Postal Service is also proposing to maintain information from business

customers regarding promotional marketing campaigns in which they have participated or would like to participate. Such information would include details about the business, whether the business would like to participate in a mailing, shipping or Postal-related program, and any ideas the business may have for programs that might best suit its needs.

The Postal Service is also amending categories of records in the system, business specific information, to reflect additional data elements that will be maintained in the Customer Registration application.

II. Rationale for Changes to USPS Privacy Act Systems of Records

System of Records 810.100, *www.usps.com* Registration, is being modified to account for the collection of additional information pertaining to the computers, devices, networks, and software that customers use to conduct transactions through usps.com. This information includes: (1) Device identification number (device ID), which is a unique or distinctive number associated with a smartphone or other digital device, (2) Media Access Control (MAC) address, a unique identifier assigned to network interfaces for communications and associated with the computer hardware that enables a device such as a smartphone or laptop to connect to a computer network, and, (3) user agent information, which contains information about the software acting on behalf of the customer when the customer connects and interacts with a Web site such as *usps.com.*

The organization routinely will analyze data collected from the customer, including the additional information specified above, thereby enhancing current fraud protection controls. When specific fraud is identified against a customer account, the organization will communicate the incident to the registrant and offer recommended steps to enhance the customer's protection.

Collecting information from businesses regarding promotional marketing campaigns would further a purpose already listed within this system of records—''To permit customer feedback in order to improve usps.com or USPS products and services.'' The Postal Service values its business customers, and welcomes any information they wish to share in connection with USPS promotional marketing campaigns. By associating this information with a business customer's account, the Postal Service will be better able to learn about and serve that customer. Additionally, such information may aid the Postal Service in making improvements to usps.com as well as to Postal Service products and services.

This SOR is also being amended to include information on whether a USPS business customer is a mail owner, a mail service provider, a PC Postage user, and/or a PC postage vendor. Such information, which is currently collected and stored in other postal information systems (Program Registration and Postalone!) will now be maintained in the Customer Registration database and will enable businesses to participate in Package Service programs, to receive mail tracking data, to receive incentives on certain mail volumes, or to avail themselves of other postal features available to business customers.

III. Description of Changes to Systems of Records

The Postal Service is modifying one system of records listed below. Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed modifications has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. The affected systems are as follows:

USPS 810.100

SYSTEM NAME: *www.usps.com* Registration

Accordingly, for the reasons stated, the Postal Service proposes changes in the existing system of records as follows:

USPS 810.100

SYSTEM NAME:

www.usps.com Registration

CATEGORIES OF RECORDS IN THE SYSTEM

* * * * *

[CHANGE TO READ]

3. *Business specific information:* Business type and location, business IDs, annual revenue, number of employees, industry, nonprofit rate status, mail owner, mail service provider, PC postage user, PC postage vendor, product usage information, annual and/or monthly shipping budget, payment method and information, planned use of product, age of Web site, and information submitted by, or collected from, business customers in connection with promotional marketing campaigns.

* * * * *

7. *Online user information:* Internet Protocol (IP) address, domain name, operating system versions, browser version, date and time of connection, Media Access Control (MAC) address, device identifier, information about the software acting on behalf of the user (i.e., user agent), and geographic location.

* * * * *

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2014–14404 Filed 6–19–14; 8:45 am]

BILLING CODE 7710–12–P

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

[Notice–PCLOB–2014–03; Docket No.2014–0001 Sequence No. 3]

Sunshine Act Meeting

TIME AND DATE: Wednesday, July 2, 2014 from 10:00 a.m.—11:00 a.m. (Eastern Standard Time). Confirm the date on *www.pclob.gov.*

PLACE: Will be announced on *www.pclob.gov.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Privacy and Civil Liberties Oversight Board will meet for the disposition of official business. At the meeting, the Board will be voting on the issuance of its report on the surveillance program operated pursuant to Section 702 of the Foreign Intelligence Surveillance Act. Additional information on the Board's review of this program, such as the prior public workshop and hearings, is available at *www.pclob.gov.*

Procedures for Public Observation

The meeting is open to the public. Pre-registration is not required. Individuals who plan to attend and require special assistance should contact Sharon Bradford Franklin, Executive Director, 202–331–1986, at least 72 hours prior to the meeting date.

CONTACT PERSON FOR MORE INFORMATION: Sharon Bradford Franklin, Executive Director, 202–331–1986.

Dated: June 17, 2014.

Peter Winn,

Acting General Counsel, Privacy and Civil Liberties Oversight Board.

[FR Doc. 2014–14603 Filed 6–18–14; 4:15 pm]

BILLING CODE 6820–B3–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Materials Genome Initiative Strategic Plan

ACTION: Notice for Public Comment.

SUMMARY: The National Science and Technology Council's Committee on Technology, Subcommittee on the Materials Genome Initiative requests public comments on the draft 2014 Materials Genome Initiative Strategic Plan (*http://www.nist.gov/mgi/upload/MGI-StrategicPlan-2014.pdf*).

DATES: Responses must be received by July 21, 2014 to be considered.

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

- *Email: mgi-strategicplan@ostp.gov*. Include [*MGI Strategic Plan—Public Comment*] in the subject line of the message.
- *Fax:* (202) 456–6027, Attn: Meredith Drosback.
- *Mail:* Attn: Meredith Drosback, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Ave. NW., Washington, DC 20504.

Instructions: Response to this request for public comment is voluntary. Responses exceeding 500 words will not be considered; please reference page and line numbers in your response, as appropriate. Please be aware that your comments may be posted online. OSTP therefore requests that no business proprietary information, copyrighted information, confidential, or personally identifiable information be submitted in response to this request. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

FOR FURTHER INFORMATION CONTACT: Meredith Drosback, (202) 456–4444, *mdrosback@ostp.eop.gov*, OSTP.

SUPPLEMENTARY INFORMATION: In June 2011, President Obama launched the Materials Genome Initiative (MGI) to help scientists and innovators discover, develop, and deploy new materials twice as fast as today. What began with a modest investment by four Federal agencies only three years ago has now expanded to include participation by a wide range of public and private stakeholders, including universities, companies, professional scientific societies, and Federal agencies.

At the Federal level, MGI is managed within the framework of the National Science and Technology Council (NSTC), the Cabinet-level council that coordinates science and technology across the Federal government. The Subcommittee on the Materials Genome Initiative (SMGI), under the NSTC Committee on Technology, coordinates Federal efforts in support of the goals of MGI and identifies policies that will accelerate deployment of advanced materials. The SMGI includes representatives from each agency participating in MGI.

The SMGI developed this strategic plan to outline the near-term steps the Federal government will take to achieve the vision put forth by MGI. It defines the high-level goals and priorities for the Initiative by describing each of four strategic goals and the objectives and near-term milestones needed to meet these goals. This strategic plan also describes scientific and technical challenges identified by experts from the materials science and engineering communities that impede progress in nine materials classes and that MGI can help address. This input came through two Grand Challenge Summits held in 2013 for stakeholders from academia and industry (details available online at *http://www.ibbr.umd.edu/NISTMGISummit*). The experimental and computational tools and scientific cultural evolution emerging from MGI can be directly applied to overcoming these scientific and technical challenges, and others that will emerge in the future, to meet the President's directive for more rapid discovery and deployment of advanced materials. The SMGI is seeking public comment on this strategic plan (available at *http://www.nist.gov/mgi/upload/MGI-StrategicPlan-2014.pdf*) in advance of finalizing the document for publication.

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2014–14392 Filed 6–19–14; 8:45 am]

BILLING CODE 3270–F4–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72395; File No. SR–Phlx–2014–38]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Pricing in Multiply Listed Options

June 16, 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 June 2, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Section II of the Pricing Schedule which pertains to Multiply Listed Options fees.[3]

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 Section II of the Exchange's Pricing Schedule entitled ''Multiply Listed Options'' to: (i) Amend Options Transaction Charges in Penny Pilot Options[4] and Non-Penny Pilot Options; (ii) amend certain Complex Order[5] fees;

[3] Multiply Listed Options fees includes options overlying equities, ETFs, ETNs and indexes which are multiply listed.

[4] The Penny Pilot was established in January 2007 and was last extended in May 2014. *See* Securities and Exchange Release No. 72245 (May 23, 2014), 79 FR 31164 (May 30, 2014) (SR–Phlx–2014–37).

[5] A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a

Continued

(iii) amend incentives related to achieving certain Customer Rebate Tiers; [6] (iv) amend the Monthly Market Maker Cap; and (v) remove outdated rule text related to the Qualified Contingent Cross [7] Bonus.

Options Transaction Charges

The Exchange proposes to increase the electronic Professional,[8] Broker-Dealer [9] and Firm [10] Options Transaction Charges in Penny Pilot Options to $0.48 per contract. Currently, a Professional is assessed an electronic Options Transaction Charge of $0.30 per contract and a Broker-Dealer and Firm are assessed an electronic Options Transaction Charge of $0.45 per contract.

The Exchange also proposes to increase the electronic Specialist [11] and Market Maker [12] Options Transaction Charge in Non-Penny Pilot Options from $0.23 to $0.25 per contract. The Exchange believes that these fee increases will permit the Exchange to incentivize market participants by offering other incentives to lower prices as described herein.

Complex Order Fees

The Exchange currently assesses Professionals an electronic Complex Order fee of $0.30 per contract in Penny Pilot Options.[13] The Exchange will continue to offer Professionals this $0.30 per contract fee for electronic Penny Pilot Complex Orders, which will represent a lower fee as compared to the proposed Professional electronic Options Transaction Charge of $0.48 per contract. The Exchange will also offer Broker-Dealers and Firms the opportunity to lower the proposed $0.48 per contract electronic Penny Pilot Options Transaction Charges to $0.30 per contract with respect to Complex Orders.

With respect to Non-Penny Pilot Options, the Exchange currently assesses Professionals an electronic Complex Order fee of $0.30 per contract in Non-Penny Pilot Options.[14] The Exchange will continue to offer Professionals this $0.30 per contract fee for electronic Non-Penny Pilot Complex Orders. The Exchange will also offer Broker-Dealers and Firms the opportunity to lower the current electronic Options Transaction Charges of $0.70 to $0.30 per contract with respect to Complex Orders.

The Exchange believes that offering these market participants the opportunity to lower Complex Order fees will encourage the transaction of these types of orders on Phlx.

Customer Rebate Tier Incentives

Today the Exchange offers Professionals, Broker-Dealers and Firms the opportunity to reduce electronic Options Transaction Charges in Non-Penny Pilot Options from $0.70 to $0.60 per contract if the member or member organization under Common Ownership with another member or member organization qualifies, in a given month, for Customer Rebate Tiers 2, 3, 4, or 5 in Section B of the Pricing Schedule.[15] The Exchange will continue to offer these market participants the opportunity to qualify for the Customer Rebate Tiers and reduce these electronic fees to $0.60 per contract.[16]

The Exchange also proposes to offer Specialists and Market Makers an opportunity to lower the electronic Non-Penny Pilot Options Transaction Charge from the proposed $0.25 per contract to $0.23 per contract.[17] Any Specialist or Market Maker member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 2, 3, 4 or 5 in Section B of the Pricing Schedule will be assessed a $0.23 per contract electronic Non-Penny Pilot Option Transaction Charge.

The Exchange believes that these incentives will encourage Specialists and Market Makers to transact a greater number of orders on the Exchange.

Monthly Market Maker Cap

Today, Specialists and Market Makers are subject to a ''Monthly Market Maker Cap'' of $550,000 for: (i) Electronic and floor Option Transaction Charges; (ii) QCC Transaction Fees (as defined in Exchange Rule 1080(o) and Floor QCC Orders, as defined in 1064(e)); and (iii) fees related to an order or quote that is contra to a PIXL Order or specifically responding to a PIXL auction. The trading activity of separate Specialist and Market Maker member organizations is aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership between the member organizations.

All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in Section II) are excluded from the Monthly Market Maker Cap. In addition, Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order; and (ii) have reached the Monthly Market Maker Cap are assessed a $0.17 per contract fee.

The Exchange proposes to continue to assess Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order; and (ii) have reached the Monthly Market Maker Cap a $0.17

Complex Order can also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or exchange-traded fund (''ETF'') coupled with the purchase or sale of options contract(s). *See* Exchange Rule 1080, Commentary .08(a)(i).

[6] The Exchange offers Customer Rebates in Section B of the Pricing Schedule.

[7] A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. *See* Rule 1080(o). *See also* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR–Phlx–2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of Regulation NMS). A Floor QCC Order must: (i) Be for at least 1,000 contracts, (ii) meet the six requirements of Rule 1080(o)(3) which are modeled on the QCT Exemption, (iii) be executed at a price at or between the National Best Bid and Offer; and (iv) be rejected if a Customer order is resting on the Exchange book at the same price. In order to satisfy the 1,000-contract requirement, a Floor QCC Order must be for 1,000 contracts and could not be, for example, two 500-contract orders or two 500-contract legs. *See* Rule 1064(e). *See also* Securities Exchange Act Release No. 64688 (June 16, 2011), 76 FR 36606 (June 22, 2011) (SR–Phlx–2011–56).

[8] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 1000(b)(14).

[9] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[10] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

[11] A ''Specialist'' is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a).

[12] A ''Market Maker'' includes Registered Options Traders (Rule 1014(b)(i) and (ii)), which includes Streaming Quote Traders (*see* Rule 1014(b)(ii)(A)) and Remote Streaming Quote Traders (*see* Rule 1014(b)(ii)(B)). Directed Participants are also market makers.

[13] *See* current note 13 of the Pricing Schedule.

[14] *See* current note 14 of the Pricing Schedule.

[15] See current note 14 of the Pricing Schedule as related to a Professional and current note 15 of the Pricing Schedule as related to Broker-Dealers and Firms.

[16] *See* revised note 14 of the Pricing Schedule which is being applied to Broker-Dealers and Firms as well as Professionals within the Pricing Schedule. Note 14 of the Pricing Schedule is being added to the electronic Broker-Dealer and Firm Non-Penny Pilot Options Transaction Charge.

[17] The Exchange is adding note 15 of the Pricing Schedule to the electronic Specialist and Market Maker Non-Penny Pilot Options Transaction Charge.

per contract fee in both Penny and Non-Penny Pilot Options, as is the case today. The Exchange proposes to assess no fee to Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order; and (ii) have reached the Monthly Market Maker Cap in the following symbols: Apple, Inc. (''AAPL''), Bank of American Corporation (''BAC''), Facebook, Inc. (''FB''), iShares Russell 2000 (''IWM'') and PowerShares QQQ (''QQQ''). The Exchange believes that assessing Specialists and Market Makers no fee in these symbols if they are on the contra-side of an electronically-delivered and executed Customer order; and have reached the Monthly Market Maker Cap will incentivize Specialists and Market Makers to offer improved bids and offers on the Exchange.

QCC Bonus

The Exchange previously filed an immediately effective rule change [18] to offer an additional rebate applicable to both electronic QCC Orders (''eQCC'') [19] and Floor QCC Orders [20] (collectively ''QCC Orders''). The Exchange currently offers an additional rebate of $35,000 if the member organization transacts 1,750,000 of qualifying QCC contracts (''QCC Bonus'').[21] The QCC Bonus was only available during the month of May 2014. The Exchange proposes to delete the rule text applicable to the QCC Bonus as that bonus is no longer applicable.

2. Statutory Basis

The Exchange believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [22] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act [23] 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 Phlx operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Options Transaction Charges

The Exchange's proposal to increase the electronic Professional, Broker-Dealer and Firm Options Transaction Charges in Penny Pilot Options to $0.48 per contract is reasonable because the Exchange's fees will remain competitive with fees at other options markets.[24] Today, a Professional is assessed an electronic Options Transaction Charge in Penny Pilot Options of $0.30 per contract and a Broker-Dealer and Firm are assessed an electronic Options Transaction Charge in Penny Pilot Options of $0.45 per contract. Despite the fee increase, the proposal will allow the Exchange to incentivize market participants by offering the opportunity to lower Options Transaction Charges as described herein.

The Exchange's proposal to increase the electronic Professional, Broker-Dealer and Firm Options Transaction Charges in Penny Pilot Options to $0.48 per contract is equitable and not unfairly discriminatory because the Exchange will assess Professionals, Broker-Dealers and Firms the same electronic Options Transaction Charges in Penny Pilot Options. The Exchange does not assess Customers an electronic Options Transaction Charge in Penny Pilot Options because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Penny Pilot Options as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[25] They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The proposed differentiation as between Customers, Specialists and Market Makers and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants.

The Exchange's proposal to increase the electronic Specialist and Market Maker Options Transaction Charge in Non-Penny Pilot Options from $0.23 to $0.25 per contract is reasonable because the Exchange will continue to offer Specialists and Market Makers other incentives such as the Monthly Market Maker Cap, which incentive is not offered to other market participants. The Exchange believes that despite the fee increase, the fee remains competitive with other market participant fees. Also, the Exchange is offering Specialists and Market Makers a means to reduce the Options Transaction Charge to $0.23 per contract in Non-Penny Pilot Options as described in more detail below.[26]

The Exchange's proposal to increase the electronic Specialist and Market Maker Options Transaction Charge in Non-Penny Pilot Options from $0.23 to $0.25 per contract is equitable and not unfairly discriminatory because the Exchange will continue to assess Specialists and Market Makers the lowest electronic Options Transaction Charge in Non-Penny Pilot Options as compared to the $0.70 per contract electronic Options Transaction Charge assessed to Professionals, Broker-Dealers and Firms.[27] Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Penny Pilot Options as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[28]

Complex Order Fees

The Exchange's proposal to continue to offer Professionals, and now Broker-Dealers and Firms, the opportunity to reduce electronic Complex Orders to a fee of $0.30 per contract in Penny Pilot Options is reasonable because the Exchange is increasing fees for these market participants with this proposal. Professionals will have the opportunity to lower the proposed $0.48 per contract electronic Options Transaction Charge in Penny Pilot Options to $0.30 per contract with respect to Complex Orders. This will represent a lower fee as compared to the proposed electronic

[18] *See* Securities Exchange Act Release No. 72136 (May 9, 2014), 79 FR 27968 (May 15, 2004) (SR–Phlx–2014–31).

[19] *See* Rule 1080(o).

[20] *See* Rule 1064(e).

[21] The QCC Bonus was in addition to the maximum QCC Rebate of $375,000 and did not count toward the maximum QCC Rebate of $375,000.

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(4), (5).

[24] *See* the NASDAQ Options Market LLC's (''NOM'') pricing at Chapter XV of NOM's Rulebook.

[25] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[26] Specialists and Market Makers could reduce the Options Transaction Charge in Non-Penny Pilot Options from $0.25 to $0.23 per contract by qualifying for Customer Rebate Tiers 2, 3, 4 or 5 in Section B of the Pricing Schedule, as proposed herein. *See* proposed note 15 of the Pricing Schedule.

[27] Customers are not assessed a Non-Penny Pilot Options Transaction Charge.

[28] *See* note 25.

Professional Options Transaction Charge of $0.48 per contract that will apply to Simple Orders in Penny Pilot Options. Broker-Dealers and Firms will likewise be offered the opportunity to reduce the proposed increased electronic Penny Pilot Options Transaction Charges of $0.48 to $0.30 per contract with respect to Complex Orders. Therefore, these market participants that are assessed the highest electronic fees will have an opportunity to lower these rlectronic [sic] fees in Penny Pilot Complex Orders.

The Exchange's proposal to offer Broker-Dealers and Firms the same opportunity as a Professional to reduce electronic Complex Orders to a fee of $0.30 per contract in Penny Pilot Options is equitable and not unfairly discriminatory because the Exchange will assess Professionals, Broker-Dealers and Firms the same electronic Options Transaction Charge in Penny Pilot Options of $0.30 per contract. The Exchange does not assess Customers an electronic Options Transaction Charge in Penny Pilot Options because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Penny Pilot Options as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[29] They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings.

The Exchange's proposal to continue to offer Professionals, and now Broker-Dealers and Firms, the opportunity to reduce electronic Complex Orders from $0.70 to $0.30 per contract in Non-Penny Pilot Options is reasonable because the Exchange desires to provide these market participants the opportunity to lower Complex Order fees in Penny and Non-Penny Pilot Options alike. This opportunity to lower electronic Complex Order fees, which is currently offered only to Professionals, will be extended to Broker-Dealers and Firms in Non-Penny Pilot Options. Professionals, Broker-Dealers and Firms are assessed the highest electronic Options Transactions Charges in Non-Penny Pilot Options of $0.70 per contract, as compared to other market participants. The Exchange believes that offering these market participants the opportunity to lower Non-Penny Pilot electronic Complex Order fees will encourage the transaction of these types of orders on Phlx.

The Exchange's proposal to offer Broker-Dealers and Firms the same opportunity as Professionals to reduce electronic Complex Orders to a fee of $0.30 per contract in Non-Penny Pilot Options is equitable and not unfairly discriminatory because the Exchange will assess Professionals, Broker-Dealers and Firms the same electronic Options Transaction Charge in Non-Penny Pilot Options of $0.30 per contract. The Exchange does not assess Customers an electronic Options Transaction Charge in Non-Penny Pilot Options because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specialists and Market Makers are assessed lower electronic Options Transaction Charges in Non-Penny Pilot Options as compared to Professionals, Broker-Dealers and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[30]

Customer Rebate Tier Incentives

The Exchange's proposal to offer Specialists and Market Makers an opportunity to lower electronic Options Transaction Charges in Non-Penny Pilot Options from $0.25 to $0.23 per contract, provided certain criteria are met, is reasonable because the Exchange desires to offer all market participants [31] an opportunity to lower Non-Penny Pilot Options Transaction Fees. The electronic Options Transaction Charges in Non-Penny Pilot Options are higher as compared to electronic Options Transaction Charges in Penny Pilot Options. The Exchange believes that offering all market participants the opportunity to lower electronic Options Transaction Charges in Non-Penny Pilot Options by incentivizing them to transact Customer order flow in turn benefits all market participants.

The Exchange's proposal to offer Specialists and Market Makers the opportunity to lower electronic Options Transaction Charges in Non-Penny Pilot Options from $0.25 to $0.23 per contract is equitable and not unfairly discriminatory because the Exchange will offer all market participants, excluding Customers,[32] a means to reduce Options Transaction Charges by qualifying for a Customer Rebate in Section B of the Pricing Schedule. Even with the reduced rate for Professionals, Broker-Dealers and Firms of $0.60 per contract, Specialist and Market Makers will continue to be assessed the lowest electronic Options Transaction Charge in Non-Penny Pilot Options because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[33]

Monthly Market Maker Cap

The Exchange's proposal to not assess a fee to Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order; and (ii) have reached the Monthly Market Maker Cap in AAPL, BAC, FB, IWM and QQQ is reasonable because the Exchange desires to incentivize Specialists and Market Makers to transact more options in these symbols and bring additional liquidity to the Exchange. All market participants will benefit from the increased Customer liquidity brought to the Exchange. The Exchange today differentiates pricing by option symbols.[34] Specialists and Market Makers will continue to pay the same fee of $0.17 per contract in Penny and Non-Penny Pilot Options, when the cap is satisfied, except for the symbols noted above.

The Exchange's proposal to not assess a fee to Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order; and (ii) have reached the Monthly Market Maker Cap in AAPL, BAC, FB, IWM and QQQ is equitable and not unfairly discriminatory. Specialists and Market Makers have burdensome quoting obligations [35] to the market that do not apply to Customers, Professionals, Firms and Broker-Dealers. Specialists and Market Makers serve an important role on the Exchange with regard to order interaction and they provide liquidity in the marketplace.

[29] *See* note 25.

[30] *See* note 25.

[31] Today, Professionals, Broker-Dealers and Firms have an opportunity to reduce fees to $0.60 per contract in Non-Penny Pilot Options provided certain criteria are met Professionals, Broker-Dealers and Firms are offered the opportunity to reduce electronic Non-Penny Pilot Options Transaction Charges to $0.60 per contract if the member or member organization under Common Ownership with another member or member organization qualifies, in a given month, for Customer Rebate Tiers 2, 3, 4, or 5 in Section B of the Pricing Schedule.

[32] Customers are not assessed a Non-Penny Pilot Options Transaction Charge.

[33] *See* note 25.

[34] *See* Section I of the Pricing Schedule which differentiates pricing in SPDR S&P 500 (''SPY'') options. *See also* Securities Exchange Release No. 66757 (April 6, 2012), 77 FR 22034 (April 12, 2012) (SR–Phlx–2012–45).

[35] *See* note 25.

Additionally, Specialists and Market Makers incur costs unlike other market participants including, but not limited to, Payment for Order Flow (''PFOF'') [36] and other costs associated with market making activities, which results in a higher average cost per execution as compared to Firms, Broker-Dealers and Professionals. The proposed differentiation as between Specialists and Market Makers as compared to other market participants recognizes the differing contributions made to the trading environment on the Exchange by these market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that offering Specialists and Market Makers the opportunity to cap fees in certain highly liquidity Penny Pilot Options is equitable and not unfairly discriminatory for the reasons noted above.

QCC Bonus

The Exchange's proposal to remove rule text related to the QCC Bonus is reasonable because removing the outdated rule text will add clarity to the Pricing Schedule. The Exchange's proposal to remove rule text related to the QCC Bonus is equitable and not unfairly discriminatory because the QCC Bonus is no longer in effect and therefore not available to any market participant.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to increase electronic Options Transaction Charges for Professionals, Broker-Dealers and Firms in Penny Pilot Options conforms pricing for these market participants. Customers continue not be assessed Penny Pilot Options Transaction Charges and Specialists and Market Makers continue to be assessed the lowest electronic Options Transaction Charges in Penny Pilot Options due to the obligations they bear in the market.[37]

With respect to Non-Penny Pilot Options, the increase to Specialists and Market Makers for electronic orders is offset by the ability to reduce those fees by qualifying for certain Customer Rebates in Section B of the Pricing Schedule and also the ability to cap certain fees. The Exchange is offering all market participants that are assessed Non-Penny Pilot Options Transaction Charges the opportunity to reduce those fees by qualifying for certain Customer Rebates in Section B of the Pricing Schedule.

Professionals, as is the case today, as well as Broker-Dealers and Firms alike will be offered the opportunity to reduce electronic Complex Order fees in both Penny and Non-Penny Pilot Options as these market participants are assessed the highest Penny and Non-Penny Pilot Options Transaction Charges.

Specialists and Market Makers will be offered the opportunity to pay no fees, after they have satisfied the obligations related to the Monthly Market Maker Cap, in the following symbols: AAPL, BAC, FB, IWM and QQQ. Specialists and Market Makers have burdensome quoting obligations [38] to the market that do not apply to Customers, Professionals, Firms and Broker-Dealers. Specialists and Market Makers serve an important role on the Exchange with regard to order interaction and they provide liquidity in the marketplace. Additionally, Specialists and Market Makers incur costs unlike other market participants including, but not limited to, PFOF and other costs associated with market making activities, which results in a higher average cost per execution as compared to Firms, Broker-Dealers and Professionals. The proposed differentiation as between Specialists and Market Makers as compared to other market participants recognizes the differing contributions made to the trading environment on the Exchange by these market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. For these reasons noted above, the Exchange does not believe that offering Specialists and Market Makers the opportunity to cap fees in certain symbols imposes an undue burden on competition.

The Exchange operates in a highly competitive market, comprised of twelve options exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are described in the above proposal are influenced by these robust market forces and therefore must remain competitive with fees charged d [sic] by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

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.[39] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2014–38 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–38. This file

[36] Specialists and Market Makers, as compared to other market participants, are assessed PFOF when transacting Customer electronic orders.

[37] *See* note 25.

[38] *Id.*

[39] 15 U.S.C. 78s(b)(3)(A)(ii).

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–Phlx–2014–38, and should be submitted on or before July 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14421 Filed 6–19–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72399; File No. SR–ISE–2014–31]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of a Proposed Rule Change on Bid/Offer Differentials for In-The-Money Option Series

June 16, 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 June 4, 2014, the International Securities Exchange, LLC (''Exchange'' or ''ISE'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 ISE proposes to amend its rules to require that market makers quoting certain in-the-money options series maintain quotes that are no wider than the spread between the NBBO in the underlying security. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 803(b)(4)(i) to require that market makers quoting certain in-the-money options series maintain quotes that are no wider than the spread between the national best bid and offer (''NBBO'') in the underlying security. The Exchange believes that requiring that market makers post tighter quotes in these option series will improve market quality to the benefit of investors that trade on the ISE.

In the course of maintaining fair and orderly markets in appointed options classes, market makers are generally required to price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than $5 between the bid and offer following the opening rotation in an options contract.[3] In addition, Rule 803(b)(4)(i) presently permits market makers to submit quotes with wider bid/offer differentials for in-the-money options series where the market for the underlying security is wider than the market maker's regular quotation requirements. In particular, a market maker quoting an in-the-money options series may submit quotes that are as wide as the quotation on the primary market of the underlying security. For example, if the primary market for ABC has a quote of $65 (bid)—$73 (offer), ISE market makers may quote in-the-money option series on that security with a bid/offer differential of $8. The wider bid/offer differentials allowed in these circumstances are intended to give market makers more flexibility with respect to their quoting obligations as options are priced relative to the price of the underlying security.

The Exchange proposes to change this obligation to instead require that market makers quoting these in-the-money options series maintain quotes that are no wider than the spread between the NBBO in the underlying security. A market maker quoting an in-the-money options series can hedge its position by trading in the underlying security at the NBBO, which may be narrower than the quotation on the primary market. For instance, in the example above, other exchanges that trade ABC may collectively have a higher bid of $66 and a lower offer of $72. Under the proposed rule, ISE market makers would be required to quote in-the-money option series on ABC with a bid/offer differential of no more than $6. The Exchange believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on the ISE.

2. Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[4] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[5] because

[40] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 803(b). Unless the ISE establishes wider differentials for specific option classes, bid/offer differentials prior to the opening rotation must be no more than $0.25, $0.40, $0.50, $0.80, or $1, with the larger bid/offer differentials permitted for option contracts with higher priced bids. *Id.*

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

This change is designed to benefit investors, who will be able to trade at better prices due to narrower spreads in in-the-money option series covered by the proposed rule change. The Exchange believes that market makers should maintain quotes that are no wider than the spread between the NBBO in the underlying security, as they can hedge their positions by trading in the underlying security at the NBBO, which may be narrower than the quotation on the primary market. As explained above, the Exchange believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on the ISE.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended to encourage tighter markets in in-the-money option series and is not designed to have any competitive impact. While market makers may be required to narrow their quotes in these series, the proposed rule change still affords sufficient flexibility to allow market makers to do so while managing their risk by hedging in the underlying security at the NBBO.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2014–31 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–ISE–2014–31. 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 ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2014–31 and should be submitted on or before July 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14444 Filed 6–19–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72398; File No. SR–ISEGemini–2014–15]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing of a Proposed Rule Change on Bid/Offer Differentials for In-The-Money Option Series

June 16, 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 June 5, 2014, ISE Gemini, LLC (''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

ISE Gemini proposes to amend its rules to require that market makers quoting certain in-the-money options series maintain quotes that are no wider than the spread between the NBBO in the underlying security. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

sections A, B and C below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 803(b)(4)(i) to require that market makers quoting certain in-the-money options series maintain quotes that are no wider than the spread between the national best bid and offer (''NBBO'') in the underlying security. The Exchange believes that requiring that market makers post tighter quotes in these option series will improve market quality to the benefit of investors that trade on ISE Gemini.

In the course of maintaining fair and orderly markets in appointed options classes, market makers are generally required to price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than $5 between the bid and offer following the opening rotation in an options contract.[3] In addition, Rule 803(b)(4)(i) presently permits market makers to submit quotes with wider bid/offer differentials for in-the-money options series where the market for the underlying security is wider than the market maker's regular quotation requirements. In particular, a market maker quoting an in-the-money options series may submit quotes that are as wide as the quotation on the primary market of the underlying security. For example, if the primary market for ABC has a quote of $65 (bid)–$73 (offer), ISE Gemini market makers may quote in-the-money option series on that security with a bid/offer differential of $8. The wider bid/offer differentials allowed in these circumstances are intended to give market makers more flexibility with respect to their quoting obligations as options are priced relative to the price of the underlying security.

The Exchange proposes to change this obligation to instead require that market makers quoting these in-the-money options series maintain quotes that are no wider than the spread between the NBBO in the underlying security. A market maker quoting an in-the-money options series can hedge its position by trading in the underlying security at the NBBO, which may be narrower than the quotation on the primary market. For instance, in the example above, other exchanges that trade ABC may collectively have a higher bid of $66 and a lower offer of $72. Under the proposed rule, ISE Gemini market makers would be required to quote in-the-money option series on ABC with a bid/offer differential of no more than $6. The Exchange believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on ISE Gemini.

2. Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[4] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[5] because is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

This change is designed to benefit investors, who will be able to trade at better prices due to narrower spreads in in-the-money option series covered by the proposed rule change. The Exchange believes that market makers should maintain quotes that are no wider than the spread between the NBBO in the underlying security, as they can hedge their positions by trading in the underlying security at the NBBO, which may be narrower than the quotation on the primary market. As explained above, the Exchange believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on ISE Gemini.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended to encourage tighter markets in in-the-money option series and is not designed to have any competitive impact. While market makers may be required to narrow their quotes in these series, the proposed rule change still affords sufficient flexibility to allow market makers to do so while managing their risk by hedging in the underlying security at the NBBO.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISEGemini–2014–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2014–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/*

[3] *See* Rule 803(b). Unless ISE Gemini establishes wider differentials for specific option classes, bid/offer differentials prior to the opening rotation must be no more than $0.25, $0.40, $0.50, $0.80, or $1, with the larger bid/offer differentials permitted for option contracts with higher priced bids. *Id.*

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

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–ISEGemini–2014–15 and should be submitted on or before July 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14443 Filed 6–19–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72397; File No. SR–ICC–2014–05]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change To Update ICC's Policy Regarding Valuation of Maturing U.S. Treasury Securities and Update ICC's Collateral Asset Haircut Methodology

June 16, 2014.

I. Introduction

On April 22, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2014–05 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on May 8, 2014.[3] The Commission received no comment letters regarding the proposed change. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

ICC is proposing to update (1) its policy regarding valuation of maturing U.S. Treasury securities, and (2) its collateral asset haircut methodology. Under the proposed change, ICC will reduce the collateral valuation of maturing securities to $0 two business days prior to maturity. Clearing Participants will receive notice the week prior to any collateral maturity dates and will be encouraged to replace maturing securities with other acceptable collateral. If collateral matures while on deposit with ICC, proceeds will be credited to the margin or guaranty fund account, as appropriate, when received by ICC on the maturity day.

ICC has stated that it and other IntercontinentalExchange, Inc. clearing houses have applied this methodology when nearing the U.S. debt ceiling, so that this proposed rule change will provide consistent collateral valuation certainty at all times, as well as consistent implementation of this policy across other IntercontinentalExchange, Inc. clearing houses. ICC has also stated that revaluing the maturing securities two business days prior to maturity will allow for collection of additional margin or guaranty fund, if required, prior to maturity. ICC's Treasury Operations Policies and Procedures will be updated to reflect this change, and ICC plans to notify Clearing Participants of the change via circular, upon approval by the Commission.

Furthermore, in order to provide consistency in the calculation of collateral asset haircuts among the IntercontinentalExchange, Inc. clearing houses, ICC is updating its Risk Management Framework pursuant to the proposed change. Currently at ICC, haircuts for relevant assets (e.g. U.S. Treasury securities and currencies) are calculated using a five-day liquidation period and a 99% confidence interval expected shortfall calculation. Under the proposed rule change, the IntercontinentalExchange, Inc. clearing houses will calculate haircuts for relevant assets using the greater (which may be rounded to the nearest 1%) of: (i) The haircut determined using a five-day liquidation period and a 99% confidence interval expected shortfall calculation (currently used at ICC), and (ii) the haircut determined using a two day holding period and 99.9% confidence interval Value-at-Risk calculation. ICC has stated that because the haircut currently used by ICC, that is, the haircut determined by using the five-day liquidation period and a 99% confidence interval expected shortfall calculation, is usually greater than the haircut determined using the two day holding period and a 99.9% confidence interval Value-at-Risk calculation, the haircut currently used at ICC will continue to be the driver of haircuts and thus, this proposed rule change will have little practical impact on ICC's current haircut values. Furthermore, ICC has stated that as applied to currencies, should ICC choose to use one haircut for a given foreign exchange pair (e.g. USD v. Euro, Euro v. USD), ICC will apply the more conservative haircut. ICC has also stated that the changes to the methodology for calculation of collateral asset haircuts do not require any operational changes.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[4] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[5] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the proposed rule change is consistent with the requirements of Section 17A of the Act.[6] The proposed change to ICC's valuation of maturing securities will ensure ICC maintains adequate liquidity and the proposed change to ICC's haircut methodology will provide appropriate collateral valuation in a manner consistent or more conservative than existing policy. The proposed changes, therefore, are each consistent

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–72083 (May 2, 2014), 79 FR 26490 (May 8, 2014) (SR–ICC–2014–05).

[4] 15 U.S.C. 78s(b)(2)(C).

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 15 U.S.C. 78q–1.

with the requirements of Section 17A(b)(3)(F) of the Act[7] of promoting the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, and helping to protect investors and the public interest.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[8] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR–ICC–2014–05) be, and hereby is, approved.[10]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14420 Filed 6–19–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72396; File No. SR–FICC–2014–04]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Remove References to New York Portfolio Clearing, LLC in the Rules of the Government Securities Division and in the Cross-Margining Agreement With the Chicago Mercantile Exchange

June 16, 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 June 9, 2014, Fixed Income Clearing Corporation (''FICC'') 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 clearing agency. FICC filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4) thereunder[4] so that the proposal was effective upon filing with the Commission. 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

The proposed rule change consists of amendments to the Government Securities Division (''GSD'') Rulebook (the ''GSD Rules'') to remove references to New York Portfolio Clearing, LLC (''NYPC'') and the cross-margining arrangement between NYPC and FICC (the ''NYPC Arrangement'') from the GSD Rules, as the NYPC Arrangement is no longer in effect.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(i) The purpose of this filing is to remove references to NYPC and the NYPC Arrangement from the GSD Rules, as the NYPC Arrangement is no longer in effect.

Background

On February 28, 2011, the Commission approved FICC's proposed rule change SR–FICC–2010–09 in order to allow FICC to offer cross-margining of certain cash positions cleared at GSD with certain interest rate futures positions cleared at NYPC and allow margin requirements with respect to such eligible cash and futures positions to be calculated as a single portfolio (the ''NYPC Order'').[5]

NYPC is jointly owned by NYSE Euronext (''NYSE'') and The Depository Trust & Clearing Corporation (''DTCC''), the parent company of FICC. On November 13, 2013, Intercontinental Exchange Group (''ICE'') completed its acquisition of NYSE.[6] On November 29, 2013, ICE and DTCC announced plans to transition the clearing of interest rate futures contracts listed on NYSE Liffe U.S. to ICE Clear Europe and to wind down NYPC's operations.[7]

Now that the migration of open interest in NYSE Liffe U.S. interest rate futures contracts from NYPC to ICE Clear Europe has been completed, the cross-margining agreement between FICC and NYPC (the ''NYPC Agreement'') will be terminated and all references to NYPC and the NYPC Arrangement will be removed from the GSD Rules to reflect this change. In addition, FICC will no longer be providing the Commission with the reports enumerated in Section IV.D of the NYPC Order in light of the termination of the NYPC Arrangement.

Removal of References to NYPC and the NYPC Arrangement

FICC is proposing to amend the GSD Rules as follows:

In Rule 1—''*Definitions*'', the following definitions have been revised or deleted:

The term ''Cross-Margining Agreement'' is revised to remove the provision permitting an eligible GSD Member to elect to have its Required Fund Deposit in respect of Eligible Positions at FICC and its (or its Permitted Margin Affiliate's, if applicable) margin requirements in respect of Eligible Positions at an FCO calculated as if such positions were in a single portfolio, as such provision relates only to the NYPC Arrangement.

The term ''FCO'' is revised to remove the reference to NYPC.

The term ''Margin Portfolio'' is revised to remove the reference to NYPC Accounts.

The term ''Market Professional Agreement for Cross-Margining'' is revised to replace the reference to NYPC with a reference to the relevant FCO with whom FICC may, in the future, enter into a cross-margining arrangement for Market Professional customers.

The term ''NYPC'' is removed.

The term ''NYPC Account'' is removed.

The term ''NYPC Market Professional Account'' is removed.

The term ''NYPC Member'' is removed.

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[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(2).

[10] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[11] 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. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] *See* Securities Exchange Act Release No. 63986 (Feb. 28, 2011), 76 FR 12144 (Mar. 4, 2011) (SR–FICC–2010–09).

[6] *See* IntercontinentalExchange. (2013). ''IntercontinentalExchange Completes Acquisition of NYSE Euronext'' [Press release]. Retrieved from *http://www.nyse.com/press/1385726419589.html.*

[7] *See* NYSE. (2013). ''IntercontinentalExchange Group and DTCC Announce Plans for Interest Rate Futures Listed on NYSE Liffe U.S.'' [Press release]. Retrieved from *http://www.nyse.com/press/1385726419589.html.*

The term ''NYPC Original Margin'' is removed.

The term ''NYPC Proprietary Account'' is removed.

The term ''NYPC-Submitted Trade'' is removed.

The term ''Permitted Margin Affiliate'' is revised to remove the provision allowing an affiliate of a GSD Member that is a member of an FCO, but not itself a GSD Member, to be considered a Permitted Margin Affiliate for purposing of margining positions between FICC and the FCO as if such positions were in a single portfolio, as such provision relates only to the NYPC Arrangement.

The term ''VaR Charge'' is revised to remove language relating to any positions in a GSD Member's NYPC Accounts being grouped into a Margin Portfolio.

In Rule 3—''Ongoing Membership Requirements'', the reference to NYPC acting as a designated Locked-In Trade Source is removed from Section 11 and related conforming changes to the numbering of Section 11 are made.

In Rule 4—''Clearing Fund and Loss Allocation'', Sections 1a and 1b are revised to remove language related to designated NYPC Accounts being considered part of a GSD Member's Margin Portfolio. Sections 2, 3 and 3b are revised to remove language related to NYPC Original Margin in connection with provisions pertaining to the required form of a GSD Member's Required Fund Deposit. The provision of Section 7(a) pertaining to loss allocation if a Margin Portfolio of a Defaulting Member contains NYPC Accounts is removed and related conforming changes to the numbering of Section 7(a) are made.

In Rule 6C—''Locked-In Comparison'', Sections 2, 2a, 4 and 8 are revised to remove references to NYPC acting as a designated Locked-In Trade Source, as well as references to NYPC-Submitted Trades.

In Rule 13—''Funds-Only Settlement'', Section 5a pertaining to Funds-Only Settlement Bank arrangements for GSD Members that are also NYPC Members or that have Permitted Margin Affiliates that are NYPC Members is removed.

In Rule 22—''Insolvency of a Member'', the reference in Section 2(d) to a Permitted Margin Affiliate defaulting on its obligations to an FCO with which FICC has a Cross-Margining Agreement is removed, as such provision of the Permitted Margin Affiliate definition relates only to the NYPC Arrangement as described above. Similarly, the reference in Section 2(e) to a Cross-Margining Affiliate defaulting on its obligations to FICC is removed.

In Rule 22A—''Procedures for When the Corporation Ceases to Act'', language in Section 2(b) is removed that relates to close-out procedures for a GSD Member that has NYPC Accounts included within a Margin Portfolio.

In Rule 43—''Cross-Margining Arrangements'', the first paragraph of Section 1 is revised to remove the provision permitting an eligible GSD Member to elect to have its Required Fund Deposit in respect of Eligible Positions at FICC and its (or its Permitted Margin Affiliate's, if applicable) margin requirements in respect of Eligible Positions at an FCO calculated as if such positions were in a single portfolio, as such provision relates only to the NYPC Arrangement. The third paragraph of Section 1 is removed, as it relates to the right of first offset between NYPC and FICC vis a vis Cross-Margining Arrangements with other FCOs. In Section 2(b), the provision permitting an affiliate of an eligible GSD Member to become a Permitted Margin Affiliate for purposes of participating in a Cross-Margining Arrangement is removed, as such language relates only to the NYPC Arrangement. Similarly, in Section 4, the provision permitting, in certain circumstances, an eligible GSD Member that is a Cross-Margining Participant in a Cross-Margining Arrangement between FICC and one or more FCOs to be treated as insolvent by FICC in the event that its Permitted Margin Affiliate is deemed insolvent by an FCO is removed, as such language relates only to the NYPC Arrangement.

In the ''Schedule of Timeframes'', references to computation of NYPC margin and reports related to NYPC margin requirements are removed.

In the ''Designated Locked-In Trade Sources'' schedule, NYPC is removed as a designated Locked-In Trade Source.

In the ''Cross-Margining Agreements'' schedule, the NYPC Agreement is removed.

Removal of the NYPC Agreement

FICC is proposing to remove the NYPC Agreement from the GSD Rules, as the NYPC Agreement is no longer in effect.

Amendment of CME Agreement

Removal of the references to NYPC and the NYPC Arrangement from the GSD Rules will necessitate certain amendments to the agreement between the Chicago Mercantile Exchange (''CME'') and FICC (the ''CME Agreement'') regarding the cross-margining arrangement currently conducted between CME and FICC (the ''CME Arrangement''). Specifically, the CME Agreement will be amended to delete references to the NYPC Arrangement and the priority it held over the CME Arrangement when determining residual FICC positions that are available for cross-margining with the CME, as well as the right of first offset between NYPC and FICC when calculating and presenting liquidation results under the CME Agreement. The CME Agreement showing the proposed changes is attached hereto as part of Exhibit 5.

(ii) The proposed rule is consistent with Section 17A(b)(3)(F)[8] of the Securities and Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder because it will make certain rule corrections that will support the prompt and accurate clearance and settlement of securities transactions in that such rule corrections will remove references in the GSD Rules to a cross-margining arrangement that is no longer in effect.

(B) Clearing Agency's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact, or impose any burden, on competition because it relates to the removal of references in the GSD Rules to a cross-margining arrangement that is no longer in effect.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[8] 15 U.S.C. 78q–1(b)(3)(F).

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–FICC–2014–04 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–FICC–2014–04. 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 FICC. 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–FICC–2014–04 and should be submitted on or before July 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14442 Filed 6–19–14; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of AISystems, Inc. (a/k/a Airline Intelligence Systems, Inc.), Baeta Corp., China Jianye Fuel, Inc., Cordex Pharma, Inc., Diamondhead Casino Corporation, Emerald Dairy, Inc., and Kentucky Energy, Inc.; Order of Suspension of Trading

June 18, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of AISystems, Inc. (a/k/a Airline Intelligence Systems, Inc.) because it has not filed any periodic reports since the period ended March 31, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Baeta Corp. because it has not filed any periodic reports since the period ended September 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Jianye Fuel, Inc. because it has not filed any periodic reports since the period ended March 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Cordex Pharma, Inc. because it has not filed any periodic reports since the period ended September 30, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Diamondhead Casino Corporation 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 Emerald Dairy, Inc. 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 Kentucky Energy, Inc. because it has not filed any periodic reports since the period ended March 31, 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 June 18, 2014, through 11:59 p.m. EDT on July 1, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–14558 Filed 6–18–14; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Delegation of Authority: 375]

Delegation of Authority to the Inspector General for the U.S. Department of State

By virtue of the authority vested in me as Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Inspector General for the U.S. Department of State, to the extent authorized by law, the authority under Section 61 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2733), to waive the application of the provisions of 5 U.S.C. 8344 or 8468 on a case-by-case basis, for the reemployment of annuitants in the Office of the Inspector General (OIG) under the Civil Service Retirement System and Federal Employees' Retirement System; *provided that,* the total number of annuitants to whom a waiver by the Inspector General under this delegation applies may not exceed 5 percent of the total number of full-time Civil Service employees in the OIG.

This delegation of authority is not intended to revoke, amend, or otherwise affect the validity of any other delegation of authority.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary may at any time exercise any authority or function delegated by this delegation of authority.

This delegation of authority shall be published in the **Federal Register**.

Dated: May 28, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–14496 Filed 6–19–14; 8:45 am]

BILLING CODE 4710–42–P

DEPARTMENT OF STATE

Authority To Accept Volunteer Services From Students

By virtue of the authority vested in the Secretary of State by the laws of the United States, including 22 U.S.C. 2651a and 5 U.S.C. 3111 (''Section 3111''), and delegated to me by Delegation of Authority 198, dated September 16, 1992, to the extent authorized by law and pursuant to subsection (b) of Section 3111, I hereby delegate the authority of the Secretary to accept voluntary services for the United States to the following Department officials:

- Assistant Secretary for the Bureau of Consular Affairs; and
- Legal Adviser.

This authority is limited to the acceptance of voluntary services provided by law students who are filling legal extern and intern positions.

Any official action within the scope of this delegation taken prior to the effective date of this delegation, by officers in the positions named above, are hereby continued in effect, according to their terms, until modified, revoked, or superseded by authorized action.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, the Deputy Secretary for Management and Resources, and the Under Secretary of State for Management may at any time exercise the authority herein delegated.

This delegation of authority will be published in the **Federal Register**.

Dated: May 20, 2014.

Patrick F. Kennedy,

Under Secretary of State for Management.

[FR Doc. 2014–14483 Filed 6–19–14; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice: 8770]

Intent To Prepare a Supplemental Environmental Assessment (Supplemental EA) and To Conduct Scoping Consistent With the National Environmental Policy Act of 1969 (NEPA) for Proposed Changes to the NuStar Dos Laredos Pipeline

AGENCY: Department of State.

ACTION: Notice; solicitation of comments.

SUMMARY: NuStar Logistics, L.P. (NuStar) has applied to the U.S. Department of State (Department) for a Presidential Permit to replace a 2003 Presidential Permit issued to Valero Logistics Operations L.P. to construct, connect, operate, and maintain pipeline facilities (the Dos Laredos Pipeline) crossing the international border between the United States and Mexico at a location on the Rio Grande River known as ''La Bota,'' approximately six miles northwest of downtown Laredo, Texas. Specifically, NuStar requests a Presidential Permit that: (1) Reflects NuStar's name change from Valero Logistics Operations, L.P. to NuStar Logistics, L.P., as the owner and operator of the Dos Laredos Pipeline crossing the international boundary; and (2) expands the types of products that may be transported through the pipeline. The 2003 Presidential Permit only allows shipment of liquefied petroleum gas (LPG), while NuStar now proposes to transport other specifically defined petroleum products, including diesel.

On December 30, 2003, the Department issued a ''Finding of No Significant Impact and Summary Environmental Assessment; Valero Logistics LP Pipeline in Webb County, TX,'' applicable to the Dos Laredos Pipeline (the 2003 Environmental Finding). In the 2003 Environmental Finding, the Department described the proposed Dos Laredos Pipeline as being designed to transport up to 32,400 barrels (1.36 million gallons) of LPG daily from the United States to Mexico. The Department concluded that issuance of a Presidential Permit authorizing the proposed Dos Laredos Pipeline would have no significant impact on the quality of the human environment within the United States, and further determined that granting a Presidential Permit for the Dos Laredos Pipeline would serve the national interest.

In accordance with the 2003 Environmental Finding and the 2003 Presidential Permit, the Dos Laredos Pipeline was constructed and went into service in 2004. The owner, Valero Logistics Operations, L.P., changed its name to NuStar Logistics, L.P. on April 1, 2007. In June 2011, NuStar temporarily suspended transportation of LPG on the Dos Laredos Pipeline. NuStar has continued to maintain the pipeline with the intent to place the pipeline back into active service in 2014.

On December 4, 2013, NuStar submitted an application to the Department requesting a new Presidential Permit for the Dos Laredos Pipeline. The Department has concluded, consistent with NEPA, that it will prepare a Supplemental EA to determine whether the proposed action may have a significant impact on the human environment.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans for determining the scope of the review, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the Supplemental EA.

DATES: Submit comments on or before August 4, 2014. The public scoping period starts with the publication of this Notice in the **Federal Register** on June 20, 2014 and will continue until August 4, 2014. Written and electronic comments will be given equal weight and the Department will consider all comments received or postmarked by August 4, 2014 in determining the scope and content of the Supplemental EA.

ADDRESSES: Parties may submit comments on the scope and content of the Supplemental EA through the Federal eRulemaking Portal (*http://www.regulations.gov*) by entering the Docket No. DOS–2014–0013 and following the prompts. Written comments should be addressed to: Mr. Travis Grout, U.S. Department of State, 2201 C Street NW., Room 2726, Washington, DC 20520.

Comments are not private. They will be posted on the site *http://www.regulations.gov*. The comments will not be edited to remove identifying or contact information, and the State Department cautions against including any information that one does not want publicly disclosed. The State Department requests that any party soliciting or aggregating comments received from other persons for submission to the State Department inform those persons that the State Department will not edit their comments to remove identifying or contact information, and that they should not include any information in their comments that they do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT: Office of Environmental Quality and Transboundary Issues, Attn: Mr. Travis Grout, U.S. Department of State, 2201 C Street NW., Room 2726, Washington, DC 20520. Tel: (202) 647–4284.

Project details and environmental information on the NuStar application

for a Presidential Permit, as well as the Presidential Permit process, are downloadable from the following Web site: *http://www.state.gov/e/enr/applicant/applicants/index.htm.*

SUPPLEMENTARY INFORMATION:

Project Description

The Dos Laredos Pipeline is an 8 and 5/8 inch outer diameter pipeline at the United States-Mexico border that connects the NuStar terminal in Laredo, Texas, with a terminal in Nuevo Laredo, Tamaulipas, Mexico. The U.S. portion of the Dos Laredos Pipeline consists of approximately 10.6 miles of pipeline from the NuStar terminal in Laredo, Texas to the Rio Grande crossing approximately six miles northwest of downtown Laredo, Texas. The Mexican portion consists of approximately 1.5 kilometers of pipeline from the Rio Grande crossing to the Nuevo Laredo terminal.

NuStar has requested authorization to expand the types of products that may be transported through the pipeline to include LPG and other specified petroleum products, including diesel. Specifically, NuStar has requested a Presidential Permit that allows transportation of any petroleum product that, by American Society for Testing Materials test methods,: (1) Substantially distills below 700 degrees Fahrenheit; (2) has a Reid vapor pressure not exceeding 28 pounds at 100 degrees Fahrenheit; and (3) is a color not darker than No. 3. NuStar's request excludes certain petroleum products legally prohibited from being exported by statute or regulation. As stated above, the 2003 Presidential Permit only allows shipment of LPG. No substantial physical changes to the pipeline would be required to transport the expanded range of petroleum products. NuStar expects to transport no more than 24,000 barrels per day of refined petroleum products, in contrast to the 32,400 barrels per day of LPG that the Dos Laredos Pipeline has transported, because of differences in viscosity and flow characteristics. While the proposed operational change in products would require some physical change of pipeline facilities within the U.S. terminal, NuStar is not proposing any construction on the U.S. portion of the Dos Laredos Pipeline facilities outside the fence line of the U.S. terminal and no specific support infrastructure or access roads are necessary or required by state or regional plans with respect to the border-crossing facilities.

The Supplemental EA Process

The Department, consistent with NEPA, will prepare the Supplemental EA to determine whether the approval of a Presidential Permit for NuStar to transport a broader range of petroleum products, including diesel, using the Dos Laredos Pipeline would result in significant impacts to the human environment. The Department will also evaluate reasonable alternatives, including a ''no action'' alternative, to the proposed project or portions of the project. Below, the Department invites interested parties to submit comments to assist in determining the appropriate scope and content of that Supplemental EA.

The Department will select a Third-Party Contractor to assist with preparation of the Supplemental EA and related tasks. The draft and final Supplemental EA will be prepared under the direction of the Department.

A draft Supplemental EA will be released to the public and distributed to relevant government agencies and stakeholders. Once the draft Supplemental EA is published, all interested parties will have an opportunity to provide specific comments or concerns about the draft Supplemental EA. The Department will consider all timely submissions received about the draft Supplemental EA and will incorporate them, as appropriate, into the final Supplemental EA.

Dated: June 16, 2014.

Deborah Klepp,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2014–14499 Filed 6–19–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 8769]

Public Meeting on the Renewal of the Charter of the U.S. International Telecommunications Advisory Committee

AGENCY: Department of State.

ACTION: Notice of public meeting.

SUMMARY: The Department of State (Department) will hold a public meeting to discuss the rechartering of the International Telecommunications Advisory Committee (ITAC), a Department federal advisory committee. This notice announces the meeting and provides the agenda.

DATES: The public meeting will be held on June 30, 2014, at 2 p.m. ET in Room 4835, Harry S Truman Building, 2201 C Street NW., Washington DC (please note pre-clearance instructions below). Written comments will be received until July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Paul Najarian, *najarianpb@state.gov* 202–647–7847.

SUPPLEMENTARY INFORMATION: The Department is considering the renewal of the ITAC charter; and, to assist in this process, we will hold a public meeting to discuss the operation of the ITAC and suggestions on making it a more effective avenue for providing advice to the Department. The current ITAC charter (which expires on August 9, 2014) can be found at *http://facadatabase.gov/download.aspx?fn=Charters/1846_2014.03.25_United States International Telecommunication Advisory Committee Charter_(2014-03-25-11-22-20).pdf.*

The public meeting will provide a forum for the public, including interested stakeholders, to provide views on whether the ITAC should be rechartered, and suggestions on possible restructuring of the committee. We especially invite comment on the following questions:

1. How frequently should the ITAC meet and where?

2. Should there be a phone bridge for ITAC meetings?

3. The Federal Advisory Committee Act requires the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee. Individuals representing themselves cannot be members of a Federal Advisory Committee.

a. What should the Department consider when naming representatives of entities to the ITAC?

b. Should the Department limit the number of members of the ITAC? Note: ITAC meetings are open to the public.

4. The Department established an email list as a convenient means of communicating with regard to the ITAC.

a. Should the Department continue using the email list?

b. Should members of the list be able to transmit email to the list, or should it be ''read only'' for the list members?

c. What types of communication on an email list would help advance the work of the advisory committee?

d. What is inappropriate use of the email list and how should the Department address it?

This meeting is open to public participation, though seating is limited. Entry to the building is controlled. To obtain pre-clearance for entry, a member

of the public planning to attend should provide, by June 24, 2014, his or her name; valid government-issued ID number (i.e., U.S. Government ID, U.S. military ID, passport, or drivers license); date of birth; and citizenship, to Paul Najarian, *najarianpb@state.gov* 202–647–7847. All persons wishing to attend the meeting must use the 23rd Street entrance of the Harry S Truman Building. Because of escorting requirements, non-Government attendees should plan to arrive 15 minutes before the meeting begins. Requests for reasonable accommodation, including requests for a phone bridge, should be made to Paul Najarian before June 24th. Requests made after that date will be considered, but might not be possible to fulfill.

Personal data is requested pursuant to Pub. L. 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Pub. L. 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: June 16, 2014.

Julie N. Zoller,

Senior Deputy Coordinator, International Communication & Information Policy, Designated Federal Officer, ITAC.

[FR Doc. 2014–14503 Filed 6–19–14; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group Aviation Rulemaking Committee

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group (NPOAG) Aviation Rulemaking Committee (ARC). This notification provides the date, location, and agenda for the meeting.

Date and Location: The NPOAG ARC will meet on July 22–23, 2014. The meeting will take place in the Windsor Room of the Fort Collins Marriott located at 350 East Horsetooth Road, Fort Collins, CO 80525. The meeting will be held from 8:30 a.m. to 4:00 p.m. on July 22, 2014 and from 8:30 a.m. to 12:30 p.m. on July 23, 2014. This NPOAG meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, AWP–1SP, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, P.O. Box 92007, Los Angeles, CA 90009–2007, telephone: (310) 725–3808, email: *Keith.Lusk@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (NPATMA), enacted on April 5, 2000, as Public Law 106–181, required the establishment of the NPOAG within one year after its enactment. The Act requires that the NPOAG be a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairperson of the advisory group.

The duties of the NPOAG include providing advice, information, and recommendations to the FAA Administrator and the NPS Director on; implementation of Public Law 106–181; quiet aircraft technology; other measures that might accommodate interests to visitors of national parks; and at the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

Agenda for the July 22–23, 2014 NPOAG Meeting

The agenda for the meeting will include, but is not limited to, an update on ongoing park specific air tour planning projects, commercial air tour reporting, and agency research on effects of aircraft noise on park visitors.

Attendance at the Meeting and Submission of Written Comments

Although this is not a public meeting, interested persons may attend. Because seating is limited, if you plan to attend please contact the person listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may be made to accommodate all attendees. Written comments regarding the meeting will be accepted directly from attendees or may be sent to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Record of the Meeting

If you cannot attend the NPOAG meeting, a summary record of the meeting will be made available under the NPOAG section of the FAA ATMP Web site at: *http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/parks_overflights_group/minutes.cfm* or through the Special Programs Staff, Western-Pacific Region, P.O. Box 92007, Los Angeles, CA 90009–2007, telephone: (310) 725–3808.

Issued in Hawthorne, CA, on June 12, 2014.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2014–14366 Filed 6–19–14; 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.

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, 24th Street Improvement Project, from the southbound State Route 99 ramp intersection to 0.2 mile east of M Street, for a distance of about 2.1 miles, and improvements on State Route 99 for the northbound auxiliary lane from 1,500 feet south of and to the Kern River Bridge in the County of Kern, 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 November 17, 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: California Department of

Transportation, Jennifer Taylor, Office Chief, Division Management Southern San Joaquin Valley, 855 M Street, Suite 200, Fresno, CA 93721, (559) 445–6455, *jennifer.taylor@dot.ca.gov,* Mon.–Fri. 7:00 a.m.–3:30 p.m. PDT.

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: 24th Street Improvement Project on State Route 58 west of State Route 99, and on State Route 178 east of State Route 99, in the City of Bakersfield in Kern County, California. Caltrans proposes to widen roadways and make intersection and interchange improvements along 24th Street. In addition to proposed improvements along 24th Street, a northbound auxiliary lane along State Route 99 south of 24th Street is planned. The total length of the project area is 2.1 miles. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) and Section 4(f) Evaluation for the project, approved on February 13, 2014, and in other documents in the FHWA project records. The EA/FONSI and Section 4(f) Evaluation, and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA/FONSI and Section 4(f) Evaluation 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. Air: Clean Air Act [23 U.S.C. 109 (j) and 42 U.S.C 7521(a)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; The Public Health and Welfare [42 U.S.C. 4331 (b)(2)].

4. Wildlife: Federal Endangered Species Act [16 U.S.C. 1531–1543]; Fish and Wildlife Coordination Act [16 U.S.C. 661–666(C); Migratory Bird Treaty Act [16 U.S.C. 760c–760g].

5. 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)]; Archeological 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].

6. Social and Economic: NEPA implementation [23 U.S.C. 109(h)]; Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1344]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287].

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 13112 Invasive Species; E.O. 11988 Floodplain management; 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).

Dated: June 16, 2014.

Jermaine Hannon,

Acting Director, Project Delivery, Federal Highway Administration, Sacramento, California.

[FR Doc. 2014–14478 Filed 6–19–14; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Pipeline And Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Modification of 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 applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before July 7, 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, Washing-ton DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on June 12, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Modification Special Permits

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
11834–M	.....	Ashland, Inc. Dublin, OH	49 CFR 173.173, 173.202 173.203, and 172.301(c).	To modify the special permit to authorize two Class 8 materials.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
11903–M	.....	Comptank Corporation Bothwell, ON.	49 CFR 107.503(b), 172.102(c)(3) SP B15 and B23, 173.241, 173.242, 173.243, 178.345–1, –2, –3, –4, –7, –14 and –15, 180.405,180.413(d).	To modify the special permit to authorize a 54-inch diameter, 312-inch length, single rib vessel with a design pressure of 35 psig.
11911–M	.....	Transfer Flow, Inc. Chico, CA.	49 CFR 177.834(h), and 178.700(c)(1).	To modify the special permit to authorize and design flexibility in lieu of modifying the special permit for each design change.
13027–M	.....	Hernco Fabrication Services Midland, TX.	49 CFR 173.202, 173.203, 173.241, 173.242, and 173.243.	To modify the special permit to authorize a new vent.
14919–M	.....	TK Holdings Inc./Takata Armada, MI.	49 CFR 173.301(a), 173.302a, and 178.65(f)(2).	To modify the special permit to remove the specifications for cylinder sizes and water capacities.
15428–M	.....	National Aeronautics and Space Administration (NASA) Washington, DC.	49 CFR 172.300, 172.400 and Part 173.	To modify the special permit to authorize Divison 1.3C, 1.4C and 1.4S materials in non-DOT specification packagings.
15448–M	.....	U.S. Department of Defense Scott AFB, IL.	49 CFR 172.320, 173.51, 173.56, 173.57 173.58.	To modify the special permit to authorize packagings that have not been specifically and approved.

[FR Doc. 2014–14182 Filed 6–19–14; 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 August 19, 2014.

ADDRESSES: *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 June 12, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
NEW SPECIAL PERMITS				
16163–N	.....	The Dow Chemical Company, Midland, MI.	49 CFR 180.605(h)(3)	To authorize that the required 5 year test on UN portable MI tanks used in the transport of a Division 4.3 material be performed pneumatically (with nitrogen) rather than with water. (modes 1, 2, 3, 4).
16165–N	.....	HRD Aero Systems, Inc., Valencia, CA.	49 CFR 173.302a	To authorize the manufacture, marking and sale of a non-DOT specification pressure vessel comparable to a DOT–3HT cylinder for the transportation of compressed gas. (modes 1, 2, 4, 5).
16166–N	.....	Sparkle International, Inc., Bedford, OH.	49 CFR 173.6(a)(1)(ii)	To authorize the transportation in commerce of a Class 8, PG II material in a custom designed packaging as a material of trade when the mass or capacity limits are exceeded. (mode 1).

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
16169–N	.....	JCR Construction Company, Inc., Raymond, NH.	49 CFR Table § 172.101, Column(9B), § 172.204(c)(3), § 173.27(b)(2) § 175.30(a)(1) § 172.200, 172.300, and 172.400.	To authorize the transportation in commerce of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the US only, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements. (mode 4)
16170–N	.....	Hydro Stat LLC, Holly, MI	49 CFR 180.213(b)(2)	To authorize the removal of certain requalification markings from DOT–3AL cylinders that have previously been retested in accordance with DOT–SP 14546 or DOT–SP 14854, to allow them to be returned to a 5 year hydrostatic retest schedule and eliminate the need for quality control for the gases to be used. (modes 1, 2, 3, 4, 5).
16171–N	.....	O'Reilly Automotive Stores, Inc., Springfield, MO.	49 CFR 173.159	To authorize the transportation in commerce of batteries in alternative packaging by motor vehicle. (mode 1).
16172–N	.....	Entegris, Inc., Danbury, CT	49 CFR 173.301(f)	To authorize the transportation in commerce of a Zone B toxic by inhalation gas in a DOT3AA cylinder that is fitted with an alternative pressure relief device. (modes 1, 3).
16174–N	.....	Goal Zero, Bluffdale, UT	49 CFR 173.185(a)(1)	To authorize the transportation in commerce of certain lithium batteries that do not have the original UN test certifications by motor vehicle. (mode 1)
16175–N	.....	National Aeronautics and Space Administration (NASA), Washington, DC.	49 CFR 173.56, 173.302a and 173.304a.	To authorize the transportation in commerce of a Division 1.4S explosive without an EX classification approval and carbon dioxide in a non-DOT specification cylinder. (modes 1, 3)
16178–N	.....	National Aeronautics and Space Administration (NASA), Washington, DC.	49 CFR 173.302a	To authorize the transportation in commerce of compressed gases in non-DOT specification cylinders. (modes 1, 3).

[FR Doc. 2014–14181 Filed 6–19–14; 8:45 am]

BILLING CODE 4909–60–M

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 13), notice is hereby given of the actions on special permits applications in (May to May 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: June 12, 2014.

Donald Burger,

Chief, Special Permits and Approvals Branch.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
		MODIFICATION SPECIAL PERMIT GRANTED	
12184–M	Weldship Corporation Bethlehem, PA.	49 CFR 180.209(a), 180.205(c), (f), (g) and (i), UN cylinders 173.302a(b)(2), manufactured in (3), (4) and (5), and 180.213.	To modify the special permit to authorize accordance with ISO 11120, update the minimum wall thickness table, and update the rejection criteria table to include outside diameters of 18″ to 22″ for DOT 3AAX cylinders.
15448–M	U.S. Department of Defense Scott AFB, IL.	49 CFR 172.320, 173.51, 173.56, 173.57 and 173.58.	To modify the special permit to authorize Class 2, 3, 4, 5, 6, 7, 8, and 9 materials under interim hazard class.
15735–M	W.R. Grace & Co.-Conn. Columbia, MD.	49 CFR 173.242(d)	To modify the special permit to authorize Divison 4.2 materials.

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
13997–M	Maritime Helicopters, Inc. Homer, AK.	49 CFR 172.101(9b), 172.204(c)(3), 173.27(6)(2), 175.30(a)(1), 172.200, 172.300, 172.400, 175.75, 172.301(c), 172.302(c), and Part 178.	To modify the special permit to authorize an increase in portable tank capacity and the addition of Class 3 materials.
15335–M	Seastar Chemicals Inc. Sidney, BC.	49 CFR 173.158(f)(3)	To modify the special permit to authorize alternative threaded closure caps.
12362–M	U.S. Department of Defense Scott AFB, IL.	49 CFR 176.164(c)	To modify the special permit to authorize all Government owned Maritime Prepostioning Ships to use alternative stowage.
		NEW SPECIAL PERMIT GRANTED	
15863–N	Baker Hughes Oilfield Operations Inc. Houston, TX.	49 CFR 173.301(a), 173.301(f) and 173.302a.	To authorize the transportation in commerce of compressed nitrogen in a non-DOT specification cylinder that is not equipped with a pressure relief device. (modes 1, 2, 3, 4).
15882–N	Ryan Air Inc. Anchorage, AK ..	49 CFR 172.101 Table Column (9B), 173.27 and 173.243.	To authorize the transportation in commerce of certain Class 3 fuels in non-DOT specification bulk packaging by cargo aircraft. (mode 4).
16015–N	GPI Corporation Schofield, WI	49 CFR 173.240, 173.241, 173.242 and 173.243.	To authorize the manufacture, marking, sale and use of non-DOT specification cargo tanks similar to DOT 407 and 412 cargo tanks. (mode 1).
16024–N	Manulwa Airways, Inc. Hilo, HI	49 CFR 175.9(a)	To authorize the transportation in commerce of certain hazardous materials by external load. (mode 4).
16017–N	Transportation Security Administration Arlington, VA.	49 CFR Part 107, Subpart B, Appendix B; Part 172, Subpart C; 173.25, 175.85.	To authorize the shipment of radiation detection survey meters containing a Division 2.2 compressed gas in the passenger compartment of commercial aircraft. (mode 5).
16037–N	E.I. duPont de Nemours and Company Wilmington, DE.	49 CFR 173.242	To authorize the transportation in commerce of a Class 8 corrosive) solid in UN50G large packagings. (modes 1, 2, 3).
16087–N	Textron Defense Systems (TDS) Wilmington, MA.	49 CFR 172.101 Column (9B)	To authorize the offering for transportation in commerce of certain Class 1 explosive materials which are forbidden for transportation by cargo only aircraft. (mode 4).
16106–N	New England Primate Research Center Southborough, MA.	49 CFR 173.199(a)(1)	To authorize the one-time one-way transportation in commerce of lice, non-human primates (NHPs) infected with Division 6.2 (infectious substance) materials. (mode 1).
16092–N	Swift River Air, LLC Anchorage, 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. (mode 4).
16107–N	DAHER–TLI	49 CFR 173.420(a)(2)(i); 173.420(6).	To authorize the one time one way transportation in commerce of 14 heeled cylinders that are not ANSI N14.1 compliant. (mode 1).
16105–N	Coastal Helicopters Incorporated Inc. Belfast, ME.	49 CFR 49 CFR Table sect; 172.101, Column (9B), § 172.204(c)(3), § 173.27(b)(2) § 175.30(a)(1) § 172.200, 172.300, and 172.400.	To authorize the transportation in commerce of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the U.S. only, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements. (mode 4).
16150–N	Egli Air Haul Inc. King Salmon, AK.	49 CFR 172.101 Column (9B); 175.30(a)(1).	Authorizes the transport of propane in DOT Specification 4B240, 48A240, 4BW240 cylinders via helicopter utilizing sling loads. (mode 4).
		EMERGENCY SPECIAL PERMIT GRANTED	
16055–N	Gateway Pyrotechnic Productions, LLC, dba Gateway Fireworks Displays St. Louis, MO.	49 CFR 172.300, 172.400, 172.301(c), 173.56.	To authorize the one-time, one-way transportation of unappproved fireworks from Dallas, TX to storage in Illiopolis, IL.
16159–N	The Boeing Company Renton, WA.	49 CFR 172.300, 172.400 and 172.500.	To authorize the transportation in commerce of a Division 1.4S material without marking, labeling or placarding. (modes 1, 2, 3, 4).
16153–N	Trailers y Tanques de Aluminio S.A. de CV. Mexico.	49 CFR 178.345–7(d)	To authorize the transportation in commerce of certain cargo tanks with ring stiffers manufactured between October 2011 through May 2013 that are not in compliance with 178.347–7(d). (modes 1, 2, 3).
16151–N	Antonov Company, t/a Antonov Airlines Kiev, NH.	49 CFR 49 CFR Section 172.101 Column (9B).	To authorize the one-time transportation in commerce of certain explosives that are forbidden for transportation by cargo only aircraft. (mode 3).

S.P No.	Applicant	Regulation(s)	Nature of special permit thereof
16164–N	AREVA, Inc. Richland, WA	49 CFR 173.420(a)(2)(i); 173.420(b).	To authorize the one time one way transportation in commerce of four Model 30B cylinders that contain a small residual heel of uranium hexafluoride. (mode 1).

DENIED

15788–M	Request by Amtrol-Alfa, Metalomecanica SA Portugal, May 28, 2014. To modify the special permit to address requests made in the original application submitted on December 26, 2012.
14808–M	Request by Amtro Alfa Metalomecanica SA Portugal, May 23, 2014. To modify the special permit to authorize an increase in the maximum water capacity to 10 gallons.
15036–M	Request by UTLX Manufacturing, Incorporated Alexandria, LA, May 21, 2014. To modify the special permit to authorize an increase of the inspection interval to five years.
15997–N	Request by Chemring Energetic Devices, Inc. Torrance, CA, May 7, 2014. To authorize the transportation in commerce Sealed Scrap Parts (small parts containing milligram explosive loads) as as UN0352, Articles, explosive, n.o.s. 1.4D without having them re-examined when transported for disposal.
16095–N	Request by Clay & Bailey Manufacturing Company Kansas City, MO, May 28, 2014. To authorize the manufacture, mark, sale and use of manways constructed from Ultra High Molecular Weight Pole Ethylene for use on cargo tank motor vehicles in transporting certain hazardous materials.
16136–N	Request by Elk Environmental Services Reading, PA, May 21, 2014. To authorize the transportation in commerce of certain labpack quantities of hazardous materials with shrink-wrap as an overpack without required markings and labels.

[FR Doc. 2014–14129 Filed 6–19–14; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline And Hazardous Materials Safety Administration

Office Of Hazardous Materials Safety; List of Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications Delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

Key to ''Reason for Delay''

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications

Meaning of Application Number Suffixes

N—New application
M—Modification request
R—Renewal Request
P—Party To Exemption Request

Issued in Washington, DC, on June 12, 2014.

Donald Burger,

Chief, General Approvals and Permits.

Application No.	Applicant	Reason for delay	Estimated date of completion
	Modification to Special Permits		
15854–M	Colmac Coil Manufacturing, Inc. Colville, WA	4	07–31–2014
15642–M	Praxair Distribution, Inc. Danbury, CT	4	07–31–2014
14313–M	Airgas USA, LLC. Tulsa, OK	4	06–30–2014
9610–M	ATK Small Caliber Systems Independence, MO	4	07–31–2014
12629–M	TEA Technologies, Inc. Amarillo, TX	4	06–30–2014
11373–M	Marlin Company, Inc. Lenoir, NC	4	07–31–2014
	New Special Permit Applications		
15767–N	Union Pacific Railroad Company Omaha, NE	1	07–31–2014
15973–N	Codman & Shurtleff, Inc. Raynham, MA	4	07–31–2014
15971–N	National Aeronautics and Space Administration (NASA) Houston, TX	4	07–31–2014
15955–N	Thompson Tank, Inc. Lakewood, CA	4	07–31–2014
16022–N	Zhejiang Juhua Equipment Manufacturing Co., Ltd. Quzhou, Zhejiang	4	07–31–2014
15991–N	Dockweiler Neustadt-Glewe, Germany	4	07–31–2014
16011–N	Americase Waxahache, TX	4	06–30–2014
16001–N	VELTEK Malvern, PA	4	07–31–2014
16039–N	UTLX Manufacturing LLC Alexandria, LA	4	07–31–2014

Application No.	Applicant	Reason for delay	Estimated date of completion
16040–N	Multistar Ind., Inc. Othello, WA	4	07–31–2014
	Renewal Special Permits Applications		
14267–R	LATA Environmental Services of Kentucky, LLC (LATA Kentucky) Kevil, KY	3	06–30–2014
14566–R	Nantong CIMC Tank Equipment Co. Ltd. Nantong, Jiangsu Province	4	07–31–2014
13083–R	Rockwood Pigments NA, Inc. St. Louis, MO	4	07–31–2014
11602–R	East Tennessee Iron & Metal, Inc. Rogersville, TN	4	06–30–2014

[FR Doc. 2014–14183 Filed 6–19–14; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Notice and Request for Comments

AGENCY: Surface Transportation Board, DOT.

ACTION: 30-day notice of request for approval for extension: Applications for Land-Use-Exemption Permits.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (Board) gives notice that it is requesting from the Office of Management and Budget (OMB) approval of an extension of the information collection—Applications for Land-Use-Exemption Permits (for Solid Waste Rail Transfer Facilities)—further described below. The Board previously published a notice about this collection in the **Federal Register** on April 11, 2014, at 79 FR 20304. That notice allowed for a 60-day public review and comment period. No comments were received.

Pursuant to 49 U.S.C. 10501(c)(2), as amended by the Clean Railroads Act of 2008 (CRA), the Board issued rules in *Solid Waste Rail Transfer Facilities,* EP 684 (served on March 24, 2011). Under these rules, a person seeking a land-use-exemption permit must file an application including (1) substantial facts and argument as to why a permit is necessary and (2) as required by the National Environmental Policy Act, an environmental report and/or an environmental impact statement.

Under 49 CFR 1155.20, an applicant is required to file a notice of intent to apply for a land-use-exemption permit before filing its application. A suggested form for this notice may be found in Appendix A to part 1155. Further, under 49 CFR 1155.21(e), an application must include a draft **Federal Register** notice. A suggested form for the draft **Federal Register** notice may be found at Appendix B to part 1155.

Comments may now be submitted to OMB concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Applications for Land-Use-Exemption Permits.

OMB Control Number: 2140–0018.

STB Form Number: None.

Type of Review: Extension without change.

Respondents: Any applicant seeking a land-use-exemption permit.

Number of Respondents: One.

Estimated Time per Response: 160 hours.

Frequency: On occasion.

Total Burden Hours (annually including all respondents): 160 hours.

Total ''Non-hour Burden'' Cost: An estimated $200,000 to hire an environmental consultant to work with Board staff on the required environmental report.

Needs and Uses: This collection is needed to develop a record in land-use-exemption-permit proceedings, a process mandated by Congress in the CRA. The Board uses the information in this collection to accurately assess the merits of a permit application.

Retention Period: Information in this report will be maintained on the Board's Web site for a minimum of one year and will be otherwise maintained until transferred to NARA as a permanent record.

DATES: Comments on this information collection should be submitted by July 28, 2014.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board, Applications for Land-Use-Exemption Permits.'' These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Patrick Fuchs, Surface Transportation Board Desk Officer, by email at by fax at (202) 395–6974; or by mail to Room 10235, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information regarding the Applications for Land-Use-Exemption Permits, contact Danielle Gosselin at (202) 245–0300 or *Gosselind@stb.dot.gov* [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.]

SUPPLEMENTARY INFORMATION: Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements or requests that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: June 17, 2014.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–14479 Filed 6–19–14; 8:45 am]
BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 16, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before July 21, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–2098.

Type of Review: Extension without change of a currently approved collection.

Title: Rev. Proc. 2008–27—9100 Relief Under Sections 897 and 1445.

Abstract: Revenue Procedure 2008–27 provides a simplified method for taxpayers to request relief for certain late filings under Internal Revenue Code sections 897 and 1445. Once the taxpayer becomes aware of the failure to file the statements or notices required by sections 1.897–2(g)(1)(ii)(A), 1.897–2(h), 1.1445–2(c)(3)(i), 1.1445–2(d)(2), 1.1445–5(b)(2), or 1.1445–5(b)(4) of the income tax regulations, the taxpayer must file the completed statement or notice with the appropriate person or the IRS, as applicable.

Affected Public: Businesses or other for-profit organizations; Farms.

Estimated Annual Burden Hours: 1,000.

OMB Number: 1545–2199.

Type of Review: Revision of a currently approved collection.

Title: Form 15597, Foreclosure Sale Purchaser Contact Information Request.

Form: Form 15597.

Abstract: When the IRS is considering the redemption of real property foreclosed on by a third party, the IRS informs the foreclosure sale purchaser of this consideration and asks for contact information. Form 15597 is the request for that information.

Affected Public: Individuals or households; Businesses or other for-profit organizations; Farms; Not-for-profit institutions; Federal Government; and State, local, or tribal governments.

Estimated Annual Burden Hours: 613.

OMB Number: 1545–2211.

Type of Review: Extension without change of a currently approved collection.

Title: Form 8940, Request for Miscellaneous Determination.

Form: Form 8940.

Abstract: Organizations exempt under Internal Revenue Code section 501(c)(3) may file Form 8940 for miscellaneous determinations under sections 507, 509(a), 4940, 4942, 4945, and 6033. The form standardizes information collection procedures for nine categories of individually written requests for miscellaneous determinations submitted to the IRS. Nonexempt charitable trusts may also file Form 8940 for an initial determination under section 509(a)(3).

Affected Public: Not-for-profit institutions.

Estimated Annual Burden Hours: 28,959.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–14383 Filed 6–19–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Loans in Areas Having Special Flood Hazards

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its information collection titled, ''Loans in Areas Having Special Flood Hazards.''

DATES: You should submit written comments by: August 19, 2014.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0202, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Johnny Vilela or Mary H. Gottlieb, (202) 874–5090, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Loans in Areas Having Special Flood Hazards—12 CFR part 22.

OMB Control Number: 1557–0202.

Description: The regulation requires national banks to make disclosures and keep records regarding whether a

property held as security for a loan is located in a special flood hazard area.

This information collection is required by section 303(a) [1] and title V of the Riegle Community Development and Regulatory Improvement Act,[2] the National Flood Insurance Reform Act of 1994 amendments to the National Flood Insurance Act of 1968,[3] the Flood Disaster Protection Act of 1973,[4] and by OCC regulations implementing those statutes. The information collection requirements are contained in 12 CFR part 22.

Section 22.6 requires a national bank to use the Standard Flood Hazard Determination Form developed by the Federal Emergency Management Agency (FEMA) and to maintain a completed copy of that form for the period of time the bank owns the loan.

Section 22.7 requires a national bank or its loan servicer, if a borrower has not obtained flood insurance, to notify the borrower to obtain adequate flood insurance coverage or the bank or servicer will purchase flood insurance on the borrower's behalf.

Section 22.9 requires a national bank making, extending, increasing, or renewing a loan secured by a building or a mobile home located in a special flood hazard area to advise the borrower and the loan servicer that the property is located in a special flood hazard area; provide a description of the flood insurance purchase requirements; and provide information regarding the availability of insurance under the National Flood Insurance Program and of Federal assistance in the event of a declared Federal flood disaster. In lieu of providing the borrower notice, a national bank may obtain a satisfactory written assurance from a seller or lessor that, within a reasonable time before completion of the sale or lease transaction, the seller or lessor provided such notice to the purchaser or lessee. For the period of time the bank owns the loan, the bank must maintain a record of the borrower's and loan servicer's receipts of these notices and, where appropriate, the written assurance from the seller or the lessor.

Section 22.10 requires a national bank making, increasing, extending, renewing, selling, or transferring a loan secured by a building or a mobile home located in a special flood hazard area to notify FEMA of the identity of the servicer, and of any change in servicers.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks and the public, and further public policy interests.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 2,251.

Estimated Responses per Respondent: 2,729.

Estimated Total Annual Responses: 6,142,979.

Estimated Frequency of Response: On occasion.

Estimated Total Annual Burden: 363,012 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 16, 2014.

Stuart E. Feldstein,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 2014–14391 Filed 6–19–14; 8:45 am]

BILLING CODE 4810–33–P

[1] 12 U.S.C. 4804.

[2] 42 U.S.C. 4104(a).

[3] 12 U.S.C. 4104a and 4104b.

[4] 12 U.S.C. 4012a and 4106(b).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Fair Housing Home Loan Data System Regulation

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of its information collection titled, ''Fair Housing Home Loan Data System Regulation.''

DATES: You should submit your comments by August 19, 2014.

Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0159, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov*. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and

Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend approval of the following information collection:

Title: Fair Housing Home Loan Data System Regulation.

OMB Control No.: 1557–0159.

Description: The Fair Housing Act (42 U.S.C. 3605) prohibits discrimination in the financing of housing on the basis of race, color, religion, sex, or national origin. The Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of income from public assistance, or exercise of any right under the Consumer Credit Protection Act (15 U.S.C. 1601 *et seq.*). The OCC is responsible for ensuring that national banks and Federal savings associations comply with those laws. The OCC needs this information to fulfill its statutory responsibilities.

The information collection requirements are as follows:

• 12 CFR 27.3(a) requires national banks that are required to collect data on home loans under 12 CFR part 203 [1] to present the data on Form FR HMDA–LAR,[2] or in automated format in accordance with the HMDA–LAR instructions, and to include one additional item (the reason for denial) on the HMDA–LAR. Section 27.3(a) also lists exceptions to the HMDA–LAR recordkeeping requirements. Federal savings associations generate this information pursuant to the CFPB's Regulation C, 12 CFR part 1003.

• 12 CFR 27.3(b) lists the information banks should seek to obtain from an applicant as part of a home loan application, and also sets forth information that a bank must disclose in collecting certain information from an applicant.

• 12 CFR 27.3(c) sets forth additional information required to be kept in the loan file.

• 12 CFR 27.4 states that the OCC may require a national bank to maintain a Fair Housing Inquiry/Application Log found in Appendix III to part 27 if there is reason to believe that the bank is engaging in discriminatory practices or if analysis of the data compiled by the bank under the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) and 12 CFR part 203 indicates a pattern of significant variation in the number of home loans between census tracts with similar incomes and home ownership levels differentiated only by race or national origin.

• 12 CFR 27.5 requires a national bank to maintain the information required by § 27.3 for 25 months after the bank notifies the applicant of action taken on an application, or after withdrawal of an application.

• 12 CFR 27.7 requires a national bank to submit the information required by §§ 27.3 and 27.4 to the OCC upon its request, prior to a scheduled examination using the Monthly Home Loan Activity Format form in Appendix I to part 27 and the Home Loan Data Form in Appendix IV to part 27.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,927.

Estimated Total Annual Burden: 31,704 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 16, 2014.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2014–14397 Filed 6–19–14; 8:45 am]

BILLING CODE 4810–33–P

[1] This regulation has been transferred to the Consumer Financial Protection Bureau (CFPB) (12 CFR part 1003).

[2] Loan Application Register, *http://www.ffiec.gov/hmda/pdf/hmdalar2011.pdf.*

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Office of the General Counsel involving Veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters involving the same legal issues. The summary is published to provide the public, and, in particular, Veterans' benefits claimants and their representatives, with notice of VA's interpretations regarding the legal matters at issue.

FOR FURTHER INFORMATION CONTACT: Susan P. Sokoll, Law Librarian, Department of Veterans Affairs, 810 Vermont Avenue NW. (026H), Washington, DC 20420, (202) 461–7623.

SUPPLEMENTARY INFORMATION: A VA regulation at 38 CFR 2.6(e)(8) delegates to the General Counsel the power to designate an opinion as precedential and 38 CFR 14.507(b) specifies that precedential opinions involving Veterans' benefits are binding on VA officials and employees in subsequent matters involving the legal issue decided in the precedent opinion. The interpretation of the General Counsel on legal matters, contained in such opinions, is conclusive as to all VA officials and employees, not only in the matter at issue, but also in future adjudications and appeals involving the same legal issues, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of

the General Counsel that must be followed in future benefit matters and to assist Veterans' benefits claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above or by accessing the opinions on the Internet at *http://www.va.gov/ogc/precedentopinions.asp.*

VAOPGCPREC 3–2014

Questions Presented

On September 4, 2013, the Attorney General announced that the President directed the Executive Branch to cease enforcement of the definitions of ''spouse'' and ''surviving spouse'' in title 38, United States Code, to the extent that they limit recognition of marital status to couples of the opposite sex. Given the President's instruction, how should VA determine effective dates for benefits based on same-sex marriage?

Held

1. The President's directive to cease enforcement of the definitions of ''spouse'' and ''surviving spouse'' in title 38, United States Code, to the extent that those definitions preclude recognition of same-sex marriages, should be given retroactive effect as it relates to claims still open on direct review as of September 4, 2013. If VA awards benefits in such a case, the effective date of the award should be determined under 38 U.S.C. § 5110 as if the statutes barring recognition of same-sex marriage were not in effect when the claim was filed.

2. For new claims or reopened claims received after September 4, 2013, VA should apply 38 U.S.C. § 5110(g) to assign an effective date if to do so would be to the claimant's benefit. However, if a new claim establishes entitlement to an effective date earlier than September 4, 2013, by operation of 38 U.S.C. § 5110(d)–(f), (h), (j)–(l), or (n), then section 5110(g) should not be applied to limit the availability of that earlier effective date.

Effective Date: June 17, 2014.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 4–2014

Question Presented

How will the Department of Veterans Affairs (VA) administer spousal benefits in accordance with 38 U.S.C. § 103(c) in light of variances in state law on the issue of same-sex marriage?

Held

1. The plain language of section 103(c) requires that a person be married to a Veteran to be considered the ''spouse'' of the Veteran and requires VA to look to state law to determine the validity of a marriage. A domestic partnership or civil union that is not recognized as a ''marriage'' under state law cannot be considered a valid marriage for VA purposes.

2. Section 103(c) provides two alternative bases for determining the validity of a marriage. Section 103(c) provides that VA shall look to ''the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued'' (emphasis added). Under this standard, if a marriage is valid in one of the places of residence identified in the statute, it will be valid for VA purposes, even if it was not recognized as valid under the laws of any other place in which the parties resided.

3. Under section 103(c), ''at the time of the marriage'' means when the parties entered into the marriage. If the parties' marriage is valid under the law of the place where they resided at the time of the inception of their marriage, it is valid for VA purposes.

4. We construe the term ''when the right to benefits accrued'' in section 103(c) to refer to: (1) The point in time at which the claimant filed a claim that is ultimately found to be meritorious in establishing entitlement to a benefit or increased benefit for which a marriage to a Veteran is a prerequisite; or (2) if entitlement cannot be established as existing at the time the claim is submitted, then at such later date as of which all requirements of entitlement are met. Once VA has determined a marriage valid under section 103(c), such determination shall be recognized in subsequent adjudicatory decisions involving the same or other VA benefits unless there is a change in marital status through death or judicial action.

5. The phrase ''place where the parties resided'' is interpreted to mean the place where the parties regularly lived or had their home, as distinguished from a place in which they were present on a temporary basis. The provision includes parties who lived in a place continuously for a reasonable period of time and those who relocated to a place with the intent to live there either permanently or for a reasonable period of time. A party's temporary absence from the place they ordinarily lived would not defeat the finding that they resided in that place. If the parties resided in different jurisdictions at their time of marriage, VA may consider the marriage valid for VA purposes if it is valid under the law of either jurisdiction. In addition to U.S. states, the term ''place'' may include U.S. territories and possessions, the District of Columbia, foreign nations, and other areas governed by a recognized system of laws pertaining to marriage, such as tribal laws.

6. The plain language of section 103(c) applies only to determine the validity of a marriage to a Veteran. It thus applies for purposes of establishing eligibility or ineligibility for benefits or services provided on the basis of the marriage of a ''veteran'' (including, in some instances, active-duty service members and others defined to be ''veterans'' under certain statutory provisions). In other instances, however, when VA provides benefits or services based on the marital status of an individual who is not considered a Veteran, section 103(c) generally would not apply in determining the validity of a marriage to such an individual.

Effective Date: June 17, 2014.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

Signing Authority: On June 17, 2014, Will A. Gunn, General Counsel, approved this document and authorized the undersigned to sign and submit this notice to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Robert C. McFetridge,
Director, Office of Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–14476 Filed 6–19–14; 8:45 am]

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Part II

Department of Education

34 CFR Part 668
Violence Against Women Act; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840–AD16

[Docket ID ED–2013–OPE–0124]

Violence Against Women Act

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Student Assistance General Provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA). These proposed regulations would update, clarify, and improve the current regulations.

DATES: We must receive your comments on or before July 21, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. *Please do not submit the PDF in a scanned format.* Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the proposed regulations, address them to Jean-Didier Gaina, U.S. Department of Education, 1990 K Street NW., Room 8055, Washington, DC 20006–8502.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Jessica Finkel, U.S. Department of Education, 1990 K Street NW., Room 8031, Washington, DC 20006–8502. Telephone (202) 502–7647 or by email at: *Jessica.Finkel@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:

Executive Summary

Purpose of This Regulatory Action

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113–4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. We propose to amend § 668.46 of title 34 of the Code of Federal Regulations (CFR) in order to implement these statutory changes. Additionally, we propose to update this section by incorporating provisions added to the Clery Act by the Higher Education Opportunity Act of 2008, deleting outdated deadlines and cross-references, and making other changes to improve the readability and clarity of the regulations.

Summary of the Major Provisions of This Regulatory Action

The proposed regulations would—

- Require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking that meet the proposed definitions of those terms.
- Revise the definition of ''rape'' to reflect the Federal Bureau of Investigation's (FBI) recently updated definition in the UCR Summary Reporting System, which encompasses the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System.
- Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into independent categories.
- Require institutions to provide and describe in their annual security reports primary prevention and awareness programs to incoming students and new employees. These programs must include: A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking; the definition of these terms in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs;
- Require institutions to provide and describe in their annual security reports ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as in the institution's primary prevention and awareness program;
- Define the terms ''awareness programs,'' ''bystander intervention,'' ''ongoing prevention and awareness campaigns,'' ''primary prevention programs,'' and ''risk reduction.''
- Require institutions to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to provide for a prompt, fair, and impartial disciplinary proceeding in which (1) officials are appropriately trained and do not have a

conflict of interest or bias for or against the accuser or the accused; (2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; (3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt timeframe; (5) the accuser and accused are given timely notice of meetings at which one or the other or both may be present; and (6) the accuser, the accused, and appropriate officials are given timely access to information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings.

• Define the terms ''proceeding'' and ''result.''

• Specify that compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Please refer to the Summary of Proposed Changes section of this preamble for more details on the major provisions contained in this notice of proposed rulemaking (NPRM).

Costs and Benefits: A benefit of these proposed regulations is that they would strengthen the rights of victims of dating violence, domestic violence, sexual assault, and stalking on college campuses. Institutions would be required to collect and disclose statistics of crimes reported to campus security authorities and local police agencies that involve incidents of dating violence, domestic violence, sexual assault, and stalking. This would improve crime reporting. In addition, students, prospective students, families, and employees and potential employees of the institutions, would be better informed about each campus's safety and procedures.

Institutions would incur costs under the proposed regulations in two main categories: Paperwork costs of complying with the regulations, and other compliance costs that institutions may incur as they attempt to improve security on campus. Under the proposed regulations, institutions would incur costs involved in updating the annual security reports; changing crime statistics reporting to capture additional crimes, categories of crimes, differentiation of hate crimes, and expansion of categories of bias reported; and the development of statements of policy about prevention programs and institutional disciplinary actions. Institutions would also incur additional costs in attempting to comply with the new regulations. Costs to improve safety on campus would include annual training of officials on issues related to dating violence, domestic violence, sexual assault, and stalking as well as training on how to conduct disciplinary proceeding investigations and hearings. The proposed regulations are not estimated to have a significant net budget impact in the title IV, HEA student aid programs over loan cohorts from 2014 to 2024.

Invitation to Comment: We invite you to submit comments regarding the proposed regulations. In particular, we request comment on additional ways to identify where one incident of stalking has ended and another has begun, on how to count stalking that crosses calendar years, and on how to report incidents of stalking by location, as discussed under ''Recording Stalking.'' We also request comment about whether the proposed approach to counting some or all of the primary Clery Act crimes should be modified to capture information about the relationship between a perpetrator and a victim, as discussed under ''Crimes that must be Reported and Disclosed.''

To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses, and provide relevant information and data whenever possible, even when there is no specific solicitation of data and other supporting materials in the request for comment. We also urge you to arrange your comments in the same order as the proposed regulations. Please do not submit comments outside the scope of the specific proposals in this notice of proposed rulemaking, as we are not required to respond to comments that are outside of the scope of the proposed rule. See **ADDRESSES** for instructions on how to submit comments.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about the proposed regulations by accessing Regulations.gov. You may also inspect the comments in person in room 8055, 1990 K Street NW., Washington, DC, between 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays. If you want to schedule time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed regulations. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

On March 7th, 2013, President Obama signed VAWA (Pub. L. 113–4). VAWA included amendments to section 485(f) of the HEA, the Clery Act. The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the Federal student financial aid programs authorized by title IV of the HEA. Notably, VAWA amended the Clery Act to require institutions to compile statistics of the number of incidents of dating violence, domestic violence, and stalking reported to campus security authorities or local police agencies, in addition to the crimes currently identified. Institutions also must include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. We propose to amend 34 CFR § 668.46 to implement these statutory changes. Additionally, we propose to update this section by incorporating certain provisions added to the Clery Act by the Higher Education Opportunity Act of 2008, deleting outdated deadlines and cross-references, and making other changes to improve the readability and clarity of the regulations.

Public Participation

On April 16, 2013, we published a notice in the **Federal Register** (78 FR 2247), which we corrected on April 30, 2013 (78 FR 25235), announcing topics for consideration for action by a negotiated rulemaking committee. The topics for consideration were: Cash management of funds provided under the title IV Federal Student Aid programs; State authorization for programs offered through distance

education or correspondence education; State authorization for foreign locations of institutions located in a State; clock to credit hour conversion; gainful employment; changes to the campus safety and security reporting requirements in the Clery Act made by VAWA, and the definition of ''adverse credit'' for borrowers in the Federal Direct PLUS Loan Program. In that notice, we announced three public hearings at which interested parties could comment on the topics suggested by the Department and could suggest additional topics for consideration for action by a negotiated rulemaking committee.

On May 13, 2013, we announced in the **Federal Register** (78 FR 27880) the addition of a fourth hearing. The hearings were held on May 21, 2013, in Washington, DC; May 23, 2013, in Minneapolis, Minnesota; May 30, 2013, in San Francisco, California; and June 4, 2013, in Atlanta, Georgia. We also invited parties unable to attend a public hearing to submit written comments on the topics and to submit other topics for consideration. Transcripts from the public hearings are available at *http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html*. Written comments submitted in response to the April 16, 2013, notice may be viewed through the Federal eRulemaking Portal at *www.regulations.gov,* within docket ID ED–2012–OPE–0008. You can link to the ED–2012–OPE–0008 docket as a related docket inside the ED–2013–OPE–0124 docket associated with this notice of proposed rulemaking. Alternatively, individuals can enter docket ID ED–2012–OPE–0008 in the search box to locate the appropriate docket. Instructions for finding comments are also available on the site under ''How to Use Regulations.gov'' in the Help section.

Negotiated Rulemaking

Section 492 of the HEA, 20 U.S.C. 1098a, requires the Secretary to obtain public involvement in the development of proposed regulations affecting programs authorized by title IV of the HEA. After obtaining advice and recommendations from the public, including individuals and representatives of groups involved in the title IV, HEA programs, the Secretary must subject the proposed regulations to a negotiated rulemaking process. If negotiators reach consensus on the proposed regulations, the Department agrees to publish without alteration a defined group of regulations on which the negotiators reached consensus unless the Secretary reopens the process or provides a written explanation to the participants stating why the Secretary has decided to depart from the agreement reached during negotiations. Further information on the negotiated rulemaking process can be found at: *http://www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html*.

On September 19, 2013, the Department published a notice in the **Federal Register** (78 FR 57571) announcing our intention to establish a negotiated rulemaking committee to prepare proposed regulations to address the changes to the Clery Act made by VAWA. The notice set forth a schedule for the committee meetings and requested nominations for individual negotiators to serve on the negotiating committee.

The Department sought negotiators to represent students; legal assistance organizations that represent students; consumer advocacy organizations; State higher education executive officers; State Attorneys General and other appropriate State officials; institutions of higher education eligible to receive Federal assistance under title III, parts A, B, and F and title V of the HEA, which include Historically Black Colleges and Universities, Hispanic-Serving Institutions, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, Predominantly Black Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA; two-year public institutions of higher education; four-year public institutions of higher education; private, non-profit institutions of higher education; private, for-profit institutions of higher education; institutional campus public safety officials; institutional student affairs/disciplinary divisions; institutional centers for women, lesbian, gay, bisexual, and transgendered individuals; institutional attorneys; Indian tribal governments; and campus safety advocates. The Department considered the nominations submitted by the public and chose negotiators who would represent various interested constituencies and the negotiated rulemaking committee met to develop proposed regulations on January 13–14, 2014, February 24–25, 2014, and March 31–April 1, 2014. At its first meeting, the committee reached agreement on its protocols, which generally set out the committee membership, and the standards by which the committee would operate. These protocols provided, among other things, that the non-Federal negotiators would represent the organizations listed after their names in the protocols. The committee included the following members:

Laura Dunn, SurvJustice, and John Kelly (alternate), Know Your IX, representing students.

Fatima Goss Graves, National Women's Law Center, and Bridget Harwood (alternate), Network for Victim Recovery of DC, representing legal assistance organizations that represent students.

Nancy Chi Cantalupo, Victim Rights Law Center, and Denice Labertew (alternate), Los Angeles Valley College and Los Angeles Mission College, representing consumer advocacy organizations.

S. Daniel Carter, VTV Family Outreach Foundation's 32 National Campus Safety Initiative, and Alison Kiss (alternate), Clery Center for Security on Campus, Inc., representing campus safety advocates.

Connie Best, Medical University of South Carolina, and Jessica Ladd-Webert (alternate), University of Colorado-Boulder, representing mental health services providers.

Michael Heidingsfield, University of Texas System Police, and Paul Denton (alternate), Ohio State University Police Division, representing institutional campus safety officials.

Cat Riley, University of Texas Medical Branch Galveston, and Caroline Fultz-Carver (alternate), University of South Florida System, representing institutional student affairs/disciplinary divisions.

Lisa Erwin, University of Minnesota Duluth, and Dennis Gregory (alternate), Old Dominion University, representing institutional centers for women, lesbian, gay, bisexual, and transgendered individuals.

Dana Scaduto, Dickinson College, and Jerry Blakemore (alternate), Northern Illinois University, representing institutional attorneys.

Anthony Walker, Norfolk State University, and Julie Poorman (alternate), East Carolina University, representing minority-serving intuitions and other title III institutions.

Rick Amweg, University System of Ohio, and Gary Lyle (alternate), Anne Arundel Community College, representing two-year public institutions.

Jill Dunlap, UC Santa Barbara, and Holly Rider-Milkovich (alternate), University of Michigan, representing four-year public institutions.

Stephanie Atella, Loyola University Chicago, and Michael Webster (alternate), McDaniel College, representing private, non-profit institutions.

Deana Echols, Ultimate Medical Academy, and Christine Gordon (alternate), Graham Webb Academy, representing private, for-profit institutions.

Gail McLarnon, U.S. Department of Education, representing the Department.

The protocols also provided that the committee would operate by consensus. The protocols also specified that consensus means that there must be no dissent by any members. Under the

protocols, if the committee reached a final consensus on all issues, the Department would use the consensus-based language in its proposed regulations or, in the alternative, the Department would reopen the negotiated rulemaking process or provide a written explanation to the committee members regarding why it has decided to depart from that language.

During the committee meetings, the committee reviewed and discussed the Department's drafts of regulatory language and the committee members' alternative language and suggestions. At the final meeting on April 1, 2014, the committee reached consensus on the Department's proposed regulations. For more information on the negotiated rulemaking sessions, please visit *http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/vawa.html*.

Summary of Proposed Changes

The proposed regulations would—

- Add and define the terms ''Clery Geography,'' ''dating violence,'' ''domestic violence,'' ''Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program (FBI's UCR program),'' ''hate crime,'' ''Hierarchy Rule,'' ''programs to prevent dating violence, domestic violence, sexual assault, and stalking,'' ''sexual assault,'' and ''stalking.''
- Require institutions to address in their annual security reports their current policies concerning campus law enforcement, including the jurisdiction of security personnel, as well as any agreements, such as written memoranda of understanding between the institution and those police agencies, for the investigation of alleged criminal offenses.
- Require institutions to address in their annual security reports their policies to encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies when the victim of a crime elects to or is unable to make such a report.
- Require institutions to provide written information to victims about the procedures that one should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:
  - The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
  - How and to whom the alleged offense should be reported;
  - The victim's options about the involvement of law enforcement and campus authorities, including the options to notify proper law enforcement authorities, be assisted by campus authorities in notifying law enforcement authorities, and decline to notify authorities; and
  - The victim's rights and the institution's responsibilities with respect to orders of protection or similar orders issued by a court or by the institution.
- Require institutions to address in their annual security reports how the institution will complete publicly available recordkeeping requirements, including Clery Act reporting and disclosures, without the inclusion of identifying information about the victim;
- Require institutions to address in their annual security reports how the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
- Require institutions to specify in their annual security reports that they will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims both within the institution and in the community.
- Require institutions to specify in their annual security reports that they will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations and clarify that the institution must make these accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Require institutions to specify in their annual security reports that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.
- Require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking that meet the proposed definitions of those terms.
- Revise the definition of ''rape'' to reflect the FBI's recently updated definition in the UCR Summary Reporting System, which encompasses the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System.
- Revise and update the definitions of ''sex offenses,'' ''fondling,'' ''incest,'' and ''statutory rape'' in Appendix A to subpart D of part 668 to reflect the FBI's updated definitions.
- Emphasize that institutions must, for the purposes of Clery Act reporting, include in their crime statistics all crimes reported to a campus security authority.
- Clarify that an institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.
- Specify that Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim.
- Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into independent categories.
- Specify how institutions should record reports of stalking, including how to record reports in which the stalking included activities in more than one calendar year or in more than one location within the institution's Clery Act-reportable areas, and how to determine when to report a new crime of stalking involving the same victim and perpetrator.
- Create an exception to the requirements of the Hierarchy Rule in the UCR Reporting Handbook for situations in which an individual is a victim of a sex offense and a murder during the same incident so that the incident will be included in both categories.
- Clarify that an institution must withhold as confidential the names and other identifying information of victims when providing timely warnings.
- Implement the requirements pertaining to an institution's educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking by:
  - Requiring institutions to describe in their annual security reports the institution's primary prevention and awareness programs for incoming students and new employees, which must include: A statement that the institution prohibits the crimes of dating

violence, domestic violence, sexual assault, and stalking; the definition of these terms in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs;

○ Requiring institutions to provide and describe in their annual security reports ongoing prevention and awareness campaigns for students and employees, which must include the same information as in the institution's primary prevention and awareness program; and

○ Defining the terms ''awareness programs,'' ''bystander intervention,'' ''ongoing prevention and awareness campaigns,'' ''primary prevention programs,'' and ''risk reduction.''

• Implement requirements pertaining to an institution's procedures for campus disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking by:

○ Requiring institutions to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

○ Requiring institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;

○ Requiring institutions to describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;

○ Requiring institutions to provide for prompt, fair, and impartial disciplinary proceedings in which: (1) Officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused; (2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; (3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt timeframe; (5) the accuser and accused are given timely notice of meetings at which one or the other or both may be present; and (6) the accuser, the accused, and appropriate officials are given timely access to information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings;

○ Defining the terms ''proceeding'' and ''result;'' and

○ Specifying that compliance with these provisions does not constitute a violation of FERPA.

• Prohibit retaliation by an institution or an officer, employee, or agent of an institution against any individual for exercising their rights or responsibilities under any provision under the Clery Act.

Significant Proposed Regulations

Very generally, section 304 of VAWA amended section 485(f) of the HEA, otherwise known as the Clery Act, to: Expand reporting of crime statistics to capture a more accurate picture of dating violence, domestic violence, sexual assault, and stalking on our nation's campuses; strengthen institutional policies related to these crimes; provide greater support and accommodations for victims; and protect the rights of both parties (accuser and accused) during institutional disciplinary proceedings. During the negotiated rulemaking process that resulted in these proposed regulations, the committee was guided by several key principles.

First, VAWA amended the Clery Act, but it did not affect in any way title IX of the Education Amendments of 1972 (title IX), its implementing regulations, or associated guidance issued by the Department's Office for Civil Rights (OCR).[1] While the Clery Act and title IX overlap in some areas relating to requirements for an institution's response to reported incidents of sexual violence, the two statutes and their implementing regulations and interpretations are separate and distinct. Nothing in these proposed regulations alters or changes an institution's obligations or duties under title IX as interpreted by OCR.

Second, the committee set out to develop inclusive, effective, and fair regulations that protect the rights of all students. The negotiators worked hard to craft regulatory language that takes into account the unique needs of diverse communities and individuals, paying careful attention to words that might be viewed as insensitive or unwelcoming.

And third, the committee recognized that, while there is important and urgent work being done in the sexual violence prevention field, the Clery Act and VAWA do not require institutions to use specific materials for prevention policies and procedures. The committee believed strongly that institutions should use practices that have been shown through research and assessment to be effective. The Department expects that best practices information will be released a separate document following issuance of final regulations.

We discuss substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address proposed regulatory provisions that are technical or otherwise minor in effect.

Definitions

Definition of Clery Geography

Statute: Section 485(f)(1)(F) of the HEA requires an institution to report to the Department and disclose in its annual security report statistics regarding certain crimes reported to campus security authorities or local police agencies that occur on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year and during the two preceding calendar years for which data are available. Additionally, section 485(f)(4)(A) of the HEA requires institutions that maintain a campus police or security department of any kind to make, keep, and maintain a daily crime log that records all crimes reported to that police or security department.

Current Regulations: Section 668.46(a) contains definitions of the terms ''campus'' ''noncampus building or property'' and ''public property.'' ''Campus'' is defined as (1) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in clause (1) that is owned or controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). ''Noncampus building or property'' is defined as (1) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not

[1] Title IX prohibits discrimination on the basis of sex in federally funded education programs or activities.

within the same reasonably contiguous geographic area of the institution. ''Public property'' is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Section 668.46(f) requires institutions that have a campus police or security department to maintain a daily crime log that records any crime reported to that department that occurred on campus, on a noncampus building or property, on public property (as those terms are defined in § 668.46(a)), or within the patrol jurisdiction of the campus police or security department.

Proposed Regulations: We propose to add and define the term ''Clery Geography'' to § 668.46(a). For the purposes of the annual crime statistics, ''Clery Geography'' would be defined as including the areas that meet the definitions of ''campus,'' ''noncampus building or property,'' or ''public property.'' For the purposes of maintaining a daily crime log as required under § 668.46(f), Clery Geography would be defined to also include areas within the patrol jurisdiction of the campus police or security department. We also propose to replace both the reference in § 668.46(c)(1) to ''campus, in or on noncampus buildings or property, and on public property'' and the reference in § 668.46(f)(1) to ''campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department'' with the term ''Clery Geography.''

Reasons: The proposed use and definition of the term ''Clery Geography'' would provide a concise way of referring collectively to the physical locations for which an institution is responsible for collecting reports of crimes for inclusion in its annual crime statistics and, if applicable, its daily crime log. The Department has used the term ''Clery Geography'' in *The Handbook for Campus Safety and Security Reporting* (the Handbook), which provides guidance on complying the Clery Act, and in training materials to refer to an institution's ''campus,'' ''noncampus building or property,'' or ''public property'' for many years, and the term is commonly used by institutional officials and other individuals familiar with the Clery Act. We stress that this proposed definition of ''Clery Geography'' would not alter the existing, long-standing definitions of ''campus,'' ''noncampus building or property,'' or ''public property.'' Instead, we are adding this term to improve the readability and understandability of the regulations.

Definition of Consent

Statute: None.

Current Regulations: None.

Proposed Regulations: None.

Reasons: During the negotiated rulemaking sessions, the committee debated whether to propose a definition of the word ''consent'' in these regulations. During the first session, several negotiators strongly urged the Department to develop a definition of ''consent'' for the purposes of the Clery Act. They asserted that establishing a definition of consent would help set a national standard for what it means to consent to sexual activity. Several negotiators also argued that a definition of consent would provide clarity for institutions, students, and employees with regard to when a reported sex offense would need to be included in the institution's Clery Act statistics.

Other negotiators, however, objected to the proposed addition of a definition of consent. They argued that a definition would create ambiguity and confusion for institutional officials, students, employees, and the public, particularly in jurisdictions which either do not define consent or have a definition that differed from the one that would be in the regulations. Some negotiators, particularly those representing law enforcement and institutional attorneys, believed that it would be difficult and create a burden for law enforcement officials to classify crimes based on two different standards, and that campus public safety officials would be expected to make decisions about consent based on situations outside their areas of expertise and without a bright-line standard. One of the negotiators argued that it would not be reasonable to add a definition of consent for Clery Act reporting purposes when VAWA specifically added a reference to the definition of consent in the applicable jurisdiction for the purposes of prevention and training. Along these lines, some negotiators noted that some institutions use their own definition of ''consent'' for purposes of their institutional disciplinary procedures. These officials asserted that adding a definition of consent to these regulations could cause confusion by creating situations where an institution might have three separate definitions of consent relating to sexual activity for different purposes.

After considering these arguments, the Department decided to include a definition of consent in the Department's initial draft regulations presented to the negotiators. Drawing on materials from other Federal agencies, State statutes, and institutions, we drafted language to define ''consent'' as the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not have been able to give consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including but not limited to the absence of ''no'' or ''stop,'' or the existence of a prior or current relationship or sexual activity. Several of the negotiators endorsed this draft language as a starting point and some made suggestions to strengthen it. On the other hand, some negotiators vigorously objected to including the definition, reiterating concerns about the potential for confusion caused by multiple definitions.

After further consideration, the Department decided to remove the definition of consent from the draft regulations. At the third session of the negotiations, we explained that, while we believed that our draft language is a valid starting point for other efforts related to the prevention of campus sexual assaults, we were not convinced that it would be helpful to institutions for purposes of complying with the Clery Act. Specifically, we noted that for purposes of Clery Act reporting, all sex offenses that are reported to a campus security authority must be recorded in an institution's Clery Act statistics and, if reported to the campus police, must be included in the crime log, regardless of the issue of consent. Thus, while the definitions of the sex offenses in Appendix A to subpart D of part 668 include lack of consent as an element of the offense, for purposes of Clery Act reporting, no determination as to whether that element has been met is required.

Some of the negotiators disagreed, arguing that the references to a lack of consent in various parts of the proposed regulations, such as the definitions of the sex offenses in Appendix A to subpart D of part 668, demands an affirmative definition of consent in order to permit determinations of when consent is absent. In the end, however, the negotiators agreed not to include a definition of consent in these regulations, but they requested that the Department include further clarification and guidance around the issue of consent in future documents and

publications. We intend to provide this guidance, and also note that other Federal, State, and local agencies have materials in this area that may be instructive.

Definition of Dating Violence

Statute: Section 304 of VAWA added a requirement to the Clery Act that institutions include statistics on dating violence in their crime statistics reported to the Department and in the annual security report. In addition, VAWA amended sections 485(f)(6)(A) and 485(f)(7) of the HEA to specify that the term ''dating violence'' has the meaning given in § 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). The Violence Against Women Act of 1994 defines the term ''dating violence'' to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Current Regulations: None.

Proposed Regulations: We propose to add a definition of the term ''dating violence'' in § 668.46(a). Dating violence would be defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse. Additionally, the proposed definition would specify that dating violence does not include acts that meet the definition of ''domestic violence.'' Finally, the proposed definition would clarify that, for the purposes of complying with the requirements of the Clery Act, including for statistical purposes, any incident that meets this definition of dating violence would be considered a crime.

Reasons: The changes made to the Clery Act by VAWA include requirements relating to programs, policies, procedures, and statistics related to incidents of dating violence, domestic violence, sexual assault, and stalking. Accordingly, we propose to add definitions of these terms to the regulations.

While the term ''dating violence'' is defined in the Violence Against Women Act of 1994, the Department received numerous requests at the public hearings, during the public comment period and from some of the negotiators, to further define some of the words used in the statutory definition of the term. In particular, we were asked to clarify how institutions should determine whether individuals were in a dating relationship when the violence occurred, specify what types of behavior would be considered violence, clarify the interaction between dating violence and domestic violence, and explain how to address incidents of dating violence in jurisdictions where dating violence is not a crime.

The negotiators had a substantial discussion on how to determine whether individuals were in a dating relationship when the violence occurred. In particular, the negotiators suggested three possible approaches to determining whether a dating relationship exists: (1) Accepting the determination of campus safety officials, (2) using a ''reasonable person'' standard, or (3) basing the determination on the victim's perspective.

Under the first approach, campus law enforcement or a campus security department would make the determination of whether a dating relationship existed after considering the factors outlined in the statutory definition of dating violence, specifically, the length and type of the relationship, and the frequency of interaction. Several of the negotiators supported this approach because they believed that it would give these officials the authority to make a professional judgment about the nature of the relationship, for purposes of crime reporting. Other negotiators disagreed with this approach, however, arguing that generational differences in terminology and culture (e.g., ''going steady,'' ''seeing each other,'' ''hooking up,'' or ''hanging out'') could create situations in which an incident of dating violence would be incorrectly omitted from the crime statistics and the crime log. They noted that, in some cases, the reporting party and the institutional official receiving the report may have different concepts about what constitutes dating.

Under the second approach, an institution would make the determination of whether a dating relationship existed based on whether or not a ''reasonable person'' would consider the individuals to be dating. Some of the negotiators advocated this approach, arguing that it would reflect a standard that is frequently used in other areas of the law. Several other negotiators strongly disagreed, however, arguing that a reasonable person standard has traditionally reflected a perspective that may not adequately meet the needs of diverse populations of students.

Under the third approach, an institution would make the determination based on whether or not victim considered themselves himself or herself to be in dating relationships. Several of the negotiators supported this approach, arguing that it would be clear and simple. They argued that leaving it to the victim to define the relationship would avoid problems caused by differences in terminology between the victim and campus officials or in the perception of the relationship between the victim and the perpetrator. Other negotiators believed that this was a reasonable approach, but they raised concerns that leaving the determination solely to the victim would not be supportable under the statute, which requires consideration of several factors, namely, the length of the relationship, the type of relationship, and the frequency of interaction.

In the end, the negotiators agreed to a compromise definition that allows both the reporting party and law enforcement to be involved in determining whether a reported crime constitutes an incident of dating violence. Under the proposed definition, an institution would determine whether the individuals were in a dating relationship by considering the reporting party's statement, as well as the other factors included in the statutory definition—the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. We believe that this proposed definition appropriately allows institutions to give considerable weight to the view of the victim or, if someone other than the victim reports the incident, to the view of the reporting party, but also allows campus law enforcement or a campus security department flexibility to consider the statutory factors specifically listed in VAWA in deciding whether an incident meets the definition of dating violence.

Next, with regards to the types of behavior that would be considered violence for purposes of this definition, some of the negotiators strongly believed that the definition of ''dating violence'' should include not only physical and sexual violence but also emotional or psychological abuse. These

negotiators noted that emotional or psychological abuse are commonly included in the definitions of ''dating violence'' or similar terms used by other Federal agencies such as the Department of Justice and the Centers for Disease Control and Prevention, States, and by practitioners in the field of sexual violence prevention. The negotiators also stressed that emotional or psychological abuse can have a severe impact on a victim, limiting the victim's ability to access school in a healthy way, and that emotional or psychological abuse often escalates to physical or sexual violence.

Other negotiators believed that the definition of ''dating violence'' should be limited to physical and sexual abuse. They argued that, from a practical standpoint, it would be difficult for campus law enforcement and other institutional officials to determine whether a report of emotional or psychological abuse meets the standard of ''violence,'' and accordingly whether or not to include it in the institution's Clery Act statistics. Some of the negotiators also argued that including emotional and psychological abuse in the definition of dating violence would exceed the limits established by statutory language.

In this proposed definition, we have specified that, for the purposes of including incidents of dating violence in an institution's Clery Act statistics, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. While the Department strongly supports the inclusion of emotional or psychological abuse in definitions of dating violence used for research, prevention, victim services, or intervention purposes, we are not proposing to explicitly include these forms of abuse in this definition for purposes of Clery Act reporting for several reasons. First, the Department recognizes that some instances of emotional and verbal abuse may not rise to the level of ''violence'' which is a part of the statutory definition of dating violence under VAWA. Second, we acknowledge the implementation challenges that including these forms of abuse in the regulatory definition would present for campus security authorities, including law enforcement for purposes of Clery Act reporting. In particular, the Department recognizes the difficulties that campus security authorities may encounter when attempting to identify incidents of reported emotional or psychological abuse, as these forms of abuse may not be visibly apparent, but instead may require the input of mental health professionals and counselors. We believe that the proposed definition reflects the statutory requirements and strikes a balance between creating a clear, enforceable regulation and allowing institutions to include instances of emotional or psychological abuse where the abuse constitutes a threat of physical or sexual abuse.

Further, some negotiators requested clarification on how institutions should record incidents that meet the definitions of both ''dating violence'' and ''domestic violence'' for Clery Act statistical purposes. Specifically, the negotiators noted that, because certain acts of violence by an intimate partner of the victim meet both the definitions of ''dating violence'' and ''domestic violence'', a particular incident could be double-counted where the act is committed by an ''intimate partner'' and is an act of violence that also constitutes a felony or misdemeanor crime, thus meeting both definitions. To address concerns about the overlap of the definitions of ''dating violence'' and ''domestic violence'' and to avoid double-counting, we have proposed to include the language clarifying that for purposes of Clery Act reporting, ''dating violence does not include acts covered under the definition of domestic violence.''

Finally, the negotiators requested clarification about how to treat incidents of dating violence in jurisdictions where dating violence is not a crime. During the committee's discussions on this point several negotiators noted the discrepancy between the statutory definitions of ''dating violence,'' which refers to ''violence'' and does not require that a crime be committed, and the definition of ''domestic violence,'' which is defined as ''a felony or misdemeanor crime of violence.''

In these proposed regulations we would provide that any incident that meets the definition of ''dating violence'' is a ''crime'' for the purposes of the Clery Act. We have included this provision to make it clear that all such incidents would have to be recorded in an institution's statistics, regardless of whether or not dating violence is a crime in the institution's jurisdiction. We also believe this provision improves the readability of the regulations.

Definition of Domestic Violence

Statute: Section 304 of VAWA added a requirement to the Clery Act that institutions include statistics on domestic violence in their crime statistics reported to the Department and included in the annual security report. In addition, VAWA amended sections 485(f)(6)(A) and 485(f)(7) of the HEA to specify that the term ''domestic violence'' has the meaning given in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). The Violence Against Women Act of 1994 defines the term ''domestic violence'' to mean a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Current Regulations: None.

Proposed Regulations: We propose to add a definition of the term ''domestic violence'' in § 668.46(a). ''Domestic violence'' would be defined as it is in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). Additionally, the proposed definition would clarify that, for the purposes of complying with the requirements of the Clery Act, including for statistical purposes, any incident that meets this definition of ''domestic violence'' would be considered a crime.

Reasons: As discussed, in contrast to dating violence, an incident is considered to be domestic violence under the statutory definition only if it is a felony or misdemeanor crime of violence in the jurisdiction. Additionally, as with dating violence, under these proposed regulations any incident that meets the definition of domestic violence would be considered to be a ''crime'' for the purposes of the Clery Act. We have included this provision to make it clear that all such incidents would have to be recorded in an institution's statistics and to improve the readability of the regulations.

Definition of the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program (FBI's UCR program)

Statute: Section 485(f)(7) of the HEA specifies that institutions must compile their crime statistics in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, FBI, and the modifications in those definitions as implemented pursuant to the Hate Crime Statistics Act (28 U.S.C. 534 note).

Current Regulations: The regulations in § 668.46(a) do not currently define

the term ''FBI's UCR program.'' However, the current § 668.46(c)(7) specifies that institutions must compile crime statistics using the definitions of the crimes provided in Appendix A to subpart D of part 668 and guidance in the FBI's UCR Handbook (Summary Reporting System) or the UCR Reporting Handbook: National Incident-Based Reporting System (NIBRS), and, for the purposes of compiling hate crime statistics, the FBI's UCR Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

Proposed Regulations: We propose to add a definition of the term ''Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program'' (FBI's UCR program) to § 668.46(a). This proposed definition would define the FBI's UCR program as a nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and Federal law enforcement agencies voluntarily report data on crimes brought to their attention. The proposed addition would also clarify that the FBI's UCR program serves as the basis for the definitions of crimes in Appendix A to subpart D of part 668 and the requirements for classifying crimes in subpart D.

Reasons: The current regulations and, to an even greater extent, the proposed regulations, refer to the FBI's UCR program in several places, and we believe that adding a definition of the term ''FBI's UCR program'' at the beginning of the section will improve the clarity of the regulations.

Definition of Hate Crime

Statute: Prior to the enactment of VAWA, section 485(f)(1)(F)(ii) of the HEA required institutions to compile statistics about the number of cases of murder; manslaughter; sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault; intimidation; destruction, damage, or vandalism of property; or other crimes involving bodily injury reported to campus security authorities or local police agencies in which the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. Under the HEA, institutions must record these statistics according to the category of prejudice.

Section 304 of VAWA amended section 485(f)(1)(F)(ii) of the HEA to add national origin and gender identity as categories of prejudice that may be identified as the basis for a hate crime.

Current Regulations: Section 668.46(a) does not currently include a definition of ''hate crime.'' However, the current regulations in § 668.46(c)(3) specify that institutions must include in their statistics the number of cases of criminal homicide; sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault; intimidation; damage, destruction, or vandalism of property; and any other crimes involving bodily injury that are reported to campus security authorities or local police agencies that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. Section 668.46(c)(7) directs institutions to use the definitions in the FBI's UCR Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection in compiling the Hate Crime statistics.

Proposed Regulations: We propose to add a definition of ''hate crime'' to § 668.46(a). The proposed regulations would define ''hate crime'' to mean a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of the Clery Act, the categories of bias that may serve as the basis for a determination that a crime is a hate crime would include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Reasons: As discussed under ''Recording Crimes Reported to a Campus Security Authority,'' we are proposing to re-structure paragraph (c) to make the regulations easier to understand. Those changes would result in references to hate crimes in multiple places in this section, and we believe that adding a definition of ''hate crime'' in § 668.46(a), using the existing description of hate crimes in § 668.46(c)(3), will help clarify the regulations by explicitly defining this term, as well as making the definition easy to find.

Definition of Hierarchy Rule

Statute: None.

Current Regulations: The current regulations in § 668.46(c)(7) specify that institutions must compile the crime statistics for certain crimes using the definitions of crimes in Appendix A to subpart D of part 668 and the guidelines in the UCR Reporting Handbook. The UCR Reporting Handbook requires that, when recording crimes when more than one offense was committed during a single incident, the Hierarchy Rule applies. Under the Hierarchy Rule, only the most serious offense is recorded. For example, under the Hierarchy Rule, if a perpetrator commits both an aggravated assault and a robbery during a single incident, only the robbery would be recorded because it is considered to be the more serious offense.

Proposed Regulations: We propose to add a definition of ''Hierarchy Rule'' to § 668.46(a). The proposed regulations would define ''Hierarchy Rule'' as the requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics.

Reasons: The Department has long required institutions to apply the FBI's UCR program's Hierarchy Rule when calculating their annual Clery Act statistics. The current regulations reflect this policy by referring to the guidelines in the UCR Reporting Handbook. As discussed more fully under ''Using the FBI's UCR Program and the Hierarchy Rule,'' we are proposing to create an exception to the Hierarchy Rule in proposed § 668.46(c)(9) that would apply only in cases where a sexual assault and a murder occur in the same incident. We believe that adding this definition in § 668.46(a) will improve the clarity of the regulations, particularly given the proposed exception to the Hierarchy Rule.

Definition of Programs To Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Statute: Prior to enactment of VAWA, section 485(f)(8)(A) of the HEA required an institution to include in its annual security report a statement of policy including, among other things, information about the institution's campus sexual assault programs aimed at preventing sex offenses. This statement had to address the institution's education programs to promote the awareness of rape, acquaintance rape, and other sex offenses. Section 304 of VAWA amended section 485(f)(8)(A) of the HEA to require that this statement of policy describe, among other things, the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. VAWA also expanded the information that the institution must include in its statement of policy to include descriptions of the institution's primary prevention and awareness programs for all incoming students and new employees and its ongoing prevention and awareness campaigns for students and faculty. Both primary prevention and awareness

programs and ongoing prevention and awareness campaigns must include: (1) A statement that the institution prohibits dating violence, domestic violence, sexual assault, and stalking; (2) the definitions of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction; (3) the definition of consent, in reference to sexual activity, in the applicable jurisdiction; (4) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against a person other than the individual; (5) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and (6) information about the procedures that victims should follow, and that the institution will follow, after an incident of dating violence, domestic violence, sexual assault, or stalking has occurred.

Current Regulations: None.

Proposed Regulations: We propose to add a definition of ''programs to prevent dating violence, domestic violence, sexual assault, and stalking'' in § 668.46(a). This term would be defined as ''comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome.'' These programs must also ''consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.'' Programs to prevent dating violence, domestic violence, sexual assault, and stalking would also ''include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.''

Reasons: During the negotiated rulemaking sessions, the committee formed a subcommittee focused on issues related to the new prevention and training requirements that VAWA added to the HEA. This subcommittee met several times to discuss possible definitions of the terms relevant to these requirements, as discussed under ''Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking (§ 668.46(j)).'' As a result of its work, the subcommittee recommended that the full committee consider adding a definition of the term ''programs to prevent dating violence, domestic violence, sexual assault, and stalking'' in paragraph (a) of § 668.46 to serve as an umbrella term for the primary prevention and awareness programs and the ongoing prevention and awareness campaigns that institutions must now provide.

The committee members discussed the definition of this term, focusing in particular on how to ensure that these programs will reflect the best current thinking on the issues of sexual violence prevention. Several negotiators argued that many institutions use programs and practices that have been shown to be ineffective and that reinforce and perpetuate outdated myths about gender roles and behaviors, among other things. These negotiators believed that the regulations should require institutions to design programs using approaches and strategies that research has proven effective in preventing dating violence, domestic violence, sexual assault, and stalking. Most of the negotiators agreed that institutions should not implement programs that have been proven ineffective or harmful, but some urged that the term ''research'' should be given a broad interpretation to include research conducted according to scientific standards as well as assessments for efficacy carried out by institutions and other organizations. After consideration of these arguments, the committee agreed to propose that these prevention programs must be informed by research or assessed for value, effectiveness, or outcome.

Similarly, the negotiators stressed the need to move away from programs that inappropriately place the burden on individuals to protect themselves, instead of focusing on ways to reduce the risk of perpetration. With this in mind, the negotiators agreed to specify that programs to prevent dating violence, domestic violence, sexual assault, and stalking must address environmental factors that increase the risk of violence on numerous levels (i.e., risk factors) and factors that decrease the risk of violence or mitigate the effects of a risk factor (i.e., protective factors).

The negotiators also discussed the need to emphasize that institutions should develop their prevention programs thoughtfully and deliberately, taking into account the particular circumstances of their communities. Generally, the negotiators agreed that it is critical that institutions tailor their programs for their students and employees and their needs.

Please see ''Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking (§ 668.46(j))'' for additional discussion of programs to prevent dating violence, domestic violence, sexual assault, and stalking.

Definition of Sexual Assault

Statute: Section 304 of VAWA amended section 485(f) of the HEA to require an institution to include in its annual security report certain policies, procedures, and programs pertaining to incidents of dating violence, domestic violence, sexual assault, and stalking. VAWA also added a provision to section 485(f)(6)(A) defining ''sexual assault'' as an offense classified as a forcible or nonforcible sex offense under the FBI's UCR program.

Current Regulations: None.

Proposed Regulations: We propose to add a definition of the term ''sexual assault'' in § 668.46(a). This term would be defined as ''an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A'' to subpart D of part 668.

Reasons: Section 485(f)(6)(A)(v) of the HEA defines sexual assault to mean ''an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.'' Our proposed regulations reflect this definition. However, for the reasons discussed under ''Crimes That Must Be Reported and Disclosed,'' we have removed references to ''forcible'' and ''nonforcible'' sex offenses. We have also proposed to identify the sex offenses that ''sexual assault'' would include to make this definition clear.

Definition of Stalking

Statute: Section 304 of VAWA amended sections 485(f)(6)(A) and 485(f)(7) of the HEA to specify that the term ''stalking'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). The Violence Against Women Act of 1994 defines the term ''stalking'' to mean ''engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.''

Current Regulations: None.

Proposed Regulations: We propose to add a definition of the term ''stalking'' in § 668.46(a). This definition would mirror the definition in section 40002(a) of the Violence Against Women Act of 1994 while also defining some of the terms within that definition. ''Course of

conduct'' would be defined to mean two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. ''Substantial emotional distress'' would mean significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. ''Reasonable person'' would mean a reasonable person under similar circumstances and with similar identities to the victim. Finally, the proposed regulations would clarify that, for the purpose of complying with the requirements of the Clery Act, including for statistics purposes, any incident that meets this definition of stalking would be considered a crime.

Reasons: The proposed definition of stalking is based largely on the work of a subcommittee that was created to focus on issues related to the definition of stalking and counting incidents of stalking. This subcommittee, which included experts from the Stalking Resource Center, suggested that the Department add clarifying language to the VAWA definition of stalking based on the recommendations in the ''Model Stalking Code'' issued by the National Center for Victims of Crime.[2] In particular, the subcommittee focused on defining several terms within VAWA's definition of stalking, which had substantial overlap with the definition in the Model Stalking Code.

First, the subcommittee suggested that the Department adopt the definition of ''course of conduct'' from the Model Stalking Code which is ''two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.'' The full committee accepted this suggestion because this comprehensive description appropriately covers the wide range of behaviors that a perpetrator might exhibit when stalking a victim. In particular, the committee agreed that this definition would appropriately include means of stalking that are particularly troubling on college campuses, such as cyberstalking and the public distribution (e.g., online) of materials of a personal or intimate nature about a victim to humiliate, degrade, or expose the victim. While the committee initially discussed developing a special rule to address cyberstalking, the negotiators representing law enforcement and members of the subcommittee from the Stalking Resource Center strongly recommended against doing so, noting that cyberstalking is simply one form of stalking and is typically treated under the law the same way as any other stalking course of conduct, and that stalking someone through electronic means is frequently intertwined with other forms of stalking.

Second, the subcommittee suggested adding clarifying language to explain the phrase ''substantial emotional distress.'' In particular, the subcommittee suggested defining ''emotional distress'' similarly to the Model Stalking Code, which defines the term to mean ''significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.'' Because the Model Stalking Code uses the term ''significant'' in defining ''emotional distress'' the Committee was satisfied with adopting that language to define ''substantial emotional distress'' in the proposed regulations.

Third, the subcommittee discussed the phrase ''would cause a reasonable person to fear for his or her safety or the safety of others.'' In particular, the subcommittee noted that the definition of stalking does not require a victim to actually suffer substantial emotional distress, but instead only that the course of conduct would cause a reasonable person to suffer distress. Further, the subcommittee suggested that the Department adopt the Model Stalking Code's definition of a ''reasonable person'' to mean ''a reasonable person in the victim's circumstances.'' The Department did not initially incorporate this definition of ''reasonable person'' in the draft regulations presented to the negotiators during the second session because the term ''reasonable person'' is generally understood and we were not convinced that further elaboration was needed. Some of the negotiators agreed that the ''reasonable person'' standard is a concept used in law and in a number of situations over hundreds of years and that trying to nuance it to fit a particular set of circumstances would weaken the generality and adaptability of the standard. Other negotiators, however, argued that a reasonable person, for Clery Act purposes, should be defined in a way that would speak to the identities and experiences of all members of the campus community. Ultimately, the committee agreed to define the term ''reasonable person'' within the definition of stalking to mean a reasonable person under similar circumstances and with similar identities to the victim. The negotiators felt that this definition would produce the best outcomes in terms of ensuring that the perspective from which an institution evaluates a report of stalking reflects the experience of the victim.

Finally, as with dating violence and domestic violence, the proposed regulations provide that any incident that meets the definition of stalking would be considered a ''crime'' for the purposes of the Clery Act. We have included this provision to make it clear that all such incidents would have to be recorded in an institution's statistics and to improve the readability of the regulations.

Annual Security Report

Memorandum of Understanding

Statute: Prior to the passage of the Higher Education Opportunity Act of 2008 (HEOA), institutions were required to include in their annual security reports a statement of current policies concerning campus law enforcement. Among other things, this statement had to include information about the ''enforcement authority of security personnel, including their working relationship with State and local police agencies.'' Section 488(e)(1)(B) of the HEOA amended section 485(f)(1)(C) of the HEA to explicitly require institutions to include in this policy statement information about any agreements, such as written memoranda of understanding, that they have with State and local law enforcement agencies with respect to the investigation of alleged criminal offenses.

Current Regulations: Section 668.46(b)(4)(i) currently requires an institution to include in its annual security report a statement of current policies concerning campus law enforcement that addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals.

Proposed Regulations: We propose to revise § 668.46(b)(4)(i) to reflect the changes made by the HEOA and to further clarify the existing requirements. Specifically, we propose to require institutions to address in the statement of current policies concerning campus law enforcement the jurisdiction of security personnel, as well as any agreements, such as written memoranda of understanding between the institution and State and local police

[2] *www.victimsofcrime.org/docs/src/model-stalking-code.pdf?sfvrsn=0.*

agencies, for the investigation of alleged criminal offenses.

Reasons: The Department had previously not reflected the statutory provision regarding agreements between campus security agencies and State and local police in the regulations. Over the last several years, however, the Department has received requests to incorporate this provision into the regulations to make the regulations more complete. As a result, we are proposing to add this provision to the regulations.

Additionally, we are proposing to add the words ''and jurisdiction'' in § 668.46(b)(4)(i) to make it explicit that institutions must include information about jurisdiction when addressing the enforcement authority of campus law enforcement. We believe that this will provide the campus community with a better understanding of the physical locations in which campus law enforcement will patrol or otherwise carry out its duties.

Elects To or Is Unable To Report

Statute: Prior to the enactment of VAWA, section 485(f)(1)(C)(iii) of the HEA required institutions to include in their annual security reports a statement of current policies concerning campus law enforcement that addresses, among other things, policies that encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies. Section 304 of VAWA amended this provision to clarify that this policy statement must address accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies when the victim of the crime elects or is unable to make such a report.

Current Regulations: Current § 668.46(b)(4)(ii) requires institutions to include in their annual security reports a statement of current policies concerning campus law enforcement that, among other things, encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

Proposed Regulations: In proposed § 668.46(b)(4)(iii), which modifies current § 668.46(b)(4)(ii), we require institutions to address in their statement of policy concerning campus law enforcement their policies to encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to or is unable to make such a report.

Reasons: During the negotiated rulemaking sessions, one negotiator raised concerns that institutions have historically misinterpreted the provision in current § 668.46(b)(4)(ii) to mean that they must encourage students and employees to report crimes to law enforcement, even when the victim does not wish to initiate a criminal report. The negotiator was particularly troubled that a third party would report a crime to a responsible employee at the institution (for purposes of title IX) against the victim's wishes, triggering a title IX investigation or police investigation that could compromise the victim's confidentiality. The negotiator asserted that this misinterpretation has exacerbated the problem of underreporting of sex offenses on college campuses.

Additionally, some of the negotiators suggested going a step further by defining ''unable to report'' to mean that a victim is physically unable to make a report, such as when the victim is in a coma. They felt that this would address the situation in which a member of the campus community would report a crime against the victim's wishes after deciding that the victim was psychologically unable to make a report out of fear or coercion. Other negotiators, while agreeing that it is important to empower victims to make these decisions for themselves, opposed adding ''physically'' as a qualifier because they believed that it would be interpreted to exclude situations where a victim is mentally incapacitated and unable to make a report.

Ultimately, in considering these concerns, the negotiated rulemaking committee agreed to incorporate the statutory language into the regulations, with the slight modification of adding the word ''to'' in the phrase ''elects to or is unable to report,'' for clarity, to emphasize that, for the purposes of reporting crimes to the campus police and the appropriate police agencies, institutions must encourage accurate and prompt reporting of all crimes when the victim of the crime elects to report the crime or when the victim is unable to make a report.

We believe that it is important for institutions to encourage members of the campus community to report crimes to campus security authorities to ensure that all crimes are included in the institution's Clery Act statistics. Our longstanding policy is that institutions must record reports of the Clery Act crimes in their statistics, regardless of whether the report comes from the victim or a third party. On the other hand, we understand that, particularly at institutions with sworn police officers, the same individuals or departments may be responsible for compiling the institution's Clery Act statistics and for initiating title IX investigations or pursuing criminal charges. To address these concerns, in the Handbook we will encourage institutions to emphasize and make clear to students and employees what opportunities exist for making confidential reports of crimes for inclusion in the institution's Clery Act statistics, for filing a title IX complaint at the institution, and for obtaining counseling or treatment without initiating a title IX investigation or criminal investigation.

Programs and Procedures Regarding Dating Violence, Domestic Violence, Sexual Assault, and Stalking—Policy Statement

Statute: Prior to the enactment of VAWA, section 485(f)(8)(A) of the HEA required institutions to include in their annual security reports a statement of policy regarding their programs to prevent sexual assaults on campus and the procedures that they will follow once a sex offense has occurred. Section 304 of VAWA revised and expanded the types of information that institutions must include in this policy statement. The following chart summarizes the changes that VAWA made to this required policy statement in the HEA:

Pre-VAWA	Post-VAWA
Each institution of higher education participating in any program under this title, other than a foreign institution of higher education, shall develop and distribute as part of the annual security report a statement of policy regarding—	Each institution of higher education participating in any program under this title and title IV of the Economic Opportunity Act of 1965, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—
(i) The institution's campus sexual assault programs, which shall be aimed at the prevention of sex offenses; and	(i) The institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking; and

Pre-VAWA	Post-VAWA
(ii) Procedures followed once a sex offense has occurred.	(ii) The procedures that the institution will follow once an incident of dating violence, domestic violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report.
The policy statement shall address the following areas:	The policy statement shall address the following areas:
(i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.	(i) Education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking, which shall include—
	(I) Primary prevention and awareness programs for all incoming students and new employees, which shall include—
	(aa) A statement that the institution of higher education prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking;
	(bb) The definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction;
	(cc) The definition of consent, in reference to sexual activity, in the applicable jurisdiction;
	(dd) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against a person other than such individual;
	(ee) Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
	(ff) The information in clauses (ii) through (vii).
	(II) Ongoing prevention and awareness campaigns for students and faculty that provide the information provided in the primary prevention and awareness programs.
(ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or non-forcible.	(ii) Possible sanctions or protective measures that the institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, dating violence, domestic violence, sexual assault, or stalking.
(iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.	(iii) Procedures victims should follow if a sex offense, dating violence, domestic violence, sexual assault, or stalking has occurred, including information in writing about—
	(I) The importance of preserving evidence as may be necessary to the proof of criminal dating violence, domestic violence, sexual assault, or stalking, or in obtaining a protection order.
	(II) To whom the alleged offense should be reported.
(iv) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.	(III) Options regarding law enforcement, including notification of the victim's option to—
	(aa) Notify proper law enforcement authorities, including on-campus and local police.
	(bb) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses.
	(cc) Decline to notify such authorities.
	(IV) Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
(iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that—	(iv) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which shall include a clear statement that—
	(I) Such proceedings shall—
	(aa) Provide a prompt, fair, and impartial investigation and resolution; and
	(bb) Be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
(A) The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and	(II) The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and
(B) Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.	(III) Both the accuser and the accused shall be simultaneously informed, in writing, of—
	(aa) The outcome of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
	(bb) The institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;
	(cc) Any change to the results that occurs prior to the time that the results become final; and
	(dd) When such results become final.
(v) (See the 8th row in this table above)	(v) Information about how the institution will protect the confidentiality of victims, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.
(iv) Notification of students of existing counseling, mental health, or student services for victims of sexual assault, both on campus and in the community.	(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

Pre-VAWA	Post-VAWA
(vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.	(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Current Regulations: The current regulations in § 668.46(b)(11) largely mirror the statutory provisions as they existed prior to the enactment of VAWA by requiring institutions to include in their annual security reports a statement of policy regarding the institution's sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. The regulations also outline the items that the statement of policy must address, including: (1) A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses; (2) procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported; (3) information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel; (4) notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses; (5) notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available; (6) procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and that both the accuser and the accused must be informed of any institutional disciplinary proceeding brought alleging a sex offense; and (7) sanctions the institution may impose following a final determination of any institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offense. Additionally, the current regulations specify that informing both the accuser and the accused of the outcome of a disciplinary proceeding does not constitute a violation of FERPA and state that the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

Proposed Regulations: We are proposing to revise and re-structure § 668.46(b)(11) to reflect the changes made to the HEA by VAWA. First, we would revise the regulations to require institutions to include in their annual security reports a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking and the procedures that the institution will follow when one of these crimes is reported. We would similarly replace references to ''sex offenses,'' ''campus sexual assault,'' and ''criminal sexual assault,'' with references to ''dating violence, domestic violence, sexual assault, and stalking,'' where applicable, in § 668.46(b)(11)(i) through (vii). Second, in proposed § 668.46(b)(11)(i), we propose to replace the current provisions in § 668.46(b)(11)(i) with a cross-reference to proposed new paragraph (j), which would address the requirements pertaining to an institution's educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking. Third, we propose to replace the current provisions in § 668.46(b)(11)(vi) and (vii) with a cross-reference to proposed new paragraph (k), which would address an institution's procedures for campus disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and the possible resulting sanctions. Fourth, we would revise the remaining provisions in paragraphs (b)(11)(ii), (iii), (iv), and (v) to reflect the new statutory language. Finally, we would add new paragraph (b)(11)(vii) to require institutions to state in their annual security reports that, when a student or employee reports to the institution that the individual was a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide that victim with a written explanation of the student's or employee's rights and options, as described in proposed paragraphs (b)(11)(ii) through (vi).

Please see the discussions under ''Preserving Evidence, Reporting Offenses to Law Enforcement and Campus Authorities, and Protection Orders,'' ''Confidentiality of Victims,'' ''Notification of Assistance and Services,'' ''Notification of Accommodations,'' ''Written Statement of Rights and Options,'' ''Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking,'' and ''Institutional Disciplinary Proceedings in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking'' for detailed descriptions of the changes and additions we are proposing in paragraphs (b)(11)(ii), (iii), (iv), (v), and (vii) and in paragraphs (j) and (k) of § 668.46.

Reasons: Generally, we are proposing to revise the current provisions in § 668.46(b)(11) to reflect the VAWA amendments.

We are also proposing to replace current paragraph (b)(11)(i) with a cross-reference to proposed new paragraph (j), and current paragraphs (b)(11)(vi) and (vii) with a cross-reference to proposed new paragraph (k), to streamline paragraph (b)(11) and help institutions and the public better understand and follow these regulations. This is the same approach we took when implementing changes that the HEOA made to the Clery Act in 2008 of using cross-references to direct readers to later paragraphs for information pertaining to policy statements on missing student notification and emergency response and evacuation procedures.

Preserving Evidence, Reporting Offenses to Law Enforcement and Campus Authorities, and Protection Orders

Statute: Prior to the enactment of VAWA, section 485(f)(8)(B)(iii) of the HEA required institutions to address in their annual security reports the procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported. Further, section 485(f)(8)(B)(v) of the HEA required institutions to inform students of their

options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying law enforcement authorities, if the student chose to do so. VAWA amended section 485(f)(8)(B) of the HEA to require institutions to provide this information to ''victims''—not just to ''students''—in writing; to require that this information be provided after an incident of dating violence, domestic violence, sexual assault, or stalking—not just after a ''sex offense''—occurs; to add information about the importance of preserving evidence that may be necessary to prove criminal dating violence, domestic violence, sexual assault, or stalking or to obtain a protection order; and to add that institutions must notify victims of their right to decline to notify law enforcement authorities of such incidents.

Current Regulations: Section 668.46(b)(11)(ii) of the current regulations specifies that an institution's statement of policy pertaining to campus sexual assaults must include information about procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported. Section 668.46(b)(11)(iii) requires institutions to further include in this statement of policy information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests that assistance.

Proposed Regulations: We propose to revise § 668.46(b)(11)(ii) to require institutions to provide written information to victims about the procedures that one should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred. In complying with this proposed provision, institutions would have to keep in mind that dating violence, domestic violence, and stalking would include, for Clery Act purposes, any incident that meets the definitions of those terms in proposed § 668.46(a). Accordingly, institutions would be required to provide certain procedural information to victims after one of these incidents occurs, regardless of whether the incident would be considered a crime for other, non-Clery Act purposes.

In proposed § 668.46(b)(11)(ii)(A), which modifies current § 668.46(b)(11)(ii), we would specify that institutions must include as part of these procedures information about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

In proposed § 668.46(b)(11)(ii)(B), which modifies current § 668.46(b)(11)(ii), we would clarify that, in disclosing to victims to whom they should report an alleged offense, institutions must specify how a victim should make that report.

In proposed § 668.46(b)(11)(ii)(C), which modifies current § 668.46(b)(11)(ii), we would add that institutions must inform victims not only of their options to notify proper law enforcement authorities, including on-campus and local police, and to be assisted by campus authorities in doing so, but also of their option to decline to notify such authorities.

Finally, we would add § 668.46(b)(11)(ii)(D) to provide that institutions must inform victims of their rights and, where applicable, the institution's responsibilities for orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.

Reasons: Generally, we are proposing the changes and additions in § 668.46(b)(11)(ii) to implement the amendments to the HEA made by VAWA; however, we are proposing some additional clarifications based on the discussions at the negotiated rulemaking sessions.

First, we are proposing in § 668.46(b)(11)(ii)(B) to clarify that institutions must include information about how a victim should report an alleged offense of dating violence, domestic violence, sexual assault, or stalking. Many negotiators indicated that victims often are unaware of the processes they must follow to report one of these offenses. The negotiators agreed that, in addition to knowing who to notify, it would be helpful for victims to have information in an institution's annual security report about any processes in place for notifying the appropriate officials.

Second, we are proposing in § 668.46(b)(11)(ii)(D) to specify that institutions must address in its statement of policy in the annual security report victims' rights and the institution's responsibilities for enforcing orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by courts and by the institution. Some of the negotiators felt strongly that victims should be informed of the types of orders that an institution may impose to protect a victim after an allegation of dating violence, domestic violence, sexual assault, or stalking. During the discussions, a few of the negotiators asked the Department to clarify what an institution's responsibility would be to enforce orders of protection or similar orders issued by a court. Institutions are responsible for understanding their legal responsibilities based on the circumstances of a particular order. The Department is not in a position to provide guidance to institutions on individual protection orders.

Confidentiality of Victims

Statute: Section 304 of VAWA amended section 485(f)(8)(B)(v) of the HEA to require institutions to address in their annual security reports how they will protect the confidentiality of victims, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

Current Regulations: None.

Proposed Regulations: We propose to add § 668.46(b)(11)(iii) to specify that institutions must address in their annual security reports how the institution will: (1) Complete publicly available recordkeeping, including for the purposes of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim; and (2) maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. ''Identifying information about the victim'' would have the same meaning as ''personally identifying information'' or ''personal information'' in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), which is defined to mean individually identifying information for or about an individual, including information likely to disclose the location of a victim of dating violence, domestic violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including: (1) A first and last name; (2) a home or other physical address; (3) contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number); (4) a social security number, driver license number, passport number, or student identification number; and (5) any other information, including date of birth, racial or ethnic background, or religious

affiliation, that would serve to identify an individual.

Reasons: During the negotiated rulemaking sessions, several negotiators expressed concerns that some institutions mistakenly believe that they may, or must, disclose identifying information about victims to comply with Federal and State open records requirements and that information about accommodations and protective measures available for victims need not be kept confidential. These negotiators stressed the importance of emphasizing in the regulations that institutions should preserve the confidentiality of victims to the maximum extent possible to avoid re-victimization and retribution and to protect a victim's right to privacy. They also noted that several of the provisions that VAWA added to the HEA reflect this concern. As a result, the proposed regulations would build on the provisions in VAWA by requiring institutions to provide information about how they will protect the confidentiality of victims and other necessary parties and complete publicly available recordkeeping—including the Clery Act statistical and crime log requirements—without including information about the victim. Institutions should strive to protect a victim's confidentiality to the maximum extent possible when providing accommodations or instituting protective measures for the victim. We believe that the proposed regulations would appropriately balance the need to protect a victim's safety and privacy while also ensuring the safety of the campus community. These proposed regulations are also consistent with section 485(f)(10) of the HEA, which specifies that nothing in this section shall be construed to require the reporting or disclosure of privileged information.

Notification of Assistance and Services

Statute: Prior to the enactment of VAWA, section 485(f)(8)(B)(vi) of the HEA required institutions to address in their annual security reports notification of students of existing counseling, mental health, or student services for victims of sexual assault, both on campus and in the community. VAWA amended this provision to require institutions to include in their annual security reports written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on campus and in the community.

Current Regulations: Section 668.46(b)(11)(iv) requires institutions to include in their annual security reports a statement on notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses.

Proposed Regulations: In proposed § 668.46(b)(11)(iv), which modifies current § 668.46(b)(11)(iv), we would require institutions to specify in their annual security reports that they will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims within the institution and in the community.

Reasons: We propose these changes to implement the changes made by VAWA in this area. We are also proposing, however, to expand the list of services about which institutions must provide information to victims, if those services are available. Specifically, in addition to the types of accommodations that VAWA added, we propose that institutions must notify victims of any available assistance at the institution or in the community with visa or immigration issues. One of the negotiators recommended that we add this category because many institutions have international students, and these students—and their partners and children—if victims of dating violence, domestic violence, sexual assault, and stalking may face significant barriers in receiving needed services or support due to concerns regarding their visa and immigration status. Other committee members agreed that this would be valuable information for international students, but also noted that, as with the other types of services, institutions would be required to provide this information only if the services are available. Another negotiator suggested clarifying that institutions could provide information about other types of services that may be available, arguing that institutions might believe that the topics listed in the regulations are the only topics that they should address when providing information to students and employees. We agree with the negotiator and believe that the regulatory language in proposed § 668.46(b)(11)(iv) makes it clear that, in addition to the categories listed, institutions may provide additional safety and security information to their students and employees.

Notification of Accommodations

Statute: Prior to the enactment of VAWA, section 485(f)(8)(B)(vii) of the HEA required institutions to address in their annual security reports notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault, if requested by the victim and if such changes are reasonably available. VAWA expanded and clarified this provision to require institutions to include in their annual security reports written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Current Regulations: Section 668.46(b)(11)(v) requires institutions to include in their annual security reports notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available.

Proposed Regulations: In proposed § 668.46(b)(11)(v), which modifies current § 668.46(b)(11)(v), we would require institutions to also specify in their annual security reports that they will provide written notification to victims about options for, and available assistance in, changing transportation and working situations, in addition to academic and living situations. The regulations would clarify that the institution must make these accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Reasons: We are proposing these changes to implement the changes made by VAWA. Some negotiators were concerned that some institutions believe that they are not required to provide accommodations if a victim chooses not to report the crime to local law enforcement. To address this concern, we are proposing to clarify in this provision that institutions must provide these accommodations if they are requested by the victim, regardless of whether the victim reports the crime to local law enforcement.

Written Statement of Rights and Options

Statute: VAWA added section 485(f)(8)(C) to the HEA to require an institution to provide a student or employee who reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking with a written explanation of that person's rights and options, as described in sections 485(f)(8)(B)(ii) through

(f)(8)(B)(vii) of the HEA. Institutions must provide this written explanation to these victims, regardless of whether the offense occurred on or off campus.

Current Regulations: None.

Proposed Regulations: We propose to add § 668.46(b)(11)(vii) to require institutions to specify in their annual security reports that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student's or employee's rights and options, as described in proposed § 668.46(b)(11)(ii) through (b)(11)(vi).

Reasons: We are proposing these changes to implement VAWA.

Annual Crime Statistics

Crimes That Must Be Reported and Disclosed

Statute: Prior to VAWA, section 485(f)(1)(F) of the HEA required institutions to report to the Department and disclose in their annual security reports the most recent three years' worth of statistics concerning the occurrence of certain crimes on campus, in or on noncampus buildings or property, and on public property that are reported to campus security authorities or local police agencies. VAWA expanded the list of crimes for which institutions must report and disclose statistics to include incidents of dating violence, domestic violence, and stalking that were reported to campus security authorities or local police agencies. The following chart summarizes the reportable crimes under the Clery Act prior to and subsequent to VAWA:

Pre-VAWA	Post-VAWA
Primary crimes:	Primary crimes:
Murder	Murder.
Sex Offenses	Sex Offenses.
Robbery	Robbery.
Aggravated Assault	Aggravated Assault.
Burglary	Burglary.
Motor Vehicle Theft	Motor Vehicle Theft.
Manslaughter	Manslaughter.
Arson	Arson.
If determined to be a hate crime:	If determined to be a hate crime:
Larceny-Theft	Larceny-Theft.
Simple Assault	Simple Assault.
Intimidation	Intimidation.
Destruction, Damage, or Vandalism of Property	Destruction, Damage, or Vandalism of Property.
Any Other Crime Involving Bodily Injury	Any Other Crime Involving Bodily Injury.
Arrests and referrals for disciplinary action for:	Arrests and referrals for disciplinary action for:
Weapons Possession	Weapons Possession.
Liquor Law Violations	Liquor Law Violations.
Drug Law Violations	Drug Law Violations.
	VAWA crimes:
	Dating Violence.
	Domestic Violence.
	Stalking.

Current Regulations: The current regulations in § 668.46(c) require institutions to report to the Department statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of certain crimes.

- § 668.46(c)(1) requires institutions to report the following incidents that are reported to local police agencies or to a campus security authority: criminal homicide (including murder and nonnegligent manslaughter and negligent manslaughter), sex offenses (including forcible and nonforcible sex offenses), robbery, aggravated assault, burglary, motor vehicle theft, arson, and arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.
- § 668.46(c)(3) requires institutions to report to the Department, by category of prejudice, any of the crimes reported to local police agencies or to a campus security authority under paragraph (c)(1), the crimes of larceny-theft, simple assault, intimidation, and destruction, damage, and vandalism of property, and any other crimes involving bodily injury, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

Under § 668.46(b)(1), institutions must also disclose these statistics in their annual security reports.

In defining the crimes that must be included in the statistics on sex offenses, the Department has historically used the definitions of sex offenses in the National Incident-Based Reporting System (NIBRS) Edition of the FBI's UCR program. Under that approach, the Department has collected statistics for crimes that meet the definitions in NIBRS for four types of forcible sex offenses—forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling—and two nonforcible sex offenses—incest and statutory rape.

Proposed Regulations: We propose to make several changes to § 668.46(c) regarding the crimes that must be included in the Clery Act statistics reported to the Department and included in the institution's annual security report. First, we would require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, and stalking that meet the definitions of those terms, as proposed in § 668.46(a). This change is reflected in proposed § 668.46(c)(1)(iv).

Second, we propose to require institutions to report and disclose instances of rape, fondling, incest, and statutory rape. Specifically, we would revise the definition of ''rape'' in Appendix A to reflect the FBI's recently updated definition in the UCR Summary Reporting System (SRS), which incorporates the NIBRS categories of rape, sodomy, and sexual assault with

an object. Because instances of rape, sodomy, and sexual assault with an object would all be included under the definition of rape, we would no longer collect statistics for those crime categories separately. We would continue to use the definitions of ''sex offenses,'' ''fondling,'' ''incest,'' and ''statutory rape'' from the NIBRS edition of the UCR; however, we would revise these definitions to reflect the FBI's updated definitions. Additionally, we would eliminate the distinction between forcible and nonforcible sex offenses and refer simply to sex offenses. With these changes, the sex offenses and their definitions for the purposes of the Clery Act would be:

- Sex Offenses (from NIBRS): Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape (from SRS): The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling (from NIBRS): The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest (from NIBRS): Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape (from NIBRS): Nonforcible sexual intercourse with a person who is under the statutory age of consent.

The following chart summarizes the proposed changes to the collection of statistics regarding sex offenses:

Current approach	Proposed approach
Sex Offenses—	Sex Offenses:
Forcible:	
Forcible Rape	Rape.
Forcible Sodomy	
Sexual Assault with an Object	
Forcible Fondling	Fondling.
Sex Offenses—	
Nonforcible:	
Incest	Incest.
Statutory Rape	Statutory Rape.

Finally, we propose to restructure the paragraph by consolidating all of the reportable Clery Act crimes under § 668.46(c)(1). Under this proposed structure, we would: group the primary crimes of criminal homicide (including murder and nonnegligent manslaughter and negligent manslaughter), sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson under § 668.46(c)(1)(i); move arrests and disciplinary actions for liquor law violations, drug law violations, and illegal weapons possession to § 668.46(c)(1)(ii); move the reportable hate crimes to § 668.46(c)(1)(iii); and add the crimes added by VAWA in § 668.46(c)(1)(iv).

Reasons: We are proposing these changes to implement VAWA, to reflect updates to the FBI's definitions of crimes in the UCR program and to improve the clarity of the regulations. The negotiators considered two primary approaches to collecting statistics on incidents of dating violence, domestic violence, and stalking that meet the proposed definitions discussed under the Definitions section. First, the negotiators discussed a proposal initially presented by the Department in which the new crimes would be counted as a subset of the primary crimes and hate crimes. For example, if an individual reported that her coworker was the victim of an aggravated assault and that this coworker's husband was the perpetrator, and if the aggravated assault was a felony in that jurisdiction, the crime would be reported as an aggravated assault with an additional descriptor identifying it as a case of domestic violence. Under this approach, the data would provide more context and detail about each particular incident and an incident would not appear more than once in an institution's statistics. Several of the negotiators supported this approach because it would reduce the perception that a particular campus had more crimes than had actually occurred. Some negotiators, however, argued that the information presented using this approach would be too complicated and that people would be less inclined to use the data, reducing its utility. Others argued that the statute did not contemplate connecting cases of dating violence, domestic violence, and stalking to the primary crimes and the hate crimes and that doing so would exceed the Department's authority under the HEA. These negotiators proposed an alternate approach of requiring institutions to simply provide tallies of the number of incidents of each of dating violence, domestic violence, and stalking. They believed that this approach would be more in line with the statutory intent, less burdensome, and easier to understand, though they acknowledged that it would require institutions to count a single incident in more than one Clery Act crime category. Ultimately, the committee agreed to use the second approach as reflected in these proposed regulations. The negotiators noted, however, that institutions may opt to provide more detailed information as part of the annual security report about incidents of dating violence, domestic violence, and stalking on their campuses if they choose. Some institutions currently provide hate crime data in their annual security reports in a narrative or descriptive format instead of in a tabular format to provide more context for each crime. Similarly, we will permit institutions to present their statistical information for incidents of dating violence, domestic violence, and stalking in a narrative or descriptive format, as long as they include statistics for the three most recent calendar years, disclosed by geographic location and crime category.

We remain concerned that the approach for reporting and disclosing the number of incidents of dating violence, domestic violence and stalking in these proposed regulations will not capture critical information about the relationship between the perpetrator and the victim. We believe it would be helpful for prevention and research purposes for the Clery Act statistics to reflect whether the victim was murdered by a spouse or other intimate partner. We invite comment on whether the approach in these proposed regulations should be modified to require institutions to identify the relationship between the perpetrator and the victim for some or all of the Clery Act crimes.

We are also proposing these changes to reflect updates to the FBI's UCR program definitions. The FBI has moved away from terminology characterizing sex offenses as ''forcible'' or ''nonforcible'' to combat the suggestion that a sex offense has not occurred if physical force was not involved. Accordingly, we propose to remove the term ''forcible'' from the definitions in part 668. Additionally, under the proposed regulations, institutions would record any crime that meets the NIBRS definition of rape, sodomy, or sexual assault as a ''rape'' in their annual statistics. Historically, we have used the definitions in the NIBRS Edition of the UCR program because the definitions were more inclusive with respect to who could be a victim and what types of crimes would be considered than in the SRS. However, the FBI recently modernized the definition of ''rape'' in the SRS to

capture gender neutrality and the penetration of any bodily orifice, penetration by any object or body part, and offenses in which physical force is not involved. We believe, and the negotiators agreed, that using the new definition of rape would best capture the various types of behaviors and circumstances that are now understood to constitute rape, align the Department's regulations with the approach taken by other Federal agencies, avoid overlap in the definitions that could cause double-counting, and avoid using outdated terminology some may find offensive. We also note that the FBI does not consider ''fondling'' to meet the SRS definition of rape, so we are proposing that institutions must continue to report incidents of fondling separately. We would continue to use the NIBRS definition of ''fondling,'' as well as the NIBRS definitions of ''statutory rape'' and ''incest,'' but we would update the definitions of those terms to match the FBI's revised definitions.

Lastly, we are proposing to restructure paragraph (c) to improve the clarity of the regulations. First, we would add the term ''primary crimes'' in paragraph (c)(1) in order to provide a standard, simple way to refer to criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson as a group. Law enforcement officials often refer to these as ''part 1'' crimes, while other individuals refer to these as ''Clery crimes'' or ''main crimes.'' We believe that providing a label for this group of crimes will make it easier for the Department to describe and explain these regulations to the public. Second, we would create a subparagraph specifically containing arrests and referrals for disciplinary action. We believe that this change will make it clearer to readers that this category is distinct from the primary crimes. We are also proposing to restructure the regulations to make it explicitly clear that arrests and referrals for disciplinary action are a distinct category of Clery Act crimes from the primary crimes. Third, we are proposing to create a subparagraph specifically containing the hate crimes that are reportable under the Clery Act, which would incorporate the primary crimes and the four additional crimes added by the HEOA. Lastly, we would create paragraph (c)(1)(iv) containing the crimes of dating violence, domestic violence, and stalking added by VAWA. We believe that the proposed structure clarifies that there are four categories of Clery Act crimes and makes it clear that the Hierarchy Rule only applies to the primary crimes.

Recording Crimes Reported to a Campus Security Authority

Statute: Section 485(f)(1)(F) of the HEA requires institutions to collect statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the two preceding calendar years for which data are available of certain criminal offenses and of dating violence, domestic violence, and stalking that are reported to campus security authorities or local police agencies. Additionally, section 485(f)(12) of the HEA specifies that, for the purposes of reporting the statistics described in section 485(f)(1)(F) of the HEA, an institution must distinguish among whether the criminal offense occurred on campus, in or on a noncampus building or property, on public property, and in dormitories or other residential facilities for students on campus.

Current Regulations: Section 668.46(c)(1) of the regulations specifies that institutions must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of certain criminal offenses that are reported to local police agencies or campus security authorities. Section 668.46(c)(2) requires institutions to record a crime statistic in its annual security report for the calendar year in which the crime was reported to a campus security authority. Section 668.46(c)(4) requires institutions to provide a geographic breakdown of the statistics reported according to whether they occurred on campus, in dormitories or other residential facilities for students on campus, in or on a noncampus building or property, or on public property.

Proposed Regulations: We propose to revise and reorganize § 668.46(c) to improve the clarity of these regulations and to incorporate changes made by VAWA. First, proposed § 668.46(c)(2), which modifies current § 668.46(c)(2), would clarify that institutions must include in their crime statistics all crimes reported to a campus security authority for purposes of Clery Act reporting. We would further clarify that an institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official. Additionally, we would specify that Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim, as that phrase is defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).

Second, proposed § 668.46(c)(3), which modifies current § 668.46(c)(2) (''Recording crimes''), would clarify that a reported crime is included in the statistics for the calendar year in which the crime was reported to local police agencies or to a campus security authority and would direct readers to proposed § 668.46(c)(6) for information about the regulations for recording stalking by calendar year.

We would also direct readers to proposed § 668.46(c)(6) for information about recording stalking by location.

Finally, we propose to revise, renumber, and expand current § 668.46(c)(3) (''Reported crimes if a hate crime''). As noted earlier, we propose to add a definition of ''hate crime'' in § 668.46(a) and to remove the language describing a hate crime from § 668.46(c)(3). We also propose to expand the categories of bias in § 668.46(c)(4)(iii) and (vii) to include ''gender identity'' and ''national origin'' to reflect the addition of these categories by VAWA.

Reasons: We are proposing these changes to implement changes that VAWA made to the HEA, and to improve the overall clarity of these regulations. Over the last several years, the Department has stressed to institutions the importance of including all Clery Act crimes that are reported to campus security authorities in their statistics, regardless of whether an incident was reported by a victim or by a third party, and regardless of the results of any decision by a court, coroner, jury, prosecutor, or other similar noncampus official. Some negotiators reported that institutions have misunderstood the Clery Act reporting provisions to mean that they must begin to investigate a report of a crime or take other steps that may disclose identifying information about a victim before including the crime in their Clery Act statistics. While we have addressed these misperceptions in the Handbook and through other forms of guidance, we believe that adding a provision in the regulations to explicitly state that institutions must record all reported crimes will alleviate some of the confusion in the field.[3]

[3] There is one rare situation in which it is permissible for an institution to omit a Clery Act crime from its statistics. If, after fully investigating a reported crime, authorized law enforcement authorities make a formal determination that the crime is ''unfounded'' as described in the Handbook

We are proposing to add cross-references in paragraphs (c)(3)(ii) and (c)(5)(iii) to the regulations for recording stalking by calendar year and location to implement changes that VAWA made to the HEA. Please see the discussions under ''Recording Stalking'' for more information.

Lastly, we are proposing to restructure paragraph (c) to make the regulations easier to understand. We believe that using subparagraph titles that more readily convey what each provision addresses and that minimizing confusing cross-references will help the public better understand and comply with these regulations.

We are proposing to add ''gender identity'' and ''national origin'' to the list of categories of bias that apply for the purposes of hate crime reporting in paragraph (c)(4) in order to implement changes that VAWA made to the HEA.

Recording Stalking

Statute: As amended by VAWA, section 485(f)(1)(F)(iii) of the HEA requires institutions to report on, and disclose in their annual security reports, the number of incidents of dating violence, domestic violence, and stalking reported to campus security authorities or to local police agencies that occur on campus, in or on noncampus buildings or property, and on public property.

Current Regulations: None.

Proposed Regulations: We propose to add § 668.46(c)(6) to clarify how institutions should record reports of stalking, which, under the proposed definition in § 668.46(a), involves a pattern of incidents. First, we would specify that, when recording reports of stalking that include activities in more than one calendar year, an institution must include stalking in the crime statistics only for the calendar year in which the course of conduct is first reported to a local police agency or to a campus security authority. If the course of conduct in a pattern continues into a subsequent year, the stalking would be recorded in the subsequent year as well. Second, we would clarify that an institution must record each report of stalking as occurring at only the first location within the institution's Clery Geography in which either the perpetrator engaged in the stalking course of conduct or the victim first became aware of the stalking. Third, we would require that a report of stalking be counted as a new and distinct crime that is not associated with a previous report of stalking when the stalking behavior continues after an official intervention including, but not limited to, an institutional disciplinary action or the issuance of a no-contact order, restraining order, or any warning by the institution or a court.

Additionally, as described under the Recording Crimes Reported to a Campus Security Authority section, we would add cross-references to this provision in proposed §§ 668.46(c)(3) and (c)(5) to direct readers to additional information pertaining to recording reports of stalking.

Reasons: We are proposing these changes to implement the changes that VAWA made to the HEA and to address several challenges that arise when determining how to count incidents of stalking. As discussed under the Definitions section, we are proposing to define stalking as a pattern of behavior. This differs from the definitions of the other reportable crimes under the Clery Act, where each incident is counted as a unique crime for the purposes of the annual crime statistics. As a result, we need a regulation specifically to address how stalking should be considered in calculating crime statistics.

For example, under both the current and the proposed regulations, an institution would typically record a statistic for a crime in the calendar year in which the crime occurred. With stalking, however, a pattern of behavior sometimes spans multiple weeks or months, and a pattern that begins in one calendar year may continue into another calendar year. Similarly, under both the current and proposed regulations, an institution would typically specify whether a crime occurred on campus (and, if so, whether it occurred in a dormitory or other student housing facility on campus), in or on a noncampus building or property, or on public property. With stalking, this rule does not always apply clearly. A perpetrator could engage in a single type of behavior or a variety of behaviors in multiple parts of the institution's Clery Geography. Alternatively, the perpetrator could initiate stalking behavior in one part of the institution's Clery Geography and the victim could become aware of that behavior while on another part of the institution's Clery Geography. For instance, the perpetrator could send the victim a menacing text message while on campus, and the victim could receive that text message while walking on a public sidewalk across the street from the campus. Additionally, stalking poses challenges for identifying when one pattern has ended and another one has begun. For instance, a perpetrator might stalk a victim intensively over the course of two days, cease the behavior for a week, and then begin the stalking behavior again.

The negotiators discussed these various challenges and how to best operationalize the new requirement in the HEA to collect statistics on stalking. First, some of the negotiators believed that stalking that includes activities in more than one calendar year should generally be included only in the statistics for the calendar year in which a local police agency or campus security authority first learns of the behaviors. While many negotiators agreed that this would be a reasonable approach, some believed that stalking that continues into subsequent calendar years should be included in the statistics for each year. These negotiators argued that this approach would be more appropriate because including stalking in only one year could artificially deflate the numbers of reported crimes. These negotiators said that while it would not be appropriate to include a separate report for each behavior within a course of conduct, at least including a statistic in each year in which the stalking occurs would provide a fuller picture of the stalking occurring on campus. Ultimately, the negotiating committee agreed to the approach reflected in these proposed regulations. Under the proposed regulations, stalking would be counted only in the first calendar year in which it is reported unless it continues into a new calendar year. For example, if a victim reports stalking to local police or a campus security authority in December 2014 and another report is made in February 2015, the institution would record the stalking in both calendar years 2014 and 2015. Although the committee reached consensus on this language, the Department is concerned that these proposed regulations are not clear and we request comment specifically on the issue of how to count stalking that crosses calendar years.

Second, the negotiators discussed how to address issues related to the location of the stalking and how to determine when a pattern of behavior becomes reportable for Clery Act purposes. Some of the negotiators suggested that, for the purposes of counting reports of stalking, the Department should expand beyond the traditional physical locations that make up an institution's reportable areas (i.e., on campus, noncampus buildings or

for Campus Safety and Security Reporting, the institution may exclude the reported crime from its statistics. Consistent with other recordkeeping requirements that pertain to the title IV HEA programs, if an institution omits a Clery Act crime from its Clery Act statistics because the crime was officially determined to be 'unfounded,' the institution must maintain accurate documentation that demonstrates the basis for unfounding the crime.

property, and public property) to require institutions to count courses of conduct in which the perpetrator uses institutional computer networks, servers, or other services to stalk a victim. These negotiators believed that, given the unique nature of stalking, which frequently includes online means of targeting victims, these instances should be counted. Other negotiators disagreed, arguing that, under the HEA, only crimes that occur in the physical locations enumerated in the statute should be reported. Further, they believed that it would be difficult to define in the regulations a situation that does not touch the institution's reportable locations. They acknowledged, however, that stalking would be included in the institution's crime statistics as soon as one behavior in the course of conduct occurs in or on the institution's campus, noncampus buildings or property, or public property.

The negotiators also discussed how an institution should record stalking in terms of location for Clery reporting purposes. Generally, the negotiators felt that it was clear that if a stalking course of conduct appeared to have occurred in only one Clery Geography location (for example, the conduct occurred only on campus) then the crime would be included in the statistics for that area. However, some negotiators questioned how an institution should categorize a report of stalking that touches multiple reportable locations (for example, both on campus and public property). Along these lines, the negotiators considered how institutions should record the location of a report of stalking if both the perpetrator and the victim were in reportable, but different, locations.

After discussing these issues, the negotiators reached consensus on the approach reflected in proposed § 668.46(c)(6)(ii), which would require an institution to record each report of stalking as occurring in the first location in which either the perpetrator engaged in the stalking course of conduct, or the victim first became aware of the stalking. If a stalker uses institutional computer networks, servers, or other such electronic means to stalk a victim, the electronic stalking behavior would be reportable *where the stalker makes use of these means while on Clery geography.* In other words, the fact that a stalker uses institutional computer networks, servers, or other such electronic means to stalk a victim would not, automatically in and of itself, make the crime reportable under the Clery Act. We invite public comment on whether this approach of applying the existing Clery geography requirements to incidents of stalking using electronic means would adequately capture stalking that occurs at institutions.

Third, the negotiators considered how to determine when one stalking course of conduct ends and another stalking course of conduct begins, particularly when the stalking involves the same victim and perpetrator. The committee discussed two main approaches—counting a report of stalking as a separate crime either after an official intervention or once a specified period of time has elapsed. The negotiators offered a variety of ways to define ''official intervention.'' Some suggested defining official intervention to mean that someone at the institution with authority to take preventive action to stop the behavior notifies the perpetrator to cease the conduct, while others suggested that a victim's request to the perpetrator to cease the conduct would be sufficient. Other negotiators believed that official intervention should include protection orders or restraining orders issued by a court. In considering these approaches, however, the negotiators and members of the public raised a variety of concerns, including that institutions might avoid intervening to avoid the risk of having to include another count of stalking in their statistics if the perpetrator re-offended after the intervention; that requiring a victim to contact their stalker to notify them to stop the behavior could cause a rapid escalation in violence; and that the means of intervention should be flexible to accommodate the ways in which a victim might prefer to handle a situation.

As one approach to this issue, the negotiators discussed the possibility that an institution should record a new incident of stalking after a significant amount of time passes between stalking behaviors. Along these lines, some of the negotiators recommended specifying a bright-line period of time, such as two weeks or three months, after which an institution would record another instance of stalking in its statistics if the course of conduct continued. Other negotiators supported leaving a more flexible standard of ''significant amount of time'' or otherwise not specifying a standard period because they felt that some cases might be better evaluated on a case-by-case basis. Along these lines, some of the negotiators argued that any standard interval of time would be arbitrary and would not be able to accommodate all of the various patterns of stalking in a way that would produce an accurate report of the number of stalking crimes at a particular institution.

Ultimately, the negotiators agreed to the approach reflected in these proposed regulations. Under these regulations, a stalking course of conduct would be recorded as a new crime for Clery Act statistical reports after an official intervention. ''Official intervention'' would be defined broadly to include formal and informal interventions and those initiated by institutional officials or a court. The proposed regulations do not include a specific time period as a way of marking the end of one incident of stalking and the start of another because any time frame would be arbitrary. The Department is particularly interested in feedback as to whether there are other ways to address this issue, and we invite comment on this.

Lastly, the negotiators discussed how to count incidents of stalking when two campuses are involved; that is, when the victim is on one institution's reportable locations and the perpetrator is on another institution's reportable locations. Some negotiators expressed concern that, if both campuses reported the crime, the result would be a ''double-report'' of the same incident. However, other negotiators noted that the main issue is not overreporting but underreporting and that it is important to reflect the crime in the statistics for each campus at which the stalking behavior or results occur. Under proposed § 668.46(c)(2), an institution would be required to include all reported crimes in its statistics. In applying this rule, if stalking were reported to a campus security authority at more than one campus, both institutions would have to include the stalking report in their Clery Act crime statistics.

Using the FBI's UCR Program and the Hierarchy Rule

Statute: Section 485(f)(7) of the HEA specifies that the Clery Act statistics for murder; sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson; arrests for liquor law violations, drug-related violations, and weapons possession; larceny-theft; simple assault; intimidation and destruction; damage; or vandalism of property must be compiled in accordance with the definitions used in the FBI's UCR program, and the modifications in those definitions as implemented pursuant to the Hate Crime Statistics Act. The statute does not address the use of other aspects of the FBI's UCR program, such as the Hierarchy Rule.

Current Regulations: Section 668.46(c)(7) requires institutions to compile statistics for the crimes listed

under current paragraphs 668.46(c)(1) and (c)(3) using the definitions of crimes provided in Appendix A to subpart D of part 668 and the FBI's UCR Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. The regulations also specify that institutions must use either the UCR Reporting Handbook or the UCR Reporting Handbook: NIBRS Edition for guidance concerning the application of definitions and classification of crimes; however, the regulations require institutions to apply the UCR Reporting Handbook in determining how to report crimes committed in a multiple-offense situation. In a multiple-offense situation (when multiple crimes are committed in a single incident), the UCR Reporting Handbook would apply the Hierarchy Rule. Under the Hierarchy Rule, institutions would include in their statistics only the crime that ranks the highest in the Hierarchy. For example, if a victim is raped and then murdered during a single incident, the murder would be included in the institution's Clery Act statistics, but the rape would not.

Proposed Regulations: In proposed § 668.46(c)(9), which modifies current § 668.46(c)(7), we explicitly state that, in compiling and reporting Clery Act crime statistics, institutions must conform to the requirements of the Hierarchy Rule in the UCR Reporting Handbook. However, we also propose to create an exception to this requirement for situations in which a sex offense and a murder occur during the same incident. For example, if a victim is raped and murdered in a single incident, the institution would include both the rape and the murder in its statistics instead of including only the murder. Additionally, as discussed under the Definitions section, we propose to add a definition of ''Hierarchy Rule'' to § 668.46(a).

Reasons: We are proposing these changes to implement the changes that VAWA made to the HEA and to improve the clarity of the regulations. First, we believe that creating a narrow exception to the methodology used in the UCR Reporting Handbook in cases where an individual is the victim of both a sex offense and a murder reflects the goal of the changes that VAWA made to the HEA. In amending the Clery Act, Congress emphasized the importance of improving the reporting of sex offenses at institutions of higher education. To provide the most accurate picture possible of sexual assaults on college campuses, all sex offenses reported to campus security authorities must be included in the statistics. Without the proposed exception to the Hierarchy Rule, if both a sex offense and a murder occur in a single incident, the sex offense would not be reflected in the statistics. This result would be inconsistent with Congress' goal. We note that it should be rare that this exception will apply, but we believe that it will contribute toward the goal of ensuring that all sexual assaults are included in the Clery Act statistics.

Second, we believe that explicitly referring to the Hierarchy Rule in the regulations will improve the clarity of the regulations. Including this requirement in the regulations will help institutions understand how to compile their statistics. Further, we believe that defining the term ''Hierarchy Rule'' and specifying in the regulations how it applies will help members of the public to better understand the Clery Act requirements and statistics.

Timely Warning—Withholding Identifying Information

Statute: Section 485(f)(3) of the HEA requires institutions to make timely reports to the campus community on Clery Act crimes reported to campus security or local police agencies that pose a threat to other students and employees. These warnings must be provided in a manner that is timely and that aids in the prevention of similar crimes. VAWA amended section 485(f)(3) of the HEA to specify that timely warnings must withhold the names of victims as confidential.

Current Regulations: Section 668.46(e)(1) requires institutions to notify the campus community when crimes in current paragraphs 668.46(c)(1) and (3) are reported to campus security authorities or local police agencies, and the institution considers the crime to represent a threat to students and employees. The institution must provide the notice in a manner that is timely and that will aid in the prevention of similar crimes.

Proposed Regulations: Proposed § 668.46(e)(1), which modifies current § 668.46(e)(1), would clarify that an institution must withhold as confidential the names and other ''personally identifying information or personal information'' of victims (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20))), when providing timely warnings.

Reasons: We are proposing these changes to implement the change that VAWA made to the HEA in this area. During the negotiated rulemaking sessions, some of the negotiators raised concerns that withholding only the name of a victim might not sufficiently protect the victim's confidentiality if others could still identify the victim based on other information included in the warning. Other negotiators, although generally supportive of this goal, noted that, in some cases, it could be difficult to provide enough information to allow other members of the campus community to take steps to protect themselves while withholding all information that could make it possible to identify the victim.

We agree with the negotiators that it is critical to protect a victim's confidentiality to the extent possible; however, the safety of the campus community must also be a priority. We believe that, in most cases, institutions will be able to provide a timely warning without including information that will identify the victim.

We are proposing to adopt the definition of ''personally identifying information or personal information'' in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). That definition refers to identifying information for or about an individual including information likely to disclose the location of a victim of dating violence, domestic violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including: (1) A first and last name; (2) a home or other physical address; (3) contact information (including a postal, email or Internet protocol address, or telephone or facsimile number); (4) a social security number, driver license number, passport number, or student identification number; and (5) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify the individual.

We acknowledge that, to provide an effective timely warning in some instances, an institution will have to provide information about the location of a crime or, in response to a hate crime, other information such as a victim's racial or ethnic background or religious affiliation. In these cases, we stress that institutions should carefully consider the content of their timely warnings and protect the confidentiality of the victim to the extent possible while balancing the need to ensure the safety of the campus community.

Programs To Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking (§ 668.46(j))

Statute: Section 304(a)(5) of VAWA amended section 485(f)(8) of the HEA to require that each institution of higher education that participates in any title IV, HEA program, other than a foreign institution, include a statement of

policy in the institution's annual security report regarding an institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. In accordance with newly amended section 485(f)(8)(B) of the HEA, the statement of policy must specifically address education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking and must include primary prevention and awareness programs for all incoming students and new employees as well as ongoing prevention and awareness campaigns for students and faculty, respectively.

Under new section 485(f)(8)(B)(i)(I) of the HEA, an institution's primary prevention and awareness programs for all incoming students and new employees must include:

- A statement that the institution of higher education prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking;
- The definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction;
- The definition of consent, in reference to sexual activity, in the applicable jurisdiction;
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking against a person other than that individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- The information in HEA sections 485(f)(8)(B)(ii) through (vii) regarding: Possible sanctions or protective measures that an institution may impose following a final determination of an institutional disciplinary procedure; procedures victims should follow if a sex offense, dating violence, domestic violence, sexual assault, or stalking occurs (see the discussion under ''Annual Security Report'' for full details on this subject); where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court; procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking (see the discussion under ''Institutional Disciplinary Proceedings in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking'' for full details on this subject); information about how the institution will protect the confidentiality of victims, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim; written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; and written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus policy or local law enforcement.

Under new section 485(f)(8)(B)(i)(II) of the HEA, an institution's ongoing prevention and awareness campaigns for students and faculty must include the same information covered by the institution's primary prevention and awareness programs for all incoming students and new employees.

Current Regulations: Under current § 668.46(b)(11), an institution must prepare an annual security report that contains a statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. The statement must include a description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses.

Proposed Regulations: Proposed § 668.46(j) would implement the changes VAWA made to section 485(f)(8) of the HEA with regard to programs to prevent dating violence, domestic violence, sexual assault, and stalking. Specifically, proposed § 668.46(j) would require an institution to include a statement of policy in its annual security report that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking.

Proposed § 668.46(j)(1) would specify the items that must be included in the statement of policy, and proposed § 668.46(j)(2) would define the terms used in the requirements for the statement of policy, discussed below under ''Statement of Policy Requirements in Proposed § 668.46(j)(1)'' and ''Definitions of Terms in Proposed § 668.46(j)(2),'' respectively. Proposed § 668.46(j)(3) would specify that an institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information described in paragraph (j)(1).

Statement of Policy Requirements in Proposed § 668.46(j)(1)

Under proposed § 668.46(j)(1)(i)(A) through (j)(1)(i)(F), the statement must include a description of the institution's primary prevention and awareness programs for all incoming students and new employees, which in turn must include a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking; the definition of ''dating violence,'' ''domestic violence,'' ''sexual assault,'' and ''stalking'' in the applicable jurisdiction; the definition of ''consent,'' in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and the information described in § 668.46(b)(11) and (k)(2) of these proposed regulations. The information in proposed § 668.46(b)(11) consists of a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking and the procedures that the institution will follow when one of these crimes is reported. The information in proposed § 668.46(k)(2) consists of a statement of policy that addresses procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking.

Under proposed § 668.46(j)(1)(ii), the statement of policy must also describe the institution's ongoing prevention and awareness campaigns for students and employees, which must include the information described in paragraphs (j)(1)(i)(A) through (j)(1)(i)(F) of the proposed regulations.

Definitions of Terms in Proposed § 668.46(j)(2)

Proposed § 668.46(j)(2) would define the terms ''awareness programs'', ''bystander intervention'', ''ongoing prevention and awareness campaigns'', ''primary prevention programs'', and ''risk reduction.''

Under proposed § 668.46(j)(2)(i), the term ''awareness programs'' is defined to mean community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Proposed § 668.46(j)(2)(ii) would define the term ''bystander intervention'' to mean safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk

of dating violence, domestic violence, sexual assault, or stalking. Proposed § 668.46(j)(2)(ii) would further define bystander intervention to include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Proposed § 668.46(j)(2)(iii) would define the term ''ongoing prevention and awareness campaigns'' to mean programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph proposed §§ 668.46(j)(1)(i)(A) through (j)(1)(i)(F).

Proposed § 668.46(j)(2)(iv) would define the term ''primary prevention programs'' to mean programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Under proposed § 668.46(j)(2)(v), the term ''risk reduction'' means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence.

Reasons: The negotiators discussed these new provisions with a focus on who would need to receive this training and by what means, how several terms in the statute should be defined, and how to ensure that these programs reflect the best practices in the field of sexual violence prevention. At the end of the first session, the committee agreed to form a subcommittee to develop proposals regarding programs to prevent dating violence, domestic violence, sexual assault, and stalking. The subcommittee met several times to develop proposals for regulatory language on this issue.

First, the negotiators discussed several practical questions with respect to the target audiences for these programs, whether these programs would be mandatory, and whether institutions could offer these programs through computer-based training modules. Noting that the statute requires institutions to provide primary prevention and awareness programs for incoming students and new employees, and ongoing prevention and awareness campaigns to students and faculty, the negotiators suggested clarifying who would be considered a ''student'' or an ''employee''. Several negotiators also wondered if institutions were expected to provide prevention and awareness programs to distance education students and short-term, continuing education students. Some negotiators in particular were concerned that mandating this training for all students could pose a significant burden for institutions like community colleges, where many students take only non-credit courses and may be on campus only once for a single four-hour class. Along these lines, some negotiators were concerned that it would be very difficult to ensure that all students, including distance education students, have received training, particularly if the training had to be offered in person. From a victim's perspective, one negotiator suggested that the programs should be available—but not mandatory—because the programs could be traumatizing for some victims.

On the other hand, some negotiators believed strongly that every student, regardless of whether they are taking a class for credit, should be required to complete training, arguing that this type of training is critical because it focuses on violence that can destroy lives. They believed that these programs can be designed in a way that avoids re-traumatization, and that it can support victims and non-victims by educating them about what is a crime and what rights and options exist. They further argued that anyone can be a victim of dating violence, domestic violence, sexual assault, or stalking, even if they are on campus briefly only one time, and that it would still be important for those individuals to know what rights and options they have and what procedures to follow with respect to these crimes, as outlined in the statute.

In addressing these concerns, the Department decided to interpret the statute consistent with other Clery Act requirements by requiring institutions to offer these types of training to ''enrolled'' students. Under §§ 668.41 and 668.46, institutions must distribute the annual security report to all enrolled students. Applying that same approach here would make it clear that the same students who must receive the annual security report must also be offered the training. The Department's regulations in 34 CFR § 668.2 define ''enrolled'' to mean a student who (1) has completed the registration requirements (except for the payment of tuition and fees) at the institution that he or she is attending; or (2) has been admitted into an educational program offered predominantly by correspondence and has submitted one lesson, completed by him or her after acceptance for enrollment and without the help of a representative of the institution. The negotiators agreed with this approach.

In response to the discussion during the first negotiation session, the Department initially agreed to consider developing a definition of ''employee'' to clarify which individuals working for the institution would need to be offered training. However, we subsequently decided not to propose a definition of employee for several reasons. First, we note that institutions have had to distribute their annual security reports to their current employees under §§ 668.41 and 668.46 for many years, and we have not previously defined the term for those purposes. Therefore, institutions should know who they consider to be an employee for the purposes of the Clery Act, and we expect that these employees will now be offered the new training required by the HEA. Second, given the wide variety in arrangements and circumstances in place across institutions for providing services to students, other employees, and the public, we believe that institutions are best positioned to determine who is an ''employee.'' With regards to the requirement that institutions provide ongoing prevention and awareness campaigns to students and faculty, the negotiators generally agreed that the term ''faculty'' should be considered equivalent to ''employee.'' The proposed regulations in § 668.46(j)(1)(ii) reflect this recommendation.

The Department also noted that, while the statute requires institutions to describe the programs focused on prevention and awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking in their annual security reports, it does not require that institutions require every student and employee to take the training. We note, however, that institutions may adopt policies requiring that all students and employees take this training, for example, before completing registration.

With regard to the means of providing training, the negotiators ultimately agreed that programs to prevent dating violence, domestic violence, sexual assault, and stalking could be delivered electronically so the programs are able

to reach all of the intended audiences. They acknowledged that students enrolled in programs by distance education would be unlikely to be able to access these programs in person, and they noted that it could be similarly challenging to ensure that all employees receive this training in person as well.

Second, the negotiators urged the Department to clarify several of the terms used in the statute, including ''primary prevention,'' ''bystander intervention,'' and ''risk reduction.'' The subcommittee focused much of its work on defining these terms, drawing heavily on the work and definitions of the Centers for Disease Control and Prevention. Many of the negotiators supported the first set of suggestions that the subcommittee offered at the second negotiating session. They suggested that the regulations require institutions to adopt programs that reflect best practices and methods that have proven effective for the prevention of gender violence. Others, however, were concerned that the subcommittee's proposals were more prescriptive than would be useful given the variety and size of institutions across the country. Some of the negotiators also believed that making the definitions simple and clear would help individuals and institutions better understand, and subsequently comply with, the regulations.

The subcommittee continued to meet between the second and third sessions, and the draft that the Department provided to the committee at the start of the third session incorporated the subcommittee's revisions. Generally, the revised proposal more closely tracked the statutory language and added a definition of ''programs to prevent dating violence, domestic violence, sexual assault, and stalking'' to § 668.46(a), as discussed under the Definitions section. The committee generally accepted the revised draft, though some changes were made to the language to address concerns raised by some of the negotiators. We note that, while the draft regulations generally restate the statutory language, institutions are free to go beyond these requirements, for example to include bystander intervention training on a variety of topics, such as alcohol and drug use, hazing, bullying, and other behaviors. We also note that institutions would not be required to provide bystander training separately on each crime of dating violence, domestic violence, sexual assault, and stalking and that they may provide training that focuses on all four crimes –- or more –- as part of a more comprehensive program.

With regards to proposed § 668.46(j)(3), we are adding this provision in order to make it clear that an institution's ''programs to prevent dating violence, domestic violence, sexual assault, and stalking,'' which under our proposed definition in § 668.46(a) would include primary prevention and awareness programs and ongoing prevention and awareness campaigns, must include the information described in proposed paragraph (j)(1).

Institutional Disciplinary Proceedings in Cases of Alleged Dating Violence, Domestic Violence Sexual Assault or Stalking (§ 668.46(k))

Statute: Section 304(a)(5) of VAWA amended section 485(f)(8) of the HEA to require that each institution of higher education that participates in any title IV, HEA program, other than a foreign institution, include a statement of policy in the institution's annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. The statement of policy must describe the standard of evidence that the institution will use during the proceeding as well as possible sanctions or protective measures that the institution may impose after a final determination is made. Section 304(a)(5) of VAWA amended section 485(f)(8)(iv) of the HEA to require an institution to include in its annual security report a clear statement that the institution's disciplinary proceedings shall provide a prompt, fair, and impartial investigation and resolution that is conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, and annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Section 304(a)(5) further amended section 485(f)(8)(iv) of the HEA to require that the accuser and the accused be entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice and that both the accuser and the accused be simultaneously informed, in writing, of the outcome of any disciplinary proceeding; the institution's procedures for both parties to appeal the results of the proceeding; of any change to the results that occurs prior to the results becoming final; and, when such results become final.

Current Regulations: Under current § 668.46(b)(11)(vi)(A), an institution must provide a clear statement in its annual security report that, in the institution's campus disciplinary proceedings in cases of an alleged sex offense, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding. Current § 668.46(b)(11)(vi)(B) requires that an institution's annual security report clearly state that both the accused and the accuser must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense; that compliance with § 668.46(b)(11)(vi)(B) does not constitute a violation of FERPA on the part of the institution; and, that, for purposes of this notification, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused. Lastly, current § 668.46(b)(11)(vii) requires an institution's annual security report to clearly disclose the sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses.

Proposed Regulations: The proposed regulations in § 668.46(k) would implement the statutory changes requiring an institution that participates in any title IV, HEA program, other than a foreign institution, to include a statement of policy in its annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking.

Proposed § 668.46(k)(1)(i) provides that the statement of policy must describe each type of disciplinary proceeding used by the institution, including the steps, anticipated timelines, and decision-making process for each, and how the institution determines which type of disciplinary hearing to use. Proposed § 668.46(k)(1)(ii) provides that the statement of policy must describe the standard of evidence that will be used during any disciplinary proceeding involving alleged dating violence, domestic violence, sexual assault or stalking. Proposed § 668.46(k)(1)(iii) provides that the statement of policy must list all possible sanctions an institution may impose following the results of any disciplinary proceeding in cases of alleged dating violence, domestic violence, sexual assault or stalking. Proposed § 668.46(k)(1)(iv)

provides that the policy statement must describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault or stalking.

An institution's statement of policy must provide that its disciplinary proceeding will include a prompt, fair, and impartial process from the initial investigation to the final result under proposed § 668.46(k)(2)(i). The policy statement must provide that the proceeding will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability under proposed § 668.46(k)(2)(ii). Under proposed § 668.46(k)(2)(iii), an institution's statement of policy must provide that its disciplinary proceeding will afford the accuser and the accused the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Under proposed § 668.46(k)(2)(iv), an institution cannot limit the accuser's or accused's choice of an advisor or the advisor's presence at a proceeding, but the institution may establish restrictions regarding the advisor's participation in the proceedings as long as those restrictions are applied equally to both the accuser and the accused. Finally, under proposed § 668.46(k)(2)(v), an institution's statement of policy must require simultaneous notification, in writing, to both the accuser and the accused of the result of the institutional disciplinary proceeding, the institution's procedures for the accused and the victim to appeal the result, any change to the result, and when such results become final.

Proposed § 668.46(k)(3) defines the terms ''prompt, fair, and impartial proceeding,'' ''advisor,'' ''proceeding,'' and ''result.'' Under proposed § 668.46(k)(3)(i), a ''prompt, fair, and impartial proceeding'' includes a proceeding that is: (1) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay; (2) conducted in a manner that is consistent with the institution's policies and transparent to the accuser and accused, includes timely notice of meetings at which the accuser or accused, or both, may be present, and provides timely access to the accuser, the accused, and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings; and (3) conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

Under proposed § 668.46(k)(3)(ii), the term ''advisor'' is defined as any individual who provides the accuser or the accused support, guidance, or advice.

Under proposed § 668.46(k)(3)(iii), the term ''proceeding'' means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

Finally, under proposed § 668.46(k)(3)(iv), the term ''result'' means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The definition provides that the ''result'' must include any sanctions imposed by the institution and, notwithstanding FERPA (20 U.S.C. 1232g), the rationale for the result and the sanctions. Having defined the term ''result,'' for consistency purposes the proposed regulations would also insert the word ''result'' where appropriate to replace the existing statutory and regulatory references to the terms ''outcomes,'' ''resolution,'' and ''final determinations.''.

Reasons: Proposed § 668.46(k) would implement the statutory changes requiring each institution of higher education that participates in any title IV, HEA program, except foreign institutions, to include a statement of policy in the institution's annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

Definition of Terms in Proposed § 668.46(k)(3)

Proposed § 668.46(k)(3) defines the terms ''prompt, fair, and impartial proceeding,'' ''advisor,'' ''proceeding,'' and ''result.''

At the first session of negotiated rulemaking, several of the non-Federal negotiators asked that the Department define a ''prompt, fair, and impartial'' disciplinary proceeding in proposed § 668.46(k). These negotiators requested that the Department consider including, as part of the definition, a provision that requires an institution's disciplinary proceeding to mirror OCR's title IX guidance, especially as that guidance relates to the use of the preponderance of the evidence standard in disciplinary proceedings used to resolve a title IX complaint. Other non-Federal negotiators suggested that VAWA was not intended to codify the required use of the preponderance of the evidence standard, but instead required only that an institution state the standard of evidence that will be used.

In response to this request by non-Federal negotiators, the Department introduced proposed language defining the term ''prompt, fair and impartial disciplinary proceeding'' to mean a proceeding that is completed within the timeframe designated by an institution's policy and without undue delay; conducted in a manner that is consistent with the institution's policies and transparent to all parties; conducted by officials who do not have a real or perceived conflict of interest or bias for or against the accused or the accuser; and, at the request of non-Federal negotiators, at a minimum, comply with guidance issued by OCR. One non-Federal negotiator suggested that the Department eliminate the reference to a ''real or perceived'' conflict of interest because the terms ''real or perceived'' are too subjective and would be difficult to operationalize at a small campus. Several non-Federal negotiators suggested using the standard of actual or potential conflict of interest instead.

With regard to the requirement that a disciplinary hearing comply at a minimum with guidance issued by OCR, some non-Federal negotiators strongly supported the provision, while others were strongly opposed to including this provision. Those arguing against the inclusion of this provision stated that, in enacting VAWA, Congress did not require institutions to use the preponderance of the evidence standard under the Clery Act, but only required that an institution disclose what standard of evidence it would use at a disciplinary proceeding for conduct covered by the Clery Act. Still others were not comfortable with including in these proposed Clery Act regulations a reference to guidance issued by OCR under other laws and regulations. It was suggested that we cite the statutory language amending the Clery Act instead. One non-Federal negotiator voiced her view that title IX is largely interpreted judicially or by the Department, and that whether or not a provision requiring compliance with title IX in disciplinary hearings mandated under the HEA is included in the Clery Act regulations does not change title IX requirements. This view

is consistent with the Department's explanation to the negotiators at the start of the rule-making that the Clery Act amendments and implementing regulations in no way affect or conflict with Title IX requirements, including those interpreted by OCR in its guidance documents.

At the last session of negotiations, the Department presented amended draft language in § 668.46(k)(3)(i) defining a ''prompt, fair and impartial proceeding'' to include a proceeding that is completed within a reasonable timeframe designated by the institution's policy and without undue delay, and that is conducted in a manner that: (1) Is consistent with the institution's policies and transparent to the accuser and accused; (2) includes timely notice to the accuser and accused of all meetings relevant to the proceeding; and (3) provides timely access to both the accuser and the accused to any information that will be used during the proceeding. These changes were met with general agreement from the non-Federal negotiators although several changes to the specific language were requested. The committee agreed to revise the regulations to permit an institution to exceed the timeframe in its policy for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. This language was added in recognition that some delays are unavoidable. The proposed requirement for written notice of the delay and the reasons for the delay, however, is appropriate to ensure a fair proceeding. The Department also notes that, as it relates to § 668.46(k)(3)(i)(B)(*2*), the phrase ''timely notice to the accuser and accused of all meetings relevant to the proceeding'' is intended to ensure that the accuser and the accused have time to adequately prepare or to arrange to have an advisor present at all of these meetings, if they desire.

At the third session, the negotiators continued to debate the Department's draft language requiring an institution's disciplinary proceedings to be conducted by officials who do not have a real or perceived conflict of interest or bias, for or against, the accuser or the accused. The committee decided to modify this language slightly by removing the words ''real or perceived,'' as reflected in proposed § 668.46(k)(3)(i)(C); thus, the revised language addresses only those officials with an actual conflict of interest or bias. The concerns that a perceived conflict of interest may limit the officials who can conduct such hearings on small campuses or that some parties in a proceeding might abuse the rule by claiming that whoever is acting as the official is perceived to be biased convinced the committee to agree to this change. Although the prohibition is now limited to those officials who have a conflict of interest or bias, the Department expects that an institution will make every effort to ensure that officials conducting proceedings do not have a perceived conflict of interest or bias against either the accused or the accuser.

The negotiators discussed defining who would be considered an ''official'' for the purposes of an institutional disciplinary proceeding to add clarity to the regulation. Some of the negotiators suggested specifying that students could be ''officials'' in this context, noting that at many institutions, students often serve as officials during a disciplinary proceeding. Other negotiators strongly disagreed with this practice, raising concerns that having students serve as officials during disciplinary proceedings calls into question the possibility of having a prompt, fair, and impartial process, and that it can result in re-victimization of the accuser or secondary or vicarious traumatization for the student officials. These negotiators did not believe that a definition of ''official'' should include students. While the Department declined to add a definition of ''official'' to the proposed regulations, we stress that when an institution involves students in a disciplinary proceeding, the students are serving as officials of the institution during that proceeding and nothing about being a student changes that role. In that vein, we note that the requirements in proposed § 668.46(k)(2)(ii) pertaining to training for officials and § 668.46(k)(3)(i)(C) pertaining to conflicts of interest in a disciplinary proceeding would apply to students as well as other individuals serving as officials during an institutional disciplinary proceeding.

Lastly, after consideration of the discussion at the second session, the Department removed the reference to § 668.46(k)(3)(i)(D) which would have required that, in order for an institution's disciplinary proceeding to be considered prompt, fair, and impartial under the Clery Act, the proceeding must, at a minimum, comply with guidance issued by OCR. As the Department explained to the negotiators at the start of the rule-making, the Clery regulations address only an institution's responsibilities under the Clery Act, and do not affect or conflict with the requirements under Title IX as interpreted by OCR in its guidance documents. In order to meet Clery Act requirements, as amended by VAWA, an institution must only state in its annual security report what standard of evidence it uses in its disciplinary proceedings regarding sexual assault, dating violence, domestic violence, and stalking. This Clery Act requirement does not conflict with the Title IX obligation to use the preponderance of the evidence standard in Title IX proceedings. A recipient can comply with Title IX and the Clery Act by using a preponderance of evidence standard in disciplinary proceedings regarding Title IX complaints and by disclosing this standard in the annual security report required by the Clery Act.

Please see the section on *Advisor of Choice* below for a full discussion of the definition of ''advisor.''

Some non-Federal negotiators also indicated at the first session of negotiations that it would be helpful for the regulations to define the term ''proceeding'' because institutions use a variety of approaches when conducting a disciplinary proceeding. In response to the discussion at the first session, the Department introduced draft regulations at the second session of negotiations defining the term ''proceeding'' to mean all activities related to the resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. The definition of ''proceeding'' was modified at the last session of negotiations to mean all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings to clarify that institutional disciplinary proceedings are not courts of law that resolve criminal matters.

Lastly, at the first session of negotiated rulemaking the non-Federal negotiators requested that the Department develop proposed regulations in § 668.46(k) that would harmonize the terms ''results,'' ''outcomes,'' ''resolution,'' and ''final determinations,'' with regard to an institution's disciplinary proceeding because they found the interchangeable use of these terms confusing. In response to this request, the Department introduced draft language at the second session that defined the term ''result.'' As proposed in § 668.46(k)(3)(iv), ''result'' was defined as an initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

The proposed definition of ''result'' was generally well-received, however, the negotiators debated whether to mandate the inclusion of the rationale for the result in the disclosure provided to the parties (and therefore in the definition) so that if an institution has an appeals process, the accused and the accuser will have a basis for the appeal. One non-Federal negotiator felt that including the rationale for the result in the proposed regulations would be contrary to the definition of ''final results'' in the Department's FERPA regulations at 34 CFR 99.39. At the third and last session of negotiations, the Department introduced new draft language in § 668.46(k)(3)(iv) to amend the definition of ''result'' to require that, notwithstanding FERPA (20 U.S.C. 1232g), the result must also include the reason for the result. The Department explained that the regulations under FERPA do not specifically address whether the permissible disclosure to the victim of the ''final results'' of a disciplinary proceeding with respect to a crime of violence or a non-forcible sex offense under 34 CFR 99.31(a)(13) and 99.39 includes the reason for the result. However, the Department has decided that, in light of the increased disclosures and rights provided to the accuser under VAWA, including potentially the right to appeal if the institution's procedures provide an appeal, it is vital that the accuser be informed of the reason for the result. A non-Federal negotiator, while agreeing that the reason for the result should be included in the definition of ''result,'' suggested that the definition should also include the rationale for the sanctions and the committee reached consensus on this additional language.

General Institutional Disciplinary Proceedings in Proposed § 668.46(k)(1)

As stated previously, section 304(a)(5) of VAWA amended section 485(f)(8) of the HEA to require that each institution of higher education that participates in any title IV, HEA program, other than a foreign institution, include a statement of policy in the institution's annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. As a result of the discussions at the first session of negotiations, the Department introduced draft language for § 668.46(k) that reflected all of the statutory changes outlined under the *Statute* heading. The draft language included new § 668.46(k)(1)(i), which would require an institution to describe each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, sexual assault, or stalking. This provision was included to provide greater transparency for students and the public around which types of disciplinary proceedings may be used, how the institution will determine which one is most appropriate to use, and what timelines and processes to expect for each one.

At the last session of negotiated rulemaking, the committee reviewed revised draft language developed by the Department. A non-Federal negotiator suggested that the Department remove the words ''in detail'' from the description of each type of disciplinary proceeding used by an institution in § 668.46(k)(1)(i). The same non-Federal negotiator suggested that the Department remove the words ''reported incident of an alleged crime'' and substitute the words ''an allegation of dating violence, domestic violence, sexual assault, or stalking'' in § 668.46(k)(1)(i), (k)(1)(ii), and (k)(1)(iii) because institutions do not adjudicate crimes. After discussion, the committee agreed to these suggestions.

The Department also included, in the draft language provided during the second negotiating session, a new § 668.46(k)(1)(iii), which tracks newly amended section 485(f)(8)(B)(ii) of the HEA and requires that the institution describe the possible sanctions or protective measures that the institution may impose following the results of any institutional disciplinary procedure regarding these incidents. The negotiating committee's discussion on this provision focused on whether the institution should provide the possible sanctions as opposed to a list of all sanctions that an institution may impose. Several non-Federal negotiators thought that providing an exhaustive list of sanctions would hamper an institution's ability to strengthen sanctions or be innovative in imposing sanctions, while others felt that requiring an exhaustive list would require institutions to be more transparent about the types of sanctions they impose and permit students and employees to consider whether those sanctions are appropriate under the circumstances.

At the last session, several non-Federal negotiators continued to argue against requiring an institution to list all sanctions because if only a small number of sanctions were imposed, disclosing such a list might trigger FERPA violations or a title IX complaint. Other non-Federal negotiators argued that if an institution is not required to list all possible sanctions, the institution may abuse its discretion and impose an inappropriately light sanction. One non-Federal negotiator pointed out that, since 2005, the Handbook has provided guidance suggesting that institutions list all sanctions imposed, meaning that listing all sanctions was not an entirely new approach.

The committee debated whether to require an institution to describe the range of sanctions and protective measures rather than provide an exhaustive list to allow the institution to retain flexibility in providing a sanction or protective measure that may be unique to a certain situation. In response to the concerns that institutions should retain some flexibility, the Department noted that institutions have the authority to change their policies during the year, including after they publish their annual security report. In this case, if an institution changes its policies to include or remove sanctions during the year, the Department would expect the institution's next annual security report to reflect the institution's revised list of sanctions. Some of the non-Federal negotiators favored requiring an exhaustive list of sanctions, to ensure transparency, but a range of protective measures in order to preserve the confidentiality of a victim and also to preserve flexibility to provide ad hoc protective measures for victims. The committee ultimately agreed that sanctions for perpetrators and protective measures available to victims should be addressed in separate paragraphs at §§ 668.46(k)(1)(iii) and (k)(1)(iv) in this NPRM, which requires an institution to list all possible sanctions and a range of protective measures, respectively.

Advisor of Choice

As stated previously, section 304(a)(5) of VAWA amended section 485(f)(8)(iv) of the HEA to require that the accuser and the accused be entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. At the first session of negotiated rulemaking, several non-Federal negotiators stated that the term ''advisor'' should be defined and that the role of the advisor and the extent to which an advisor can participate in a disciplinary proceeding should be clearly delineated in the proposed regulations. Several non-Federal

negotiators argued that institutions should have discretion to limit who can accompany the parties involved in a disciplinary hearing and the extent to which such an advisor can participate. Other non-Federal negotiators stated that they believed that the statutory language entitles both the accuser and the accused to be accompanied to any meeting or proceeding by the advisor of their choice, and that proposed regulations should reflect that entitlement.

At the second session of negotiations, the Department presented draft language for proposed § 668.46(k)(2)(iii) that would require an institution to provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Based on the discussion of this topic in the first session, we also defined the term ''advisor'' in § 668.46(k)(3)(ii) of the draft to mean an individual who provides the accused or accuser support, guidance, or advice. The draft regulations provided that an institution may not limit the choice of advisor for either party but that an institution could limit the extent to which an advisor may participate in the proceedings, such as restricting cross-examination of witnesses or prohibiting advisors from addressing the decision-maker, as long as the limits apply equally to both parties. Several non-Federal negotiators supported this approach and agreed with the Department's view that the statutory language was intended to allow the accuser and the accused to have the advisor of their choice. Other non-Federal negotiators felt that allowing the accused or the accuser to bring an attorney to a disciplinary proceeding created an advantage for that party and would intimidate the party that chose not to bring an attorney or who could not afford to bring an attorney. Additionally, these non-Federal negotiators expressed concern that the presence of attorneys would change the tenor of institutional disciplinary proceedings. There was general agreement that an institution could place limits on the participation of an advisor; however, one non-Federal negotiator objected to the Department's choice of the words ''restricting cross-examination of witnesses'' because of the concern that such language gave the impression, falsely, that disciplinary proceedings are criminal legal proceedings.

The Department's final draft regulation, presented at the third and last session, simplified the proposed definition of ''advisor'' in § 668.46(k)(3)(ii) by defining the term to mean an individual who provides the accuser or accused support, guidance, or advice. The Department's draft language moved substantive provisions from the prior definition of ''advisor'' into a new § 668.46(k)(2)(iv) to provide that an institution may not limit the choice of advisor for either the accuser or the accused; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. This change was intended to separate the definition of the term ''advisor'' from the role the advisor plays in a disciplinary hearing. At the outset of the discussion of this issue, the Department made clear that its interpretation of the statutory language was that the accused and the accuser are entitled to an advisor of their choice, including an attorney. One non-Federal negotiator suggested that the Department add language to new § 668.46(k)(2)(iv) to bar an institution from limiting the choice or presence of an advisor for either the accuser or the accused to make it clear that both parties in the proceeding are entitled to be accompanied by an advisor. Other non-Federal negotiators felt this was redundant given that § 668.46(k)(2)(iii) states that the accuser and the accused have the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The non-Federal negotiators expressed strong concerns on both sides of this issue. Several non-Federal negotiators characterized the restriction on an institution's ability to limit the choice of an advisor as a significant change that would create a serious burden on institutions while others characterized the requirement as a long-overdue protection for victims of sexual violence. Ultimately, the negotiators agreed to the language in proposed § 668.46(k)(2)(iii), which would provide that the institution cannot limit the choice or presence of advisor for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, proposed § 668.46(k)(2)(iv) would allow institutions to establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. We note that the proposed definition of ''advisor'' to mean someone who provides the accuser or accused support, guidance, or advice is not intended to include individuals acting as interpreters or translators. For example, a victim with limited English proficiency involved in a campus disciplinary proceeding who requires an interpreter to understand the proceedings would still be entitled to bring an advisor of their choice.

Training for Disciplinary Proceeding Officials

The non-Federal negotiators debated the merits of including regulatory standards for the training that officials who conduct disciplinary proceedings must receive during the first session of negotiations. There was strong agreement that such training is necessary but that the training content should be flexible to reflect the diversity of institutional environments, that it should incorporate existing evidence-based research or practice, and that it should emphasize the need for both impartiality and sensitivity in dealing with the accused and the accuser. Several non-Federal negotiators questioned whether standards for training should be included in the Handbook or other best practices document as opposed to the proposed regulations. The subcommittee formed to further explore the issue of prevention and awareness programs agreed to add the topic of training on disciplinary proceedings to its agenda and report back to the negotiated rulemaking committee on their findings in the second session.

At the second negotiated rulemaking session, the subcommittee that was formed to address prevention and awareness programs as well as training on disciplinary hearings shared with the whole committee a list of training standards they had developed for officials who conduct disciplinary proceedings. Although the list was comprehensive and well-received, it was the general feeling of the negotiated rulemaking committee that such a list should be included in a best practices document or the Handbook rather than the proposed regulations because the level of detail went beyond the scope of the Department's rulemaking authority.

Notification of Disciplinary Proceeding Results

As stated previously, section 304(a)(5) of VAWA amended section 485(f)(8)(iv) of the HEA to require that both the accuser and the accused be simultaneously informed, in writing, of the outcome of any disciplinary proceeding; the institution's procedures for both parties to appeal the results of

the proceeding; of any change to the results that occurs prior to the results becoming final, and when such results become final. There was general agreement during the first session of negotiations that there should be flexibility in how institutions implement this requirement. The Department noted that it generally interprets the term ''in writing'' to mean either a hard copy document or an electronic document. Some non-Federal negotiators outlined a variety of approaches that they thought institutions could take when notifying the accuser and the accused of the outcome, including providing hard copy documents in back-to-back in-person meetings or at separate meetings scheduled at the same time but in a different location so that the parties are separated, sending letters by simultaneous email to the accuser and the accused, or mailing letters to both the accuser and the accused at the same time. The Department indicated its support for a flexible approach. During the first session of negotiations, the non-Federal negotiators also debated whether the statute required schools to have an appeals process or simply required the institution to disclose the existence of an appeals process, if the institution allowed appeals.

The draft regulatory language that the Department presented at the second session included a provision reflecting statutory language that an institution must require simultaneous notification, in writing, to both the accuser and the accused, of the result of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking and the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available. The Department considered including a requirement that institutions provide for an appeal process but decided that such a requirement is not supported by the statute. One non-Federal negotiator expressed concern that the proposed regulations may be interpreted as requiring that a police incident report may have to be included in the final result of a disciplinary proceeding. The Department assured the negotiator that the regulations were not intended to require an incident report to be part of the final result. Another non-Federal negotiator was concerned that the language did not allow a victim to opt out of receiving the final results while several other negotiators felt that notifying victims of the outcome should always be required.

In its draft regulations presented to the committee during the third session, the Department proposed a new provision in § 668.46(k)(2)(v)(A), which would exempt an institution from the requirement that it simultaneously notify, in writing, both the accuser and the accused of the result of a disciplinary proceeding if the accuser or the accused requested not to be informed of the result. This draft language was strongly criticized by several members of the committee because they believed that requiring notification was an important part of the process for victims, who sometimes have been left in the dark as to the result of a disciplinary proceeding. These committee members recognized that some victims might not want to actually view the results, but they suggested that there are ways in which an institution could send the victim the results, such as in a sealed envelope, which would allow the victim to make the decision of whether or not to view them. For these reasons, the Department agreed to remove the provision.

Anti-Retaliation Clause

Statute: Section 488(e)(3) of the HEOA added section 485(f)(17) to the HEA to specify that nothing in the Clery Act could be construed to permit an institution or an officer, employee, or agent of an institution, participating in any title IV program to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision under the Clery Act.

Current Regulations: None.

Proposed Regulations: We propose to add § 668.46(m) to prohibit retaliation by specifying that ''an institution or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.''

Reasons: The Department had not previously reflected the statutory provision regarding anti-retaliation in the regulations. Over the last several years, however, the Department has received requests to incorporate this provision into the regulations to make the regulations more complete. As a result, we are proposing to add this provision to the regulations, to reflect these statutory requirements.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Introduction

Institutions of higher education that participate in the Federal student financial aid programs authorized by title IV of the HEA are required to comply with the Clery Act. According to the most current IPEDS data, a total of 7,508 institutions were participating in title IV programs in 2012. The Department reviews institutions for compliance with the Clery Act and has imposed fines for significant non-compliance. The Department expects that these proposed changes will be beneficial for students, prospective students, and employees, prospective employees, the public and the institutions themselves.

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 proposed regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed these regulations 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 proposed regulations only on a reasoned determination that their benefits would 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 these proposed regulations are consistent with the principles in Executive Order 13563.

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 associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

This Regulatory Impact Analysis is divided into five sections. The ''Need for Regulatory Action'' section discusses why these implementing regulations are necessary to define terms and improve upon the methods by which institutions count crimes within their Clery geography.

The ''Discussion of Costs and Benefits'' section considers the cost and benefit implications of these regulations for students and institutions. There would be two primary benefits of the proposed regulations. First, we expect students and prospective students and employees and prospective employees to be better informed and better able to make choices in regards to higher education attendance and employment because the proposed regulations would improve the method by which crimes on campuses are counted and reported. Second, we would provide further clarity on students' and employees' rights and procedures by requiring institutions to design and disclose policies and institutional programs to prevent sexual assault.

Under ''Net Budget Impacts,'' the Department presents its estimate that the final regulations would not have a significant net budget impact on the Federal government.

In ''Alternatives Considered,'' we describe other approaches the Department considered for key provisions of the proposed regulations, including definitions of ''outcomes,'' ''initial and final determinations,'' ''resolution,'' ''dating violence,'' ''employees,'' ''consent,'' and ''sodomy and sexual assault with an object.''

The ''Initial Regulatory Flexibility Analysis'' considers the effect of the proposed regulations on small entities.

Finally, the ''Clarity of the Regulations'' provides guidance to commenters when reviewing the proposed regulations for ease of understanding.

Need for Regulatory Action

Executive Order 12866 emphasizes that ''Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people.'' In this case, there is indeed a compelling public need for regulation. The Department's goal in regulating is to incorporate the provisions in VAWA into the Department's Clery Act regulations.

On March 7, 2013, President Obama signed VAWA into law. Among other provisions, this law amended the Clery Act. The statutory changes made by VAWA require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of dating violence, domestic violence, sexual assault, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

During the negotiated rulemaking process, non-Federal negotiators discussed issues relating to the new provisions in the Clery Act addressing dating violence, domestic violence, sexual assault and stalking including:

- Methods of compiling statistics of incidents that occur within Clery geography and are reported to campus security authorities.
- Definitions of terms.
- Programs to prevent dating violence, domestic violence, sexual assault, and stalking.
- Procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional disciplinary proceeding arising from the report.
- Educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty.
- The right of the accuser and the accused to have an advisor of their choice present during an institutional disciplinary proceeding.
- Simultaneous notification to both the accuser and the accused of the outcome of the institutional disciplinary proceeding.
- Informing victims of options for victim assistance in changing academic, living, transportation, and working situations, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

As a result of these discussions, the proposed regulations would require institutions to compile statistics for certain crimes (dating violence, domestic violence, sexual assault, and stalking) that are reported to campus security authorities or local police agencies. Additionally, institutions would be required to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports (ASRs).

The purpose of the disclosures required by the Clery Act is to give prospective and current students information to help them make decisions about their potential or continued enrollment in a postsecondary institution. Prospective

and current students and their families, staff, and the public use the information to assess an institution's security policies and the level and nature of crime on its campus. Institutions are required to disclose this data to students, employees, and prospective students and employees and to provide the crime statistics to the Department, which then makes it available to the public.

Discussion of Costs and Benefits

A benefit of these proposed regulations is that they would strengthen the rights of students and employees in connection with reported incidents of dating violence, domestic violence, sexual assault, and stalking. Institutions would be required to collect statistics for crimes reported to campus security authorities and local police agencies that involve incidents of dating violence, domestic violence, sexual assault, and stalking. This would improve crime reporting. In addition, students, prospective students, families, and employees and potential employees of the institutions, would be better informed about each campus's safety and procedures.

These proposed regulations would require institutions to include in their annual security report information about the institution's policies and programs to prevent sexual assault, which would cover programs that address dating violence, domestic violence, sexual assault, and stalking. This information would help students and employees understand these rights and procedures. Prevention and awareness programs for all new students and employees, as well as ongoing prevention and awareness campaigns for enrolled students and faculty would be beneficial in providing additional information to students and employees.

The revised provisions related to institutional disciplinary proceedings in cases of alleged dating violence, domestic violence, sexual assault, and stalking would protect the accuser and the accused by ensuring an equal opportunity to have an advisor at meetings and proceedings, an equal right to appeal if appeals are available, and the right to learn of the outcome of the proceedings, including the rationale. Accusers would gain the benefit of a required written explanation of their rights and options, including information about the possible sanctions an institution may impose on perpetrators and the range of protective measures an institution may make available to victims.

Institutions would largely bear the costs of these proposed regulations, which would fall into two categories: Paperwork costs of complying with the regulations, and other compliance costs that institutions may incur as they attempt to improve security on campus. Under the proposed regulations, institutions would have to include in the annual security report, descriptions of the primary prevention and awareness programs offered for all incoming students and new employees and descriptions of the ongoing prevention and awareness programs provided for enrolled students and employees. To comply, some institutions may need to create or update material about the availability of prevention programs while others may already provide sufficient information. Awareness and prevention programs can be offered in a variety of formats, including electronically, so the costs of any changes institutions would make in response to the proposed regulations could vary significantly and the Department has not attempted to quantify additional costs associated with awareness and prevention programs.

Another area in which institutions could incur costs related to the proposed regulations involves institutional disciplinary proceedings in cases of alleged dating violence, domestic violence, sexual assault, or stalking. Institutions will be required to have a policy statement describing the proceedings that would have to describe the standard of evidence that applies; the possible sanctions; that the accused and the accuser will have an equal right to have others present, including advisors of their choice; and that written notice of the outcomes of the proceedings would be given simultaneously to both the accused and the accuser. The proceedings would be conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking as well as training on how to conduct investigations and hearings in a way to protect the safety of victims. Depending upon their existing procedures, some institutions may have to make changes to their disciplinary proceedings. The Department has not attempted to quantify those potential additional costs, which could vary significantly amongst institutions.

In addition to the costs described above, institutions would incur costs associated with the reporting and disclosure requirements of the proposed regulations. This additional workload is discussed in more detail under the *Paperwork Reduction Act of 1995* section. We expect this additional workload would result in costs associated with either the hiring of additional employees or opportunity costs related to the reassignment of existing staff from other activities. Under the proposed regulations, these costs would involve updating the annual security reports; changing crime statistics reporting to capture additional crimes, categories of crimes, differentiation of hate crimes, and expansion of categories of bias reported; and the development of statements of policy about prevention programs and institutional disciplinary proceedings. In total, the proposed regulations are estimated to increase paperwork burden on institutions participating in the title IV, HEA programs by 77,725 hours annually. The monetized cost of this additional paperwork burden on institutions, using wage data developed using BLS data available at: *www.bls.gov/ncs/ect/sp/ecsuphst.pdf*, is $2,840,849. This cost was based on an hourly rate of $36.55 for institutions.

Given the limited data available, the Department is particularly interested in comments and supporting information related to the estimated burden stemming from the proposed regulations. Estimates included in this notice will be reevaluated based on any information received during the public comment period.

Net Budget Impacts

The proposed regulations are not estimated to have a significant net budget impact in the title IV, HEA student aid programs over loan cohorts from 2014 to 2024. Consistent with the requirements of the Credit Reform Act of 1990, budget cost estimates for the student loan programs reflect the estimated net present value of all future non-administrative Federal costs associated with a cohort of loans. (A cohort reflects all loans originated in a given fiscal year.)

In general, these estimates were developed using the Office of Management and Budget's (OMB) Credit Subsidy Calculator. The OMB calculator takes projected future cash flows from the Department's student loan cost estimation model and produces discounted subsidy rates reflecting the net present value of all future Federal costs associated with awards made in a given fiscal year. Values are calculated using a ''basket of zeros'' methodology under which each cash flow is discounted using the interest rate of a zero-coupon Treasury bond with the same maturity as that cash flow. To ensure comparability across programs, this methodology is incorporated into the calculator and used government-

wide to develop estimates of the Federal cost of credit programs. Accordingly, the Department believes it is the appropriate methodology to use in developing estimates for these regulations.

We are not estimating that the proposed regulations will have a net budget impact on the title IV aid programs. We assume that institutions will generally continue to comply with Clery Act reporting requirements and such compliance has no net budget impact on the title IV aid programs. In the past, the Department has imposed fines on institutions that violate the Clery Ac but those fines do not have a net budget impact. Therefore, we estimate that the proposed regulations will have no net budget impact on the title IV, HEA programs.

Alternatives Considered

The Department determined that regulatory action was needed in order to implement the changes made to the Clery Act by VAWA, reflect the statutory language in the regulations and make some technical and clarifying changes to the Department's existing Clery Act regulations.

During the development of the proposed regulations, a number of different approaches to implement the amendments made to the Clery Act were discussed by the Department during the negotiated rulemaking process. Some of these approaches included the addition of clarifying definitions for ''outcomes,'' ''initial and final determinations,'' ''resolution,'' ''dating violence,'' ''employees,'' ''consent,'' and ''sodomy and sexual assault with an object.'' These alternative approaches are discussed below.

Definitions of Outcomes, Initial and Final Determinations, and Resolution

The Department considered harmonizing the terms, ''outcomes'', ''initial and final determinations'', and ''resolution'', used throughout the Clery Act regulations for internal consistency and to provide clarity for institutions. These terms are often being used interchangeably, along with the term ''results.'' The Department considered an alternative definition of ''outcomes'' as one or more parts of the results. The Department also considered an alternative definition of ''initial and final determinations,'' which would have defined the term ''initial determinations'' to include those decisions made before the appeals process, if the institution had such process. A ''final determination'' would be the decision made after the appeals process had been completed. Adding a definition of the term ''resolution'' was also considered by the Department. The Department ultimately decided to use the term ''results'' in the proposed regulations to refer to the initial, interim, and final decisions.

Alternative Definition of Dating Violence

The Department considered several alternatives to the definition of ''dating violence.'' The inclusion of emotional and psychological abuse, along with sexual and physical abuse, was considered. The Department decided to include only sexual or physical abuse or the threat of such abuse in the definition. The Department decided that some instances of emotional and psychological abuse do not rise to the level of ''violence'' which is part of the statutory definition of the term ''dating violence'' under VAWA. The Department also has concerns over implementation by campus security authorities of a definition of the term if it included these forms of abuse.

The Department also considered how to define ''dating violence'' as a crime for Clery Act purposes when it may not be a crime in some jurisdictions. To address this concern, the Department added a statement that any incident meeting the definition of ''dating violence'' was considered a crime for the purposes of Clery Act reporting.

Definitions of Employees

The Department considered adding a definition of ''employee'' to the proposed regulations. Some negotiators requested that the Department define this term to provide clarity to institutions. The Department decided not to define this term, however, since the existing regulations already effectively require institutions to determine who current employees are for the purposes of distributing their annual security reports.

Definition of Consent

The Department considered adding a definition of ''consent'' for the purposes of the Clery Act to the proposed regulations. Some negotiators indicated that a definition of ''consent'' would provide clarity for institutions, students, and employees for when a reported sex offense would need to be included in the institution's Clery Act statistics. However, a definition of ''consent'' might also create ambiguity in jurisdictions that either do not define ''consent'' or have a definition that differed from the one that would be in the regulations. The Department decided against including the definition of ''consent'' in the proposed regulations as we were not convinced that it would be helpful to institutions in complying with the Clery Act. For purposes of Clery Act reporting, all sex offenses that are reported to a campus security authority must be recorded in an institution's Clery Act statistics and, if reported to the campus police, must be included in the crime log, regardless of the issue of consent.

Definitions of Sodomy and Sexual Assault With an Object

The Department had initially separated the terms ''sodomy'' and ''sexual assault with an object'' into two distinct definitions for which separate statistics would be reported by institutions. However, the Department decided to adopt the FBI's new definition of ''rape.'' This new definition of rape covers acts including rape, sodomy, and sexual assault with an object. Under this new definition of rape, all instances of sodomy and sexual assault with an object would be included in the definition of ''rape.'' Therefore, separate statistics would not be collected for these crime categories, and the Department therefore decided not to define these terms separately.

Initial Regulatory Flexibility Act Analysis

This Initial Regulatory Flexibility Analysis presents an estimate of the effect on small entities of the proposed regulations. The U.S. Small Business Administration Size Standards define ''for-profit institutions'' as ''small businesses'' if they are independently owned and operated and not dominant in their field of operation with total annual revenue below $7,000,000. They define ''non-profit institutions'' as ''small organizations'' if they are independently owned and operated and not dominant in their field of operation, or as ''small entities'' if they are institutions controlled by governmental entities with populations below 50,000. The Secretary invites comments from small entities as to whether they believe the proposed changes would have a significant economic impact on them and, if so, requests evidence to support that belief.

Description of the Reasons That Action by the Agency Is Being Considered

This proposed regulatory action would implement the changes made to the Clery Act by VAWA, reflect the statutory language in the regulations and make some technical and clarifying changes to the Department's existing Clery Act regulations. The proposed regulations would reflect the statutory requirement that institutions compile

and report statistics for incidents of dating violence, domestic violence, sexual assault, and stalking that are reported to campus security authorities or local police agencies. Additionally, institutions would be required to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

The purpose of these data collections is to give prospective and current students information to help them make decisions about their potential or continued enrollment in a postsecondary institution. Prospective and current students and their families, staff, and the public use the information to assess an institution's security policies and the level and nature of crime on its campus. In addition to the disclosure to students and employees institutions must provide campus crime data to the Department annually.

Succinct Statement of the Objectives of, and Legal Basis for, the Proposed Regulations

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113–4). Among other provisions, this law amended section 485(f) HEA, otherwise known as the Clery Act. These statutory changes require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking that are reported to campus security authorities or local police agencies. Additionally, the proposed regulations would require institutions to include certain policies, procedures, and programs pertaining to these crimes in their annual security reports.

Description of and, Where Feasible, an Estimate of the Number of Small Entities to Which the Proposed Regulations Would Apply

The proposed regulations would apply to institutions of higher education that participate in the title IV, HEA student aid programs, other than foreign institutions of higher education. From the most recent data compiled in the 2012 Campus Safety and Security Survey, we estimate that approximately 7,230 institutions would be subject to the proposed regulations, including 2,011 public, 1,845 private not-for-profit, and 3,365 private for-profit institutions. Of these institutions, we consider all of the private not-for-profit institutions and approximately 40 percent of private for-profit institutions as small entities. We do not believe any of the public institutions meet the definition of ''small entity.''

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Regulations, Including an Estimate of the Classes of Small Entities That Would Be Subject to the Requirement and the Type of Professional Skills Necessary for Preparation of the Report or Record

Table 1 shows the estimated burden of each information collection requirement to the hours and costs estimated and discussed in more detail in the *Paperwork Reduction Act of 1995 section.* Additional workload would normally be expected to result in estimated costs associated with either the hiring of additional employees or opportunity costs related to the reassignment of existing staff from other activities. In total, by taking 100 percent (for the private non-profit institutions) and 40 percent (for the private for-profit institutions) of the estimated burden hours for paragraphs 668.46(b), (c), (j), and (k), detailed in the Paperwork Reduction Act section of this preamble, these changes are estimated to increase the burden on small entities participating in the title IV, HEA programs by 34,401 hours annually. The monetized cost of this additional paperwork burden on institutions, using a $36.55 wage rate developed using BLS data available at *www.bls.gov/ncs/ect/sp/ecsuphst.pdf,* is $1,257,357.

TABLE 1—ESTIMATED PAPERWORK BURDEN ON SMALL ENTITIES

Provision	Reg section	OMB control No.	Hours	Costs
Annual Security Report	668.46(b)	1845–0022	8,000	292,407
Crime Statistics	668.46(c)	1845–0022	4,800	175,447
Statement of Policy—awareness and prevention programs	668.46(j)	1845–0022	12,800	467,840
Statement of Policy—institutional disciplinary proceedings	668.46(k)	1845–0022	8,801	321,662
Total			*34,401*	*1,257,357*

Identification, to the Extent Practicable, of All Relevant Federal Regulations That May Duplicate, Overlap, or Conflict With the Proposed Regulations

The proposed regulations are unlikely to conflict with or duplicate existing Federal regulations.

Alternatives Considered

As discussed in the ''Regulatory Alternatives Considered'' section of the *Regulatory Impact Analysis,* several different definitions for key terms were considered. The Department did not consider any alternatives specifically targeted at small entities.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§'' and a numbered heading; for example, § 668.46 Institutional security policies and crime statistics.)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make these proposed regulations easier to understand, see the instructions in the **ADDRESSES** section.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that: The public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents. Table 1 summarizes the estimated burden on small entities, primarily institutions and applicants, arising from the paperwork associated with the proposed regulations.

Section 668.46 contains information collection requirements. Under the PRA, the Department has submitted a copy of these sections, related forms, and Information Collections Requests (ICRs) to OMB for its review. OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure the OMB gives your comments full consideration, it is important that OMB receives your comments by July 21, 2014. The same docket ID number is used for commenting on both the NPRM and the information collection request.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

In the final regulations, we will display the control numbers assigned by OMB to any information collection requirements proposed in this NPRM and adopted in the final regulations.

Discussion

Based on the most recent data compiled in the 2012 Campus Safety and Security Survey, there are 7,230 total institutions. This figure includes 2,011 Public, 1,845 Private Not-for-Profit, and 3,365 Private For-Profit institutions. This data was collected from August to October 2013 and represents the most current information available. The PRA section will use these figures in assessing burden.

Section 668.46 Institutional Security Policies and Crimes Statistics

Requirements: Under proposed § 668.46(b) *Annual security report,* we have revised and expanded existing language and added new requirements for items to be reported annually. We propose to revise § 668.46(b)(4)(i) to require institutions to address in their statements of current policies concerning campus law enforcement the jurisdiction of security personnel for the investigation of alleged criminal offenses, as well as any agreements, such as written memoranda of understanding between the institution and those police agencies. This proposed change incorporates modifications made to the HEA by the HEOA and responds to requests the Department has received regarding the memorandum of understanding between campus security personnel and State and local law enforcement.

We propose to expand § 668.46(b)(4)(iii) to include, in the statement of policy, the requirement that the institution encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agency when a victim of a crime elects to or is unable to make such a report. This proposed change incorporates modifications made to the HEA by VAWA, ensures complete reporting of crime statistics in the institution's annual security report and provides for a safer campus community whether a crime is reported by the victim or a third-party.

We propose to revise and restructure § 668.46(b)(11). Specifically, we propose to require institutions to include in their annual security report a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking as well as the procedures that the institutions would follow when one of these crimes is reported. This proposed change incorporates modifications made to the HEA by VAWA.

In § 668.46(b)(11)(ii) we propose that institutions must provide written information to the victim of dating violence, domestic violence, sexual assault, and stalking. This includes information regarding: The preservation of evidence to assist in proving the alleged criminal offense or obtaining a protective order; how and to whom an alleged offense is to be reported; options for the involvement of law enforcement and campus authorities; and where applicable the victim's rights or institution's responsibilities for orders of protection. This proposed change incorporates modifications made to the HEA by VAWA as well as changes discussed during the negotiations.

In § 668.46(b)(11)(iii) we propose to add a section to specify that institutions must address in their annual security report how they will complete publicly available recordkeeping for the purposes of Clery Act reporting while not including identifying information about the victim and while maintaining the confidentiality of any accommodations or protective measures given to the victim, to the extent that such exclusions would not impair the ability of the institution to provide such accommodations or protective measures. This proposed change incorporates modifications made to the HEA by VAWA as well as discussions during negotiations.

We propose to revise § 668.46(b)(11)(iv) to require institutions to specify in their annual security reports that they will provide a written notification of an expanded list of services to students and employees if the services are available. These services include existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration services for the victim, and other services that may be available at the institution and in the community. This proposed change incorporates modifications made to the HEA by VAWA as well as discussions during negotiations.

We propose to revise current § 668.46(b)(11)(v) to require institutions to specify in their annual security report that written notification would be provided to victims of dating violence, domestic violence, sexual assault, and stalking regarding their options for, and the availability of, changes to academic, living, transportation, and working situations. These options would have to be afforded any victim, regardless of whether the victim reports the crime to campus police or law enforcement. This proposed change incorporates modifications made to the HEA by VAWA, as well as discussions during negotiations.

We propose to add a new § 668.46(b)(11)(vii) to require institutions to specify in their annual security reports that when a student or employee of the institution reports to the institution that a person is a victim of dating violence, domestic violence, sexual assault, or stalking that victim will be provided a written explanation of their rights and options under this subsection, whether the offense occurred on campus or off campus. This proposed change incorporates modifications made to the HEA by VAWA.

Burden Calculation: On average, we estimate that the proposed changes in § 668.46(b)(11) would take each institution 2.5 hours of additional burden. As a result, reporting burden at public institutions would increase by 5,028 hours (2,011 public institutions time 2.5 hours per institution). Reporting burden at private non-profit institutions would increase by 4,635 hours (1,854 private non-profit institutions times 2.5 hours per institution). Reporting burden at private for-profit institutions would increase by 8,413 hours (3,365 private for-profit institutions times 2.5 hours per institution).

Collectively, burden would increase by 18,076 hours under OMB Control Number 1845–0022.

Requirements: Under proposed § 668.46(c), *Crime statistics,* we have revised existing language and added new reporting requirements for items to be reported in the annual survey.

The proposed revisions to § 668.46(c)(1) would add the VAWA crimes of dating violence, domestic violence, and stalking to the crimes for which an institution must collect and disclose statistics as part of their annual crime statistics reporting process. The Department is modifying its approach for the reporting and disclosing of sex offenses to reflect updates to the FBI's (Uniform Crime Reporting) UCR program and to improve the clarity of § 668.46(c)(1). The Department is proposing a restructuring of the paragraph to consolidate all the reportable Clery Act crimes and to appropriately reflect the categories of crimes.

While institutions would continue to be required to report statistics for the three most recent calendar years, the proposed reporting requirements have been expanded because of the addition of new crimes added by VAWA.

We have revised § 668.46(c)(4)(iii) and § 668.46(c)(vii) to include gender identity and national origin as two new categories of bias that serve as the basis for a determination of a hate crime. The institution would have to identify the category of bias that motivated the crime.

Under proposed § 668.46(c)(6), we added stalking as a reportable crime. The Department would define ''stalking'' in the proposed regulations.

These proposed changes implement the changes VAWA made to the HEA and improve the overall clarity of this paragraph. We believe that additional burden would be added because there are additional crimes, categories of crimes, differentiation of hate crimes, and expansions of the categories of bias that must be reported.

Burden Calculation: On average, we estimate that the proposed changes to the reporting of crime statistics would take each institution 1.50 hours of additional burden. As a result, reporting burden at public institutions would increase by 3,017 hours (2,011 reporting public institutions times 1.50 hours per institution). Reporting burden at private non-profit institutions would increase by 2,781 hours (1,854 private non-profit institutions times 1.50 hours). Reporting burden at private for-profit institutions would increase by 5,048 hours (3,365 private for-profit institutions times 1.50 hours per institution).

Collectively, burden would increase by 10,846 hours under OMB Control Number 1845–0022.

Requirements: Under proposed § 668.46(j), *Programs to prevent dating violence, domestic violence, sexual assault, and stalking,* we are proposing to include in the regulations particular requirements for the required description of the institution's programs and ongoing campaigns about prevention and awareness in the institution's annual security report.

Proposed § 668.46(j)(1)(i) would require that the institution's statement would have to contain certain elements in the description of the primary prevention and awareness programs for incoming students and new employees including the institution's prohibition of dating violence, domestic violence, sexual assault, or stalking, definitions of those crimes and a definition of ''consent'' according to the applicable jurisdiction, a description of safe and positive options for bystander intervention, information on risk reduction, and other elements of paragraphs 668.46(b)(11)(ii)–(vii) and (k)(2). This is being done to incorporate changes made to the HEA by VAWA.

Proposed § 668.46(j)(1)(ii) would require that the institution's statement must contain certain elements in the description of the ongoing prevention and awareness campaigns for students and employees, including the institution's prohibition of dating violence, domestic violence, sexual assault, or stalking; definitions of those crimes; a definition of consent according to the applicable jurisdiction, a description of safe and positive options for bystander intervention; information on risk reduction; and other elements of paragraphs 668.46(b)(11)(ii)–(vii) and (k)(2). This is being done to incorporate changes made to the HEA by VAWA.

Burden Calculation: On average, we estimate that the proposed changes to the institution's statements of policy and description of programs and ongoing campaigns would take each institution four hours of additional burden. As a result, reporting burden at public institutions would increase by 8,044 hours (2,011 reporting public institutions times 4 hours per institution). Reporting burden at private non-profit institutions would increase by 7,416 hours (1,854 private non-profit institutions times 4 hours). Reporting burden at private for-profit institutions would increase by 13,460 hours (3,365 private for-profit institutions times 4 hours per institution).

Collectively, burden would increase by 28,920 hours under OMB Control Number 1845–0022.

Requirements: Under proposed § 668.46(k), *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking,* we would implement the statutory changes requiring an institution that participates in any title IV, HEA program, other than a foreign institution, to include a statement of policy in its annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

Proposed § 668.46(k)(1) would require various additions to the institution's statement of policy that must be included in the annual security report. While a statement of policy is required under current regulations (see § 668.46(b)(11)(vii)), the proposed regulations would require the following additions to the statement of policy.

Proposed § 668.46(k)(1)(i) provides that the statement of policy must describe each type of disciplinary proceeding used by the institution including the steps, anticipated timelines, and decision-making process for each, and how the institution determines which type of disciplinary hearing to use. Proposed § 668.46(k)(1)(ii) would provide that the statement of policy must describe the standard of evidence that would be used

during any disciplinary proceeding. Proposed § 668.46(k)(1)(iii) provides that the statement of policy must list all possible sanctions an institution may impose following the results of any disciplinary proceeding. Proposed § 668.46(k)(1)(iv) provides that the policy statement must describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking.

Under proposed § 668.46(k)(2), the institution would have to provide additional information regarding its disciplinary proceedings in the statement of policy. An institution's statement of policy would have to provide that its disciplinary proceeding includes a prompt, fair, and impartial process from the initial investigation to the final result under proposed § 668.46(k)(2)(i). The policy statement would have to provide that the proceeding will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, and annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability under proposed § 668.46(k)(2)(ii). Under proposed § 668.46(k)(2)(iii), an institution's statement of policy must provide that its disciplinary proceeding will afford the accuser and the accused the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. As proposed under § 668.46(k)(2)(iv), an institution cannot limit the choice or presence of an advisor, however, the institution may establish restrictions regarding the advisor's participation in the proceedings as long as those restrictions apply equally to both the accuser and the accused. Finally, under proposed § 668.46(k)(2)(v), an institution's statement of policy would require simultaneous notification, in writing, to both the accuser and the accused of the result of any institutional disciplinary proceeding, the institution's procedures for the accused and the victim's right to appeal the result, any change to the result, or when such results become final.

Burden Calculation: On average, we estimate that the proposed changes to the institution's statement of policy would take each institution 2.75 hours of additional burden. As a result, reporting burden at public institutions would increase by 5,530 hours (2,011 reporting public institutions times 2.75 hours per institution). Reporting burden at private non-profit institutions would increase by 5,099 hours (1,854 private non-profit institutions times 2.75 hours). Reporting burden at private for-profit institutions would increase by 9,254 hours (3,365 private for-profit institutions times 2.75 hours per institution).

Collectively, burden would increase by 19,883 hours under OMB Control Number 1845–0022.

Consistent with the discussion above, Table 4 describes the sections of the proposed regulations involving information collections, the information that would be collected, the collections that the Department will submit to OMB for approval and public comment under the PRA, and the estimated costs associated with the information collections. The monetized net costs of the increased burden on institutions and borrowers, using BLS wage data available at *www.bls.gov/ncs/ect/sp/ecsuphst.pdf,* is $2,840,849, as shown in the chart below. This cost was based on an hourly rate of $36.55 for institutions.

TABLE 4—COLLECTION OF INFORMATION

Regulatory section	Information collection	OMB Control number and estimated burden [change in burden]	Estimated costs
§ 668.46(b) Annual security report	Revises and expands existing language and adds new requirements for items to be reported annually.	OMB 1845–0022 We estimate that the burden would increase by 18,076 hours.	$660,678
§ 668.46(c) Crime statistics	Revises and expands existing language and adds new reporting requirements for items to be reported in the annual survey.	OMB 1845–0022 We estimate that the burden would increase by 10,846 hours.	396,421
§ 668.46(j) Programs to prevent dating violence, domestic violence, sexual assault, and stalking.	Specifies the elements of the required statement of policy on and description of the institution's programs and ongoing campaigns about prevention and awareness regarding these crimes that must be included in the institution's annual security report.	OMB 1845–0022 We estimate that the burden would increase by 28,920 hours.	1,057,026
§ 668.46(k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.	Implements the statutory changes requiring an institution that participates in any title IV, HEA program to include a statement of policy in its annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.	OMB 1845–0022 We estimate that the burden would increase by 19,883 hours.	726,724

Intergovernmental Review

These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

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List of Subjects

Administrative practice and procedure, Aliens, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: June 16, 2014.

Arne Duncan,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education proposes to amend part 668 of title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

■ 1. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1070g, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

■ 2. Section 668.46 is amended by:

■ a. In paragraph (a), adding definitions of ''Clery Geography'', ''Dating violence'', ''Domestic violence'', ''Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program'', ''Hate crime'', ''Hierarchy Rule'', ''Programs to prevent dating violence, domestic violence, sexual assault, and stalking'', ''Sexual assault'', and ''Stalking''; in the definition of ''Professional counselor'', removing the words ''his or her license'' and adding, in their place, ''the counselor's license'';

■ b. Revising paragraph (b)(4);

■ c. In paragraph (b)(7), removing the words ''criminal activity in which students engaged at'' and adding, in their place, ''criminal activity by students at'' and removing both occurrences of the word ''off-campus'' and adding in their place ''noncampus'';

■ d. Revising paragraph (b)(11);

■ e. In paragraph (b)(12), removing the words ''Beginning with the annual security report distributed by October 1, 2003, a'' and adding in their place the word ''A'' and removing the words and punctuation ''section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)),'' and adding in their place ''section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921),'';

■ f. In paragraph (b)(13), removing the words ''Beginning with the annual security report distributed by October 1, 2010, a'' and adding in their place the word ''A'' and removing the words ''as described in'' and adding in their place the words ''as required by'';

■ g. In paragraph (b)(14), removing the words ''Beginning with the annual security report distributed by October 1, 2010, a'' and adding in their place the word ''A'' and removing the words ''as described in'' and adding in their place the words ''as required by'';

■ h. Revising paragraph (c);

■ i. In paragraph (e)(1), adding the words ''that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C 13925(a)(20)), and that'' between the words ''and'' and ''will'';

■ j. In paragraph (e)(1)(i), removing the word and number ''and (3)'';

■ k. In paragraph (f)(1), removing the words ''on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department'' and adding in their place ''within its Clery Geography and that'';

■ l. In paragraph (h)(1)(vi), removing the words and punctuation ''Advise students that,'' and adding in their place ''Advise students that'';

■ m. Adding a reserved paragraph (i); and

■ n. Adding paragraphs (j) and (m).

The additions and revisions read as follows:

§ 668.46 Institutional security policies and crime statistics.

(a) * * *

Clery Geography: (1) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery Geography includes—

(i) Buildings and property that are part of the institution's campus;

(ii) The institution's noncampus buildings and property; and

(iii) Public property within or immediately adjacent to and accessible from the campus.

(2) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery Geography includes, in addition to the locations in paragraph (1) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition—

(i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

(3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence: (1) A felony or misdemeanor crime of violence committed—

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program: A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

Hate crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hierarchy Rule: A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

* * * * *

Programs to prevent dating violence, domestic violence, sexual assault, and stalking: (1) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

(i) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and

(ii) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

(2) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2).

* * * * *

Sexual assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of this subpart.

Stalking: (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(i) Fear for the person's safety or the safety of others; or

(ii) Suffer substantial emotional distress.

(2) For the purpose of this definition—

(i) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(ii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

* * * * *

(b) * * *

(4) A statement of current policies concerning campus law enforcement that—

(i) Addresses the enforcement authority and jurisdiction of security personnel;

(ii) Addresses the working relationship of campus security personnel with State and local police agencies, including—

(A) Whether those security personnel have the authority to make arrests; and

(B) Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

(iii) Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to or is unable to make such a report; and

(iv) Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

* * * * *

(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking and of procedures that the institution will follow when one of these crimes is reported. The statement must include—

(i) A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section;

(ii) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—

(A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;

(B) How and to whom the alleged offense should be reported;

(C) Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—

(*1*) Notify proper law enforcement authorities, including on-campus and local police;

(*2*) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(*3*) Decline to notify such authorities; and

(D) Where applicable, the rights of victims and the institution's responsibilities for orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.

(iii) Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will—

(A) Complete publicly available recordkeeping and, for purposes of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and

(B) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

(iv) A statement that the institution will provide written notification to

students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community;

(v) A statement that the institution will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations. The institution must make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

(vi) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k) of this section; and

(vii) A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.

* * * * *

(c) *Crime statistics*—(1) *Crimes that must be reported and disclosed.* An institution must report to the Department and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery Geography and that are reported to local police agencies or to a campus security authority:

(i) Primary crimes, including—

(A) Criminal homicide:

(*1*) Murder and nonnegligent manslaughter, and

(*2*) Negligent manslaughter.

(B) Sex offenses:

(*1*) Rape,

(*2*) Fondling,

(*3*) Incest, and

(*4*) Statutory rape.

(C) Robbery.

(D) Aggravated assault.

(E) Burglary.

(F) Motor vehicle theft.

(G) Arson.

(ii) Arrests and disciplinary actions, including—

(A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(B) Persons not included in paragraph (c)(1)(ii)(A) of this section who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

(iii) Hate crimes, including—

(A) The number of each type of crime in paragraph (c)(1)(i) of this section that are determined to be hate crimes; and

(B) The number of the following crimes that are determined to be hate crimes:

(*1*) Larceny-theft.

(*2*) Simple assault.

(*3*) Intimidation.

(*4*) Destruction/damage/vandalism of property.

(iv) Dating violence, domestic violence, and stalking as defined in paragraph (a) of this section.

(2) *All reported crimes must be recorded.* (i) An institution must include in its crime statistics all crimes reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).

(ii) An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

(3) *Crimes must be recorded by calendar year.* (i) An institution must report and disclose a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

(ii) When recording crimes of stalking by calendar year, an institution must follow the requirements in paragraph (c)(6) of this section.

(4) *Hate crimes must be recorded by category of bias.* For each hate crime recorded under paragraph (c)(1)(iii) of this section, an institution must identify the category of bias that motivated the crime. For the purposes of this paragraph, the categories of bias include the victim's actual or perceived—

(i) Race,

(ii) Gender,

(iii) Gender identity,

(iv) Religion,

(v) Sexual orientation,

(vi) Ethnicity,

(vii) National origin, and

(viii) Disability.

(5) *Crimes must be recorded by location.* (i) An institution must specify whether each of the crimes recorded under paragraph (c)(1) of this section occurred—

(A) On campus,

(B) In or on a noncampus building or property, or

(C) On public property.

(ii) An institution must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus.

(iii) When recording stalking by location, an institution must follow the requirements in paragraph (c)(6) of this section.

(6) *Recording reports of stalking.* (i) When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic only for the calendar year in which the course of conduct was first reported to a local police agency or to a campus security authority. If the course of conduct continues in a subsequent year, it must be recorded for that year.

(ii) An institution must record each report of stalking as occurring at only the first location within the institution's Clery Geography in which:

(A) A perpetrator engaged in the stalking course of conduct; or

(B) A victim first became aware of the stalking.

(iii) A report of stalking must be counted as a new and distinct crime and is not associated with a previous report of stalking when the stalking behavior continues after an official intervention including, but not limited to, an institutional disciplinary action or the issuance of a no-contact order, restraining order or any warning by the institution or a court.

(7) *Identification of the victim or the accused.* The statistics required under this paragraph (c) may not include the identification of the victim or the person accused of committing the crime.

(8) *Pastoral and professional counselor.* An institution is not required to report statistics under paragraph (c) of this section for crimes reported to a pastoral or professional counselor.

(9) *Using the FBI's UCR program and the Hierarchy Rule.* (i) An institution must compile the crime statistics required under paragraphs (c)(1)(i) and (iii) of this section using the definitions of crimes provided in Appendix A to this subpart and the Federal Bureau of Investigation's UCR Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. For further guidance concerning the application of definitions and classification of crimes, an institution must use either the UCR Reporting Handbook or the UCR Reporting Handbook: National Incident-Based Reporting System (NIBRS) EDITION,

except as provided in paragraph (c)(9)(ii) of this section.

(ii) In counting crimes when more than one offense was committed during a single incident, an institution must conform to the requirements of the Hierarchy Rule in the UCR Reporting Handbook, with one exception: In counting sex offenses, the Hierarchy Rule does not apply. For example, if a victim is both raped and murdered in a single incident, then an institution must include both the rape and the murder in its statistics.

(10) *Use of a map.* In complying with the statistical reporting requirements under this paragraph (c), an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas.

(11) *Statistics from police agencies.* In complying with the statistical reporting requirements under this paragraph (c), an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

* * * * *

(i) [Reserved]

(j) *Programs to prevent dating violence, domestic violence, sexual assault, and stalking.* As required by paragraph (b)(11) of this section, an institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking.

(1) The statement must include—

(i) A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include—

(A) A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;

(B) The definition of ''dating violence,'' ''domestic violence,'' ''sexual assault,'' and ''stalking'' in the applicable jurisdiction;

(C) The definition of ''consent,'' in reference to sexual activity, in the applicable jurisdiction;

(D) A description of safe and positive options for bystander intervention;

(E) Information on risk reduction; and

(F) The information described in paragraphs (b)(11) and (k)(2) of this section; and

(ii) A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section.

(2) For the purposes of this paragraph—

(i) *Awareness programs* means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

(ii) *Bystander intervention* means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

(iii) *Ongoing prevention and awareness campaigns* means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section.

(iv) *Primary prevention programs* means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

(v) *Risk reduction* means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

(3) An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information described in paragraph (j)(1) of this section.

(k) *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.* As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and that—

(1)(i) Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

(ii) Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and

(iv) Describes the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;

(2) Provides that the proceedings will—

(i) Include a prompt, fair, and impartial process from the initial investigation to the final result;

(ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(iii) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;

(iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the

proceedings, as long as the restrictions apply equally to both parties; and

(v) Require simultaneous notification, in writing, to both the accuser and the accused, of—

(A) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(B) The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

(C) Any change to the result; and

(D) When such results become final.

(3) For the purposes of this paragraph—

(i) A prompt, fair, and impartial proceeding includes a proceeding that is—

(A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;

(B) Conducted in a manner that—

(*1*) Is consistent with the institution's policies and transparent to the accuser and accused;

(*2*) Includes timely notice of meetings at which the accuser or accused, or both, may be present; and

(*3*) Provides timely access to the accuser, the accused, and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings; and

(C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

(ii) *Advisor* means any individual who provides the accuser or accused support, guidance, or advice.

(iii) *Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

(iv) *Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

(l) Compliance with paragraph (k) of this section does not constitute a violation of FERPA.

(m) *Prohibition on retaliation.* An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.

* * * * *

■ 3. Revise appendix A to subpart D to read as follows:

Appendix A to Subpart D of Part 668—Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program

The following definitions are to be used for reporting the crimes listed in § 668.46, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for *murder; robbery; aggravated assault; burglary; motor vehicle theft; weapons: carrying, possessing, etc.; law violations; drug abuse violations;* and *liquor law violations* are from the Uniform Crime Reporting Handbook. The definitions of the sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook. The definitions of *larceny-theft (except motor vehicle theft), simple assault, intimidation,* and *destruction/damage/vandalism of property* are from the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook.

Crime Definitions From the Uniform Crime Reporting Handbook

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide—Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide—Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: Unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapons: Carrying, Possessing, Etc.

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Sex Offenses Definitions From the Uniform Crime Reporting Program

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Rape*—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

B. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

C. *Incest*—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

D. *Statutory Rape*—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Definitions From the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

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Part III

Department of Homeland Security

Transportation Security Administration

49 CFR Part 1510

Adjustment of Passenger Civil Aviation Security Service Fee; Interim Final Rule

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1510

[Docket No. TSA–2001–11120; Amendment No. 1510–4]

RIN 1652–AA68

Adjustment of Passenger Civil Aviation Security Service Fee

AGENCY: Transportation Security Administration, DHS.

ACTION: Interim final rule; request for comments.

SUMMARY: The Transportation Security Administration (TSA) is issuing an interim final rule (IFR) to implement the passenger civil aviation security service fee (security service fee) increase mandated by the Bipartisan Budget Act of 2013.

DATES: *Effective Date:* This IFR is effective at 12:00 a.m. (Eastern Daylight Time) on July 21, 2014.

Comment Date: Comments must be received by August 19, 2014.

ADDRESSES: You may submit comments, identified by the TSA docket number to this rulemaking, to the Federal Docket Management System (FDMS), a government-wide, electronic docket management system, using any one of the following methods:

Electronically: You may submit comments through the Federal eRulemaking portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail, In Person, or Fax: Address, hand-deliver, or fax your written comments to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; fax (202) 493–2251. The Department of Transportation (DOT), which maintains and processes TSA's official regulatory dockets, will scan the submission and post it to FDMS.

See **SUPPLEMENTARY INFORMATION** for format and other information about comment submissions.

FOR FURTHER INFORMATION CONTACT: Michael Gambone, Office of Revenue, TSA–14, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6014; telephone (571) 227–2323; email: *tsa-fees@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

TSA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from this rulemaking action. *See* **ADDRESSES** above for information on where to submit comments.

With each comment, please identify the docket number at the beginning of your comments. TSA encourages commenters to provide their names and addresses. The most helpful comments reference a specific portion of the rulemaking, explain the reason for any recommended change, and include supporting data. You may submit comments and material electronically, in person, by mail, or fax as provided under **ADDRESSES**, but please submit your comments and material by only one means. If you submit comments by mail or delivery, submit them in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing.

If you would like TSA to acknowledge receipt of comments submitted by mail, include with your comments a self-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

TSA will file all comments to our docket address, as well as items sent to the address or email under **FOR FURTHER INFORMATION CONTACT**, in the public docket, except for comments containing confidential information and sensitive security information (SSI). Should you wish your personally identifiable information redacted prior to filing in the docket, please so state. TSA will consider all comments that are in the docket on or before the closing date for comments and will consider comments filed late to the extent practicable. The docket is available for public inspection before and after the comment closing date.

Handling of Confidential or Proprietary Information and Sensitive Security Information (SSI) Submitted in Public Comments

Do not submit comments that include trade secrets, confidential commercial or financial information, or SSI to the public regulatory docket. Please submit such comments separately from other comments on the rulemaking. Comments containing this type of information should be appropriately marked as containing such information and submitted by mail to the address listed in **FOR FURTHER INFORMATION CONTACT** section.

TSA will not place comments containing SSI in the public docket and will handle them in accordance with applicable safeguards and restrictions on access. TSA will hold documents containing SSI, confidential business information, or trade secrets in a separate file to which the public does not have access, and place a note in the public docket explaining that commenters have submitted such documents. TSA may include a redacted version of the comment in the public docket. If an individual requests to examine or copy information that is not in the public docket, TSA will treat it as any other request under the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Department of Homeland Security's (DHS') FOIA regulation found in 6 CFR part 5.

Reviewing Comments in the Docket

Please be aware that anyone is able to search the electronic form of all comments in any of our dockets by the name of the individual who submitted the comment (or signed the comment, if an association, business, labor union, *etc.,* submitted the comment). You may review the applicable Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477) and modified on January 17, 2008 (73 FR 3316).

You may review TSA's electronic public docket on the Internet at *http://www.regulations.gov.* In addition, DOT's Docket Management Facility provides a physical facility, staff, equipment, and assistance to the public. To obtain assistance or to review comments in TSA's public docket, you may visit this facility between 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays, or call (202) 366–9826. This docket operations facility is located in the West Building Ground Floor, Room W12–140 at 1200 New Jersey Avenue SE., Washington, DC 20590.

Availability of Rulemaking Document

You may obtain an electronic copy of this document using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov*;

(2) Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for

information, such as a type of document that crosses multiple agencies or dates; or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Stakeholders'' at the top of the page, then the link ''Research Center'' in the left column.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in **FOR FURTHER INFORMATION CONTACT**. Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at *http://www.sba.gov/advo/laws/law_lib.html.*

Background

This IFR implements amendments to 49 U.S.C. 44940, which authorizes TSA to impose fees to defray the government's costs for providing civil aviation security services, such as those related to screening personnel, screening equipment, and other specified security services.[1]

The Aviation and Transportation Security Act. Section 44940 of title 49 U.S.C. was originally enacted in 2001 as part of the Aviation and Transportation Security Act (ATSA).[2] Under the authorizing language of section 44940(a), the security service fee applies to passengers of air carriers and foreign air carriers, traveling in air transportation [3] or intrastate air transportation originating at airports in the United States.[4]

As originally enacted and currently implemented, section 44940(c) imposes a ceiling on the amount of the fee.[5] As enacted by ATSA, the statute authorizes TSA to impose a fee of up to $2.50 per enplanement, as long as the total fee per one-way trip does not exceed $5.00. To the extent the security service fee imposed on passengers is insufficient to cover TSA's cost for providing civil aviation security services, section 44940 as enacted by ATSA also authorized TSA to impose an additional fee on air carriers and foreign air carriers, known as the Aviation Security Infrastructure Fee (ASIF), which was subsequently capped at a per-industry aggregate limit of $420 million per year.[6]

TSA's Implementing Regulations. TSA implemented the passenger fee authority through an IFR published in December 2001 (2001 IFR),[7] codified at 49 CFR part 1510.[8] Under TSA's current regulations, the security service fee is $2.50 per passenger enplanement and imposed only on passengers of direct air carriers and foreign air carriers described in Sec. 1510.9(a). Passengers may not be charged for more than two enplanements per one-way trip or four enplanements per round trip.[9]

Section 1510.3 defines ''passenger enplanement'' as a person boarding in the United States in scheduled or nonscheduled service on aircraft in intrastate, interstate, or foreign air transportation; a ''one-way trip'' as any trip that is not a round trip; and ''round trip'' as a trip on an air travel itinerary that terminates at the origin point.[10]

At the request of the commercial aviation industry, which is required to collect the fee in the course of selling air transportation to passengers, TSA subsequently adopted the following interpretation of ''one-way trip.''

One-way trip means continuous travel from a point to another point during which a stopover does not occur. A ''stopover'' is a break in travel of more than 4 hours between two domestic flights or 12 hours between a domestic flight and an international flight or two international flights.'' [11]

Since 2002, TSA has interpreted its fee authorities and regulations consistent with these definitions.

As noted above, under ATSA, the revenue collected as a result of the fees authorized in 44940(a) is deposited in the general fund of the Treasury as a partial offset for TSA's appropriations dedicated to providing civil aviation security services. As TSA explains further below, the revenue from the fees has never neared the full appropriation to TSA for these costs. TSA anticipates that this will continue to be the case under the restructured fee discussed below.

Restructuring the Security Service Fee. The Bipartisan Budget Act of 2013 (Budget Act), signed into law on December 26, 2013,[12] made significant amendments to sec. 44940, including eliminating the ASIF (the separate fee on air carriers),[13] restructuring the security service fee imposed on passengers by amending sec. 44940(c),[14] and stipulating specific amounts of the revenue collected from passengers to be credited as offsetting receipts and deposited in the general fund of the Treasury.[15] There are no changes to TSA's authorities in section 44940(a) regarding imposition of this security service fee.[16] While TSA describes each of these changes further in this preamble, this IFR solely addresses the amendments to sec. 44940(c) related to restructuring the security service fee.[17]

[1] *See* 49 U.S.C. 44940(a)(1) (enumerating specific aviation security services intended to be funded at least in part by the fee referenced herein).

[2] Pub. L. 107–71 (115 Stat. 597; Nov. 19, 2001) (codified in relevant portions at 49 U.S.C. 44940). *See also* 49 U.S.C. 114(a). TSA was initially established within the Department of Transportation. The agency was subsequently transferred to the Department of Homeland Security. Homeland Security Act of 2002, Pub. L. 107–296 (116 Stat. 2135; Nov. 25, 202), sec. 403(2), 6 U.S.C. 203(2).

[3] Consistent with 49 U.S.C. 40102(a)(5), ''air transportation'' means ''foreign air transportation, intrastate air transportation, or the transportation of mail by aircraft.''

[4] 49 U.S.C. 44940(a). ATSA included two fees to defray TSA's costs for providing civil aviation security services: ''Passenger fees'' (sec. 44940(a)(1)) and ''Air carrier fees'' (sec. 44940(a)(2)). Regulations implementing the passenger fees, 49 CFR part 1510, refer to the ''September 11th Security Fee'' and ''security service fees.'' The air carrier fees are referred to in applicable regulations, 49 CFR part 1511, as the ''Aviation Security Infrastructure Fee'' (ASIF). The Budget Act repeals the air carrier fees provision effective October 1, 2014. Any adjustments to TSA's regulations related to the ASIF will be addressed in a separate rulemaking.

[5] 49 U.S.C. 44940(c).

[6] *See* 49 U.S.C. 44940(a)(2). The determination of the aggregate cap for the ASIF was upheld by the courts in *Southwest Airlines co.* v. *Transportation Security Administration,* 650 F.3d 752 (D.C. Cir. 2011). A copy of the opinion is available at *http://www.tsa.gov/stakeholders/aviation-security-infrastructure-fee-air-carrier-fee.*

[7] Any reference to ''current regulation(s)'' in this preamble is a reference to current 49 CFR part 1510—*i.e.,* the rule as originally published in 2001. As noted above, this IFR, which amends current regulations, will take effect 30 days *after* its publication.

[8] 66 FR 67698 (Dec. 31, 2001) (codified at 49 CFR part 1510). This rulemaking does not finalize the 2001 IFR. Comments received on the 2001 IFR will be addressed in a separate rulemaking, as they pertain to areas not amended by this IFR.

[9] *See* 49 CFR 1510.5(a).

[10] *See* 49 CFR 1510.3.

[11] *See* Letter from Air Transport Association to Docket TSA–2001–11120 (dated March 1, 2002) (ATA 2002 Letter). *See also* U.S. DHS/TSA Letter re: Rule-Fees-ATA Docket Response and Clarification Letter TSA 06–11–07 (dated October 24, 2006) (TSA 2006 Letter), confirming use of these definitions. Both documents are available at *www.regulations.gov*, the former under Docket No. TSA–2001–11120–0032 and the later as TSA–2001–11120–0075.

[12] Public Law 113–67 (127 Stat. 1165; Dec. 26, 2013).

[13] *See id.* at sec. 601(a).

[14] *See id.* at sec. 601(b).

[15] *See id.* at sec. 601(c).

[16] *See* 49 U.S.C. 44940(a).

[17] TSA addresses fiscal implications of eliminating the fee on air carriers in the economic analysis. Due to the different effective dates, TSA will address elimination of the fee imposed on air carriers and foreign air carriers (known as the Aviation Security Infrastructure Fee (ASIF) and

Continued

The ''fee increase'' appears at section 601(b) of the Budget Act under the heading ''Restructuring of Passenger Fee.'' The Budget Act amends 44940(c) as follows:

- Before the Budget Act, the statute mandated that the fee ''may not exceed $2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed $5.00 per one-way trip.''
- Following the Budget Act, the statute mandates the fee ''shall be $5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.''

As noted above, the Budget Act simplifies the structure by (1) requiring that the fee be imposed on a one-way trip basis rather than a per-enplanement basis and (2) eliminating language that provided a cap on the amount of the fee as it relates to one-way trips. Where the original amount of the fee was calculated in terms of the number of enplanements in air transportation or intrastate air transportation originating at airports in the United States, under the Budget Act amendments, the restructured fee is based on each one-way trip. The Budget Act stipulates a July 1, 2014 effective date.[18]

The statute is very specific about the use of the revenue generated. Since its initial enactment in 2001, 49 U.S.C. 44940 has required that the revenue from the security service fee is to be a partial offset for the portion of TSA's appropriation dedicated to providing civil aviation security services of the type identified in section 44940(a)(1). The Budget Act amended section 44940 to require that a portion of the fee revenue, $12.63 billion generated over 10 years, is deposited in the general fund as offsetting receipts for the Federal budget.[19] As previously noted, the amount of revenue from the passenger fee used to offset TSA's appropriation for providing civil aviation security services is significantly less than the appropriated amount. Thus, of the total revenue collected, the law requires (1) stipulated amounts to be deposited in the general fund of the Treasury and (2) the remainder to be deposited in the general fund as a partial offset for the appropriation to TSA for providing civil aviation security services. While the amount of the fee increase and policy decisions regarding how it is used are congressional determinations beyond the scope of this rulemaking, the fiscal impact of the Budget Act's amendments to section 44940 is addressed in the Regulatory Impact Analysis, below.

Good Cause for Adoption Without Prior Notice and Comment

TSA is taking this action without providing prior public notice and comment. Section 601(d) of the Budget Act provides for implementation of the fee increase by July 1, 2014, through publication of notice of the fee in the **Federal Register**, ''notwithstanding [31 U.S.C. 9701] and the procedural requirements of [5 U.S.C. 553].'' [20] Thus, the user fee requirements of 31 U.S.C. 9701 and the procedural rulemaking requirements of 5 U.S.C. 553 do not apply to this action.[21] In order to afford industry the opportunity to make the necessary changes to reservations systems as necessary to collect the restructured fee, this IFR will take effect at 12:00 a.m. (Eastern Daylight Time) on July 21, 2014. The current regulations remain in effect until the effective date for this IFR.

Apart from the statutory exemption discussed above, in light of the deadline and potential budgetary impacts, it would be impracticable and contrary to the public interest to provide for notice and comment before issuing this IFR. Section 553(b) of the Administrative Procedure Act [22] (APA) authorizes agencies to issue final rules without affording the public a prior opportunity to comment if it is ''impracticable, unnecessary, or contrary to the public interest.''

While the statute exempts TSA from notice and comment requirements, TSA has chosen to issue this rulemaking as an IFR to provide an opportunity for comments before the rule is finalized. The amendments to 49 CFR part 1510 under this IFR take effect at 12:00 a.m. (Eastern Daylight Time) on July 21, 2014. TSA will accept comments on this rule until August 19, 2014. *See* **DATES** and **SUPPLEMENTARY INFORMATION** for guidance on the schedule and method for submitting comments. TSA will address the comments received on this IFR in a final rule.

Summary of the Interim Final Rule

TSA is required by 49 U.S.C. 44940(c), as amended, to increase the security service fee to $5.60 per one-way trip. This rulemaking amends current 49 CFR part 1510 to implement the mandated security service fee increase.[23]

Definitions (§ 1510.3). As amendments to section 44940 revise the structure for the imposition of the fee to base it on one-way trips rather than enplanements, the definition of ''passenger enplanement'' is being removed as it is no longer relevant to imposition of the fee.

As previously discussed, in 2002, representatives of the U.S. aviation industry asked TSA to implement the passenger fee provisions of the 2001 IFR using a definition of one-way trip that was more consistent with how the term was understood within the industry. The industry proposed that one-way trip should mean continuous travel from a point to another point during which a stopover does not occur, and that ''stopover'' should mean a break in travel of more than 4 hours between two domestic flights or 12 hours between a domestic flight and an international flight or two international flights.[24] The industry stated that these definitions were consistent with common usage within the industry and already incorporated into computer and ticket sales systems.

TSA accepted this proposal and has used these definitions for purposes of imposing the fee since 2002. For example, in 2006, TSA posted additional guidance to the docket for this rulemaking, reiterating treatment of multiple one-way and round trips, non-revenue to revenue air transportation, and involuntary re-routes, as well as use of the definitions of ''one-way trip'' and ''stopover'' proposed by the industry in March 2002.[25] This IFR amends § 1510.3 to incorporate these definitions, with modifications, as described below.

TSA is continuing to use the definition of ''one-way trip'' proposed by industry, with one minor change. One-way trip means continuous *air*

implemented through 49 CFR part 1511) in a separate rulemaking.

[18] *See* Public Law 113–67, sec. 601(d).

[19] *See* sec. 601(c) of the Budget Act, codified at 49 U.S.C. 44940(i).

[20] Sec. 601(d) of the Budget Act states: (d) Imposition of Fee Increase.—The Secretary of Homeland Security shall implement the fee increase authorized by the amendment made by subsection (b)—(1) beginning on July 1, 2014; and (2) through the publication of notice of such fee in the **Federal Register**, notwithstanding section 9701 of title 31, United States Code, and the procedural requirements of section 553 of title 5, United States Code.

[21] *Id. See also* 49 U.S.C. 44940(d)(1) for the same exemptions in ATSA.

[22] 5 U.S.C. 551 *et seq.*

[23] Individuals with questions regarding aspects of 49 CFR part 1510 not affected by this rulemaking should refer to the 2001 IFR, as well as information in the docket that provides further clarity to implementation of the 2001 IFR. Links for this information are available on TSA's Web site at *http://www.tsa.gov/stakeholders/september-11-security-fee-passenger-fee.* Note that the comment period for the 2001 IFR has closed.

[24] *See* ATA 2002 Letter.

[25] *See* TSA 2006 Letter.

transportation, during which a stopover does not occur; there may be multiple one-way trips on the same air travel itinerary. This change is necessary to make the terminology consistent with the rest of the regulation.

TSA is continuing to employ the framework for the definition of ''stopover'' proposed by the industry, with modifications necessary to provide a distinction between continental and non-continental air transportation. Consistent with the definition provided by industry, a break in travel of more than four hours will be required before a stopover would occur (thus triggering a new one-way trip) for continental interstate or intrastate air transportation. A break in travel of more than 12 hours will be required before a stopover would occur (thus triggering a new one-way trip) for foreign air transportation. For purposes of this IFR, the continental United States includes the 48 contiguous States and the District of Columbia. This term excludes the non-contiguous States (Hawaii and Alaska), territories, and possessions of the United States.

In addition, a break in travel of more than 12 hours will be required before a stopover would occur (thus triggering a new one-way trip) for non-continental interstate or intrastate air transportation. Non-continental United States is not defined in the regulation because it logically includes those parts of the United States not considered ''continental.'' [26] For example, currently a fee of $10.00 (4 one-way trips, with 1 chargeable enplanement per trip × $2.50) would apply to the following itinerary:

Juneau to Anchorage (10 hour break in travel = stopover)
Anchorage to Seattle (10 hour break in travel = stopover)
Seattle to Chicago (10 hour break in travel = stopover)
Chicago to New York

Under the definition of ''stopover'' in this IFR, a fee of $11.20 would apply for the same itinerary because the itinerary would only involve two one-way trips:

Juneau to Anchorage (10 hour break in travel ≠ stopover)
Anchorage to Seattle (10 hour break in travel ≠ stopover)
Seattle to Chicago (10 hour break in travel = stopover)
Chicago to New York

If a stopover was still defined as a four hour break in travel for this itinerary under the restructured fee, a charge of $22.40 would apply (4 one-way trips × $5.60).

TSA took several factors into consideration in determining to apply a 12-hour break for non-continental interstate and non-continental intrastate air transportation. Non-continental air transportation is more similar to foreign air transportation, often involving long breaks in connecting air transportation. In addition, including the 12-hour break in travel for non-continental intrastate air transportation recognizes the unique geographic situations that often make air transportation the only practical method of travel. TSA also notes that there are other provisions of law that distinguish between air transportation based on locations, such as federal excise taxes for air transportation [27] and the passenger facility charge imposed under 49 U.S.C. 40117. To implement these modifications, TSA is also amending and adding definitions to distinguish between continental and non-continental air transportation. TSA requests comment on the appropriateness of this change. TSA also requests comment on whether similar modifications to the stopover definition—such as a 12-hour break in travel—might be necessary or appropriate in light of considerations regarding other categories of air transportation, such as air transportation involving airports located in rural communities (or certain types of rural communities).

Finally, TSA is removing the definition of ''round trip'' as it is no longer relevant to either the definition of ''one-way trip'' or imposition of the fee, as discussed below. The definition of ''origin point'' is being removed as it is only relevant to the deleted definition of ''round trip.''

Imposition of security service fees (§ 1510.5). This section is amended to include the new security service fee and remove references to enplanements, as required under section 601 of the Budget Act. For example, if a passenger purchases air transportation that includes changing planes three times (but none of the breaks in travel are greater than four hours), a security service fee of $5.60 will be imposed for a single one-way trip.

As with the current regulations, imposition of the fee is applicable to air transportation [28] originating at an airport in the United States, regardless of where the passenger began his or her travel. For example, under the current regulations, a fee of $5.00 is imposed for an Atlanta-New York-Chicago itinerary (two enplanements both departing from airports in the United States with no stopovers greater than 4 hours). A fee of $2.50 is imposed for a Paris-New York-Chicago itinerary (one enplanement in air transportation originating in the United States). Consistent with the Budget Act's restructuring of the fee, a fee of $5.60 will be imposed for both itineraries as they both have air transportation originating at an airport in the United States.

There is no indication that Congress intended to create any disparity between treatment of itineraries like these when it restructured the fee limitation. To the extent any underlying ambiguity exists in the limitation provision, it is clarified in the context of TSA's authority under 49 U.S.C. 44940(a)(1), which mandates TSA to impose a fee for passengers ''in air transportation and intrastate air transportation originating at airports in the United States'' with no distinction between segments and trips. Therefore, if there is covered air transportation at any point in the trip (in other words, any portion of the itinerary includes air transportation originating at an airport in the United States), TSA has authority to impose the fee and has done so consistently since the current regulations took effect in 2002. This better aligns the imposition of the fee with those who benefit from the security services provided for air transportation.

Finally, TSA is removing language that effectively applied a cap to the amount of the fee that could be imposed per ''round trip.'' Under current § 1510.5(a), passengers may not be charged for more than two enplanements per one-way trip or four enplanements per round trip. This provision effectively created a $10 cap on round-trip travel—in other words, it set a $10 cap on any itinerary that ended at its origin point, even if the itinerary included more than four $2.50 enplanements with lengthy stopovers.

Thus, for instance, if a passenger purchased a round trip for an itinerary involving ten enplanements, each separated by a three-day stopover, but ultimately ending at the origin point, a

[26] TSA regulations define the United States in a geographical sense, [to mean] the States of the United States, the District of Columbia, and territories and possessions of the United States, including the territorial sea and the overlying airspace. *See* 49 CFR 1500.3. Therefore, non-continental includes the states of Alaska and Hawaii as well as the territories and possessions of the United States.

[27] *See, e.g.,* ATA 2002 Letter (citing 26 U.S.C. 4262(c)(3) to support a definition of stopover that applies a 12-hour break in travel for air transportation between an international location and a U.S. location or two international locations); IRS Publication 510, Excise Taxes (describing how the tax treatment of domestic flight segments beginning or ending in Alaska or Hawaii differs from the tax treatment of other flights).

[28] ''Air transportation'' is currently defined in 49 CFR 1510.3.

$10 fee would be imposed because the regulation caps a round trip at 4 enplanements. At the same time, a different passenger travelling on the same exact flights (same days, same planes, same stopovers and destinations) who does not purchase the travel as a single round trip itinerary could potentially be charged up to $25.00 ($2.50 × 10 enplanements). Thus, as a result of the distinction between round-trip and other itineraries, similarly situated passengers could be charged different fees.[29] TSA received comments on the 2001 IFR questioning the round trip cap on the basis that it was not specifically stipulated in the statute and had the effect of decreasing revenue.[30]

As enacted by ATSA in 2001, section 44940(a) required imposition of a ''uniform fee'' on passengers, but specifically imposed a one-way cap on the fee amount in 44940(c). As discussed above, prior to the Budget Act amendments, section 44940(c) provided that the fee ''may not exceed $2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed $5.00 per one-way trip.'' This language provided TSA with clear discretion to limit the amount of fee charged per enplanement and, therefore, to provide a cap on the amount charged per round trip. Amending section 44940(c) by mandating a fee of $5.60 per one-way trip, as well as eliminating the cap language that was in the statute as enacted in 2001, is consistent with the authorizing language of section 44940(a) and the requirement to impose a ''uniform fee.''

Accordingly, in the absence of statutory language authorizing such a cap, and in light of the fact that a round-trip cap under the revised fee structure would have the effect of the fee being far less for some passengers than the mandatory $5.60 per one-way trip, this IFR does not include a limit on the number of one-way trips that can be charged per itinerary. TSA notes that by eliminating the round-trip cap, the restructured fee mitigates the likelihood of disparate treatment for substantially similar travel—some booked as round trips on one itinerary, and some not.

TSA seeks comment on removal of the round-trip cap, and specifically on whether TSA should consider reinstating a cap, and if so, what the cap should be in light of the statute's mandate that the fee be uniform (under 44940(a)). TSA also seeks comment on the definition of ''one-way trip'' and, in the Alternatives Discussion section below, on the definition of ''stopover.''

Table 1 provides examples of the impact of the Budget Act's restructuring of the fee and removal of the round trip cap. They are ordered according to the approximate likelihood (from the type of itinerary most frequently purchased to those most infrequently purchased).

TABLE 1—COMPARISON OF CURRENT FEE IMPOSITION AND FEE IMPOSITION FOLLOWING BUDGET ACT AMENDMENTS

Itinerary examples	Current regulation structure	TSA's interpretation of Budget Act fee restructure
Washington Dulles to Chicago (stopover), Chicago to Washington Dulles.	$5.00; 1 round trip with 2 chargeable enplanements	$11.20; 2 one-way trips.
Washington Dulles to Chicago, Chicago to Los Angeles (stopover), Los Angeles to Chicago, Chicago to Washington Dulles.	$10.00; 1 round trip with 4 chargeable enplanements	$11.20; 2 one-way trips.
Washington Dulles to Chicago, Chicago to Los Angeles, Los Angeles to Seattle (stopover), Seattle to Los Angeles, Los Angeles to Chicago, Chicago to Washington Dulles.	$10.00; 1 round trip with 4 chargeable enplanements	$11.20; 2 one-way trips.
Washington Dulles to Chicago	$2.50; 1 one-way trip with 1 chargeable enplanement	$5.60; 1 one-way trip.
Washington Dulles to Chicago, Chicago to Los Angeles, Los Angeles to Seattle (stopover), Seattle to Los Angeles.	$7.50; 2 one-way trips with 3 chargeable enplanements	$11.20; 2 one-way trips.
Paris to New York, New York to Chicago	$2.50; 1 one-way trip with 1 chargeable enplanement	$5.60; 1 one-way trip.
Chicago to New York (stopover), New York to Frankfurt (stopover), Frankfurt to Chicago, Chicago to Minneapolis.	$7.50; 3 one-way trips with 3 chargeable enplanements	$16.80; 3 one-way trips.
Newark to Chicago (stopover), Chicago to Denver (stopover), Denver to Las Vegas (stopover), Las Vegas to Chicago (stopover), Chicago to San Francisco.	$12.50; 5 one-way trips with 5 chargeable enplanements.	$28.00; 5 one-way trips.
Newark to Chicago (stopover), Chicago to Denver (stopover), Denver to Las Vegas (stopover), Las Vegas to Chicago (stopover), Chicago to Newark.	$10.00; 1 round trip with 4 chargeable enplanements	$28.00; 5 one-way trips.
Orlando to Pittsburgh (stopover), Pittsburgh to Orlando (stopover), Orlando to Pittsburgh (stopover), Pittsburgh to Orlando (stopover), Orlando to Pittsburgh (stopover), Pittsburgh to Orlando.	$15.00; 3 round trips with 6 chargeable enplanements ...	$33.60; 6 one-way trips.

Collection of security service fees (§ 1510.9). TSA is amending § 1510.9(a) regarding the direct air carriers and foreign air carriers that are required to impose the fee in order to remove references to enplanements and make conforming changes regarding departures from airports in the United States. In addition, § 1510.9(b) is

[29] In other words, under the current regulations, if Passenger A were to book such an itinerary beginning and ending at New York's John F. Kennedy International Airport (JFK), and Passenger B were to book the same exact itinerary, except that Passenger B planned to return to Boston, Passenger A would owe $10, and Passenger B would owe $25.00. Similarly, Passengers C and D could both fly on the same days, flights, stopovers, and destinations, but pay different fees based on how the air transportation was purchased (for example, Passenger C purchases air transportation as a single five-stopover round trip itinerary but Passenger D purchases the same air transportation in separate transactions, creating multiple itineraries).

[30] *See, e.g.,* ATA 2002 Letter.

amended to reflect the effective date of the revised fee, 12:00 a.m. (Eastern Daylight Time) on July 21, 2014. In general, sales of air transportation and changes to itineraries as a result of the Budget Act's fee increase are to be treated consistent with current practice. For example, the revised fee amount applies at the time air transportation is sold, not when the flight may occur. Air transportation purchased before July 21, 2014, but utilized after, is not subject to the adjusted fee. In other words, if a passenger purchases a ticket on June 15th for travel on September 7th, the revised fee would not apply even though the travel is to occur after the fee increase takes effect.

Also consistent with current practice, if a passenger's scheduled itinerary at the time the air transportation is sold includes a stopover, a separate fee will be imposed for travel beyond that point as each stopover triggers a separate one-way trip. Under current § 1510.9, if the passenger changes the itinerary to alter the number of one-way trips, additional collection of fee or a refund of the security service fee is required, as appropriate. The imposition of the fee is based on the itinerary at the time the transportation is sold.

Involuntary changes to the itinerary have no impact on the fee. For example, if two fees are imposed for an itinerary because of a stopover greater than four hours, but the plane departs earlier than scheduled and the break in travel becomes less than four hours, that is a change beyond the passenger's control and occurs after the air transportation is purchased. Therefore, no refund is to be provided. Similarly, if the passenger's itinerary has no breaks in travel greater than four hours, but due to weather or mechanical issues, the break is extended beyond the four hour point, it would be inappropriate for the direct air carrier or foreign air carrier to collect an additional fee for that itinerary.

Finally, TSA notes that, under 49 CFR 1510.9, the requirement to collect the fee applies to passengers of direct air carriers and foreign air carriers on scheduled passenger or public charter passenger operation with an aircraft having passenger seating configuration of more than 60 seats or a scheduled passenger or public charter passenger operation with an aircraft having a passenger seating configuration of less than 61 seats when passengers are enplaned from or deplaned into a sterile area. As a result of this provision, the fee is not imposed on passengers travelling on smaller aircraft providing air transportation directly to or from rural communities (frequently served by non-Federalized airports). TSA requests comment regarding this aspect of air transportation directly to or from a rural community.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, et seq.) requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulations.

Information collection requirements associated with the security service fee requirements of 49 CFR part 1510 have been approved by the OMB through August 31, 2015, under the PRA provisions, and assigned OMB Control Number 1652–0001. TSA has made available in the docket for this rulemaking, technical changes to its PRA documents as necessary based on the Budget Act's restructuring of the fee. The primary change is to eliminate outdated references to a per-enplanement fee. The changes will be effective beginning August 1, 2014. TSA welcomes comments on these changes and any other changes the public considers relevant to TSA's implementation of the Budget Act's amendments. TSA will consider and respond to such comments as appropriate.

The current PRA approval covers the requirements for air carriers to submit quarterly reports to TSA which provide an accounting of the fees imposed, collected, refunded to passengers, and remitted to TSA, and to retain the source information. TSA notes that this IFR does not modify these requirements, which continue to be in force.

As provided by the PRA, as amended, 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.

Regulatory Impact Analysis

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rulemaking is an ''economically significant regulatory action,'' under section 3(f)(1) of Executive Order 12866. As further required by this Executive Order, OMB has reviewed this IFR and TSA has prepared an analysis of its estimated costs and benefits, presented in the following paragraphs. Table 2 presents the OMB Circular A–4 Accounting Statement for this rule.

This IFR implements an increase in the security service fee mandated by the Budget Act. As previously discussed, under this IFR direct air carriers and foreign air carriers will be required to impose a security service fee of $5.60 per one-way trip.

TABLE 2—OMB A–4 ACCOUNTING STATEMENT

[Fiscal year 2014, quarter 4—fiscal year 2023]

Category	Estimate
Benefits	
Annualized monetized benefits. Annualized quantified, but unmonetized, benefits. Qualitative (un-quantified) benefits	Allow TSA to continue providing security functions made possible by the collection of fees.
Costs	
Annualized monetized costs. Annualized quantified, but unmonetized, costs	

TABLE 2—OMB A–4 ACCOUNTING STATEMENT—Continued

[Fiscal year 2014, quarter 4—fiscal year 2023]

Category	Estimate	
Qualitative (un-quantified) costs	Direct air carriers and foreign air carriers are expected to incur costs to update their computer and ticket sales systems to reflect the new fee structure.	
Transfers		
Annualized monetized transfers *	$1,630,931,041	7%
	$1,665,414,731	3%
From whom to whom?	From air passengers to the Government.	

* **Note:** Discount rate appears to the right of the estimates.

As discussed in the Background section of this preamble, under current regulations, the amount of the security service fee is set at $2.50 per enplanement [31] with a cap of $5.00 per one-way trip and $10.00 per round trip. The Budget Act's amendments to 49 U.S.C. 44940(c) eliminate fee differences based on the number of enplanements, changing the fee from $2.50 per enplanement to $5.60 per one-way trip, regardless of the number of enplanements.

One-way trips have been consistently defined by TSA as any continuous travel during which a stopover does not occur (for further discussion on one-way trips and stopovers please see the section on *Definitions (§ 1510.3),* in this preamble). Thus, if an itinerary has a one-way trip with only one enplanement, under the current regulations, a security service fee of $2.50 is imposed. In addition, if an itinerary has a one-way trip with two or more enplanements, under the current regulations, a security service fee of $5.00 is imposed, regardless of the number of enplanements.

In Fiscal Year 2013 (FY 13), 173 direct air carriers and foreign air carriers remitted the security service fee. In order to assess the change in the fee amounts required by the Budget Act, TSA estimated collections under both fee structures and projected the number of one-way trips for ten years (FY 14 through FY 23). As the Budget Act requires the new fee structure to be implemented starting with the fourth quarter (Q4) of FY 14, our analysis considers the impacts of this IFR starting at FY 14 (Q4). TSA uses historical data on fees collected to estimate the number of chargeable enplanements for FY 14 (Q4) through FY 23.[32] TSA then converts the number of chargeable enplanements into one-way trips using Bureau of Transportation Statistics (BTS) data.[33] TSA analyzed the number of fees collected based on enplanements under the current system and the number of fees collected based on one-way trips under the new system. Under the definition of a stopover in this IFR, non-continental interstate or intrastate air transportation would require a break in travel of more than 12 hours to trigger a new one-way trip. TSA is not aware of a data source that would provide the information necessary for this analysis to be sensitive to different stopover lengths for air transportation based on the itinerary. TSA sought this data on an expedited basis, but did not identify such a source. As such, for purposes of this analysis, TSA considers a break in travel greater than four hours to trigger a new one-way trip, regardless of whether continental or non-continental air transportation. As a result, our estimates of transfer payments from passengers to the government might be somewhat overstated. These numbers were used to analyze the change in total security service fee revenues from FY 14 (Q4) through FY 23.[34] Under the current structure, the security service fee collection would be approximately $19.58 billion (undiscounted) from FY 14 (Q4) through FY 23. Table 3 shows the total in fee revenue based on the current fee structure.

TABLE 3—ESTIMATED SECURITY SERVICE FEE REVENUE UNDER CURRENT STRUCTURE

[Before Budget Act—based on enplanements]

Fiscal Year	One-way trips with one enplanement (a)	One-way trips with multiple enplanements (b)	Total fees (c) = (a) × $2.50 + (b) × $5.00	Total fees (discounted at 3%)	Total fees (discounted at 7%)
FY14 Q4	135,398,036	34,257,334	$509,781,761	$494,933,748	$476,431,552
FY15	519,195,475	131,362,711	1,954,802,240	1,842,588,595	1,707,399,983
FY16	529,579,384	133,989,965	1,993,898,285	1,824,699,385	1,627,614,937
FY17	540,170,972	136,669,764	2,033,776,251	1,806,983,857	1,551,558,164
FY18	550,974,392	139,403,159	2,074,451,776	1,789,440,324	1,479,055,446
FY19	561,993,879	142,191,223	2,115,940,811	1,772,067,117	1,409,940,706

[31] As noted earlier, ''passenger enplanement'' is defined in 49 CFR 1510.3.

[32] Based on actual collections, TSA assumes a 2 percent increase in enplanements each year from 2013–2023 to account for projected changes in the market.

[33] TSA uses the DB1B Market Survey showing the Number of Passengers by MktCoupons for 2012. BTS data shows that 66.4 percent of one-way trips have travel of one segment followed by a break in travel and 33.6 percent of one-way trips have travel of at least two segments followed by a break in travel. TSA used these percentages to determine the expected number of one-way trips by multiplying the number of chargeable enplanements by the above percentages and then dividing the result by the number of fees that would be imposed under the current fee structure for trips with one enplanement and for those with multiple enplanements.

[34] The Budget Act specifies the amount of funds to be collected for the general fund for the next 10 years. As such, we assess the impacts of this rule based on a period of analysis from FY 14 (Q4) through FY 23.

TABLE 3—ESTIMATED SECURITY SERVICE FEE REVENUE UNDER CURRENT STRUCTURE—Continued

[Before Budget Act—based on enplanements]

Fiscal Year	One-way trips with one enplanement (a)	One-way trips with multiple enplanements (b)	Total fees (c) = (a) × $2.50 + (b) × $5.00	Total fees (discounted at 3%)	Total fees (discounted at 7%)
FY20	573,233,757	145,035,047	2,158,259,627	1,754,862,582	1,344,055,626
FY21	584,698,432	147,935,748	2,201,424,820	1,737,825,082	1,281,249,288
FY22	596,392,401	150,894,463	2,245,453,316	1,720,952,993	1,221,377,826
FY23	608,320,249	153,912,352	2,290,362,383	1,704,244,712	1,164,304,096
Total	5,199,956,977	1,315,651,765	19,578,151,270	16,448,598,396	13,262,987,623

The security service fee, as amended by the Budget Act, is expected to result in a collection of approximately $36.49 billion (undiscounted) from FY 14 (Q4) through FY 23. Table 4 shows the total in fee revenue reflecting the statutory fee increase (estimated number of one-way trips × $5.60). The estimated number of one-way trips is the sum of (a) and (b) in Table 3.

For the purposes of this analysis, TSA assumes that all one-way trips will incur a fee of $5.60 under the new fee structure. The number of one-way trips was derived using the most accurate information available. This analysis is the first instance of estimating a passenger fee imposed on one-way air transportation. As TSA has not previously collected fees on a per one-way trip basis, it is possible that the estimated number of one-way trips may differ from the actual number of fees imposed. The implementation of this IFR would provide further insight into the exact nature of travel itineraries, such as occurrence of stopovers, and will help improve revenue estimation. The analysis of actual revenue patterns under the revised fee structure will help to further improve prospective revenue estimates.

TABLE 4—ESTIMATED SECURITY SERVICE FEE REVENUE

[After Budget Act—based on one-way trips]

Fiscal year	Estimated number of one-way trips	Total fees collected: $5.60 per one-way trip	Total fees collected (discounted at 3%)	Total fees collected (discounted at 7%)
FY14 Q4	169,655,370	$950,070,072	$922,398,128	$887,915,955
FY15	650,558,186	3,643,125,839	3,433,995,512	3,182,047,200
FY16	663,569,349	3,715,988,356	3,400,655,750	3,033,353,405
FY17	676,840,736	3,790,308,123	3,367,639,675	2,891,607,919
FY18	690,377,551	3,866,114,285	3,334,944,144	2,756,486,054
FY19	704,185,102	3,943,436,571	3,302,566,045	2,627,678,294
FY20	718,268,804	4,022,305,302	3,270,502,297	2,504,889,589
FY21	732,634,180	4,102,751,408	3,238,749,848	2,387,838,673
FY22	747,286,864	4,184,806,437	3,207,305,675	2,276,257,427
FY23	762,232,601	4,268,502,565	3,176,166,785	2,169,890,258
Total	6,515,608,743	36,487,408,958	30,654,923,859	24,717,964,774

Note: Numbers may not total due to rounding.

TSA estimated the change in security service fees collected by comparing estimated fees based on enplanements under the statute prior to the Budget Act (Table 3) and estimated fees based on one-way trips under the statute after the Budget Act (Table 4). The fee change will result in increased revenue of approximately $16.91 billion (undiscounted) from FY 14 (Q4) through FY 23. Table 5 compares the current fee with the fee increase mandated by the Budget Act. This fee increase will result in a transfer payment from air passengers to the Government in the form of increased fees. This transfer will increase the cost to air passengers while reducing the burden on the Government.

TABLE 5—COMPARISON OF SECURITY SERVICE FEE REVENUE

[Prior to Budget Act vs. after Budget Act] [35]

Fiscal year	Current: $2.50 per enplanement (a)	Statutory fee increase: $5.60 per one-way trip (b)	Difference in fees collected (c = b − a)	Difference in fees collected (discounted at 3%)	Difference in fees collected (discounted at 7%)
FY14 Q4	$509,781,761	$950,070,072	$440,288,311	$427,464,380	$411,484,403
FY15	1,954,802,240	3,643,125,838.95	1,688,323,599	1,591,406,918	1,474,647,217

TABLE 5—COMPARISON OF SECURITY SERVICE FEE REVENUE—Continued

[Prior to Budget Act vs. after Budget Act] [35]

Fiscal year	Current: $2.50 per enplanement (a)	Statutory fee increase: $5.60 per one-way trip (b)	Difference in fees collected (c = b − a)	Difference in fees collected (discounted at 3%)	Difference in fees collected (discounted at 7%)
FY16	1,993,898,285	3,715,988,355.73	1,722,090,071	1,575,956,365	1,405,738,469
FY17	2,033,776,251	3,790,308,122.84	1,756,531,872	1,560,655,817	1,340,049,755
FY18	2,074,451,776	3,866,114,285.30	1,791,662,509	1,545,503,819	1,277,430,607
FY19	2,115,940,811	3,943,436,571.01	1,827,495,760	1,530,498,928	1,217,737,589
FY20	2,158,259,627	4,022,305,302.43	1,864,045,675	1,515,639,715	1,160,833,963
FY21	2,201,424,820	4,102,751,408.47	1,901,326,588	1,500,924,766	1,106,589,385
FY22	2,245,453,316	4,184,806,436.64	1,939,353,121	1,486,352,682	1,054,879,601
FY23	2,290,362,383	4,268,502,565.38	1,978,140,182	1,471,922,073	1,005,586,161
Total	19,578,151,270	36,487,408,958	16,909,257,689	14,206,325,463	11,454,977,151
Annualized (reported in Table 2)				1,665,414,731	1,630,931,041

From the total estimated collection of approximately $36.49 billion, the Budget Act requires stipulated amounts to be credited as offsetting receipts to the Federal budget and deposited in the general funds of the Treasury for FY 14 (Q4) through FY 23,[36] totaling $12.63 billion for the period; resulting in a total net fee collected for security services of $23.86 billion (undiscounted) from FY 14 (Q4) through FY 23. The funds collected for security services are then used to offset appropriations provided to TSA to conduct security services. The amount collected for security services under this fee is significantly less than TSA's total cost for security services.

As previously discussed, section 44940 as enacted in 2001 authorized TSA to impose two fees. In addition to the fee imposed on passengers under 44940(a)(1), TSA was authorized to impose a second fee on air carriers to the extent the passenger fee was insufficient to cover TSA's costs for providing civil aviation security.[37] Historically, the revenue from both of these fees has been significantly less than TSA's costs for providing aviation security.

Section 601 of the Budget Act includes a July 1, 2014 implementation date for implementation of the restructured passenger fee and an October 1, 2014 implementation date for discontinuing imposition of the ASIF. As the timing of the effective date of these two requirements is separated by several months, TSA has decided to treat them as two separate rulemakings.[38] For purposes of this analysis, however, TSA estimates $23.86 billion in revenue from the security service fee, as amended by the Budget Act, is approximately equivalent to the amount of forecasted collections for FY 14 (Q4) through FY 23 for both fees authorized under sec. 44940 as enacted in 2001 (the fee imposed on passengers + the ASIF). Under the requirements of sec. 44940(a)(2)(B)(i), the ASIF is capped at $420 million per year. The total revenue from these two fees, without the amendments made by the Budget Act, is estimated at $23.47 billion ($19.58 billion from the passenger security service fees at $2.50 per enplanement + $3.89 billion from ASIF) over the 10-year period of analysis. Table 6 shows the breakdown of the new fee that will be allocated to offset TSA's provision of security services and Federal costs pursuant to the Budget Act's amendments to 49 U.S.C. 44940(i).

TABLE 6—FEE ALLOCATION

Fiscal year	Fees allocated for security services	Fees allocated for the General Fund	Total fees collected—$5.60 per one-way trip
FY14 Q4	$560,070,072	$390,000,000	$950,070,072
FY15	2,453,125,839	1,190,000,000	3,643,125,839
FY16	2,465,988,356	1,250,000,000	3,715,988,356
FY17	2,510,308,123	1,280,000,000	3,790,308,123
FY18	2,546,114,285	1,320,000,000	3,866,114,285
FY19	2,583,436,571	1,360,000,000	3,943,436,571
FY20	2,622,305,302	1,400,000,000	4,022,305,302
FY21	2,662,751,408	1,440,000,000	4,102,751,408
FY22	2,704,806,437	1,480,000,000	4,184,806,437
FY23	2,748,502,565	1,520,000,000	4,268,502,565
Total	23,857,408,958	12,630,000,000	36,487,408,958

[35] The estimated fees collected under the statutory fee increase may be somewhat overestimated due to the inclusion of non-continental interstate or intrastate air transportation with breaks in travel greater than four hours being considered additional one-way trips.

[36] Budget Act sec. 601(c), amending 49 U.S.C. 44940(i).

[37] *See* 49 U.S.C. 44940(a)(2) as enacted in 2001.

[38] TSA intends to make necessary conforming changes to its regulations regarding the ASIF in a separate rulemaking, targeted for publication before the October 1, 2014 effective date.

TSA anticipates that there might be costs associated with each direct and foreign air carrier updating their current computer and ticket sales systems to reflect the new fee structure. TSA welcomes comments containing information on the implementation costs to industry, particularly in the following areas.

- Would the burden of implementing the security service fee be a one-time cost or would there be an incremental increase in annual operating and maintenance costs as well?
- Would there be any other costs, besides labor costs, associated with the implementation?
- How many hours of labor would be needed and what category of labor (and wage) would be required to implement the changes in the system?
- Would there be multiple laborers working on the project?
- Would industry rely on their internal workforce or would they outsource this work to contractors?
- Would industries other than carriers be impacted? If so, would these impacts be short-term, or would they have lasting effects on these indirect industries?

Responses to these questions would better inform TSA on the impacts of this IFR.

Alternatives Discussion

For purposes of this regulatory impact analysis, TSA analyzed several alternatives when considering the impacts of this IFR. The Budget Act's amendments to the security service fee remove discretion from TSA regarding the amount of the fee to be imposed. As amended, 49 U.S.C. 44940(c) states that the fee ''shall be $5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.'' The alternatives that TSA considered for purposes of this economic analysis are based on how the fee will be imposed. TSA was able to quantify the preferred and no action alternatives. TSA also presents a qualitative discussion and requests public comment, particularly with respect to issues related to a cap and the definition of ''stopover.'' Table 7 below summarizes the following regulatory alternatives:

- *Alternative 1 (Preferred):* Alternative 1, the preferred alternative, most closely follows the statutory mandate pursuant to the Budget Act and allows TSA to collect revenue used to offset a portion of the costs of providing aviation security services and the additional amount specified for deposit to the general fund for other purposes. The estimated revenue associated with this alternative is fully discussed in the Regulatory Impact Analysis section of this preamble (*see* table 4 for revenue estimates). The total undiscounted 10-year estimated fee collected is $36.49 billion.
- *Alternative 2 (No Action):* Alternative 2 involves no action; the fee structure and amounts are unchanged. As the change in fee is statutorily mandated by the Budget Act, TSA rejects the no action alternative because it would not meet the statutory mandate. Under 49 U.S.C. 44940, as amended by the Budget Act, TSA is required to collect fees as necessary to offset a portion of the appropriations to TSA for providing aviation security services (sec. 44940(a)(1)) and sufficient to deposit the specified amounts in the general fund of the Treasury (sec. 44940(i) as amended by the Budget Act). In light of the cessation of the ASIF, previously discussed, TSA would not be able to collect sufficient amounts if no action was taken.

TABLE 7—COMPARISON OF ALTERNATIVES

Alternatives	Description	Total number of chargeable fees (FY14 Q4 to FY23)	Total fee collected (FY14 Q4 to FY23, undiscounted)
Alternative 1 (Preferred Alternative).	Statutory fee increase of $5.60 to all one-way trips (as established by the Budget Act).	6,515,608,743 ..... (Table 4)	$36,487,408,958. (Table 4).
Alternative 2 (No Action)	Maintain current fee structure of $2.50 per enplanement with a cap of $5.00.	*See* Table 3 for information on chargeable enplanements and respective fee.	$19,578,151,270. (Table 3).

TSA also assessed the possibility of using a break in travel greater or less than four hours for continental interstate and continental intrastate air transportation. The occurrence of a stopover triggers the beginning of a new ''one-way trip,'' resulting in imposition of an additional $5.60 fee on the passenger. As such, a stopover for continental interstate or continental intrastate air transportation defined as a break in travel of less than four hours could potentially lead to a larger number of fees being collected, while a stopover based on a break in travel greater than four hours (such as six or eight hours) could result in fewer fees collected, as compared to the preferred alternative. As TSA is not aware of data on the duration of breaks in travel, TSA was unable to estimate the number of one-way trips that would be affected by changes to the definition of stopovers as it affects continental interstate and intrastate air transportation, nor how this would affect fee collection. As previously noted, TSA welcomes comments on appropriate alternatives to the definition of a stopover and how any changes in this definition may impact the imposition of this fee.

For example, under the definitions in this IFR, a passenger purchasing air transportation from New York to Boston, returning to New York with less than a four hour break in travel would be subject to a fee of $5.60 because the itinerary consists of a single one-way trip. If the stopover definition for continental interstate or continental intrastate air transportation is changed to require a break in travel greater than four hours, the likelihood of this occurring would increase, resulting in less revenue for the purposes intended by 49 U.S.C. 44940. As discussed above, TSA will consider and respond to comments in the final rule, as appropriate.

Under the current fee structure, a fee cannot be imposed for more than two enplanements per one-way trip or four enplanements per round trip, regardless of the number of enplanements. Because the Budget Act requires TSA to impose fees based on one-way trips rather than enplanements, the cap provided for under the current fee structure is no longer valid. Under the definition of one-way trip in the IFR, the new structure is already capped at one fee per one-way trip. Furthermore, the statute does not specify a cap or direct TSA to implement a cap. As discussed, data on the duration of stopovers is unavailable, which makes estimating

possible impacts of a cap on fees difficult. TSA welcomes comment on whether or not a cap should be placed on the imposition of fees, and if so, what that cap should be.

Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act (RFA) of 1980 [39] requires agencies to consider the impact of their regulatory proposals on small entities, to analyze effective alternatives that minimize small entity impacts, and to make their analyses available for public comment. Small entities include small businesses, not-for-profit organizations, and small governmental jurisdictions. Individuals and States are not included in the definition of a small entity. When no notice of proposed rulemaking has first been published, no such assessment is required. Furthermore, 5 U.S.C. 553(b)(B) exempts rules from the requirements of the RFA when an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. As discussed in the preamble, this IFR is exempt from the procedural rulemaking requirements of 5 U.S.C. 553.

International Trade Impact Assessment

The Trade Agreement Act of 1979 [40] prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this rulemaking and as TSA has determined that it does not impose significant barriers to international trade.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 [41] (UMRA), is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' Before TSA promulgates a rule for which a written statement is needed, sec. 205 of UMRA generally requires TSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of sec. 205 do not apply when they are inconsistent with applicable law. In addition, the requirements of Title II of UMRA do not apply when rulemaking actions are taken without the issuance of a notice of proposed rulemaking. For reasons discussed above, no notice of proposed rulemaking is required for this regulatory action. Accordingly, TSA has not prepared a written statement.

TSA has, however, analyzed the UMRA requirements as if the requirement applied and determined that this IFR does not contain a Federal mandate that may reach the threshold of expenditures for State, local, and tribal governments in the aggregate. To the extent the increased fee affects the overall economy, resulting in an unfunded mandate on the private sector, this is a result of the Budget Act's revisions to 49 U.S.C. 44940, not a result of this rulemaking. The preceding discussion provides an analysis of the associated costs.

Finally, TSA has not considered any alternatives as the purpose of this rulemaking is to implement the statutorily mandated fee change from $2.50 per enplanement to $5.60 per one-way trip.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is TSA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. TSA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

The ICAO guidance document on aviation fees and charges, ICAO Document 9082 (Ninth Edition—2012), ICAO's Policies on Charges for Airports and Air Navigation Services, recommends consultations before fees are imposed on carriers. In addition, Article 12 of the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on 25 and 30 April 2007, encourages consultation between the charging authority and affected carriers.

As the change to the security service fee has been set by Congress and there are no additional changes to how the program is implemented by TSA, no additional consultations are required.

Executive Order 13132, Federalism

TSA has analyzed this IFR under the principles and criteria of E.O. 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have federalism implications.

Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Policy Act of 1969 [42] (NEPA) and has determined that this action will not have a significant effect on the human environment. This action is covered by categorical exclusion (CATEX) number A3(b) in DHS Management Directive 023–01 (formerly Management Directive 5100.1), Environmental Planning Program, which guides TSA compliance with NEPA.

Energy Impact Analysis

The energy impact of the action has been assessed in accordance with the Energy Policy and Conservation Act [43] (EPCA). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 49 CFR Part 1510

Accounting, Auditing, Air carriers, Air transportation, Enforcement, Federal oversight, Foreign air carriers, Reporting and recordkeeping requirements, Security measures.

The Amendments

For the reasons set forth in the preamble, the Transportation Security Administration amends part 1510 of Chapter XII of Title 49, Code of Federal Regulations to read as follows:

PART 1510—PASSENGER CIVIL AVIATION SECURITY SERVICE FEES

■ 1. The authority citation for part 1510 continues to read as follows:

Authority: 49 U.S.C. 114, 40113, and 44940.

■ 2. Revise § 1510.1 to read as follows:

[39] Public Law 96–354 (94 Stat. 1164; Sept. 19, 1980).

[40] Public Law 96–39 (93 Stat. 144; July 26, 1979).

[41] Public Law 104–4 (109 Stat. 66; March 22, 1995).

[42] 42 U.S.C. 4321 et seq.

[43] Public Law 94–163 (89 Stat. 871; Dec. 22, 1975), as amended (42 U.S.C. 6362).

§ 1510.1 Applicability and purpose.

This part prescribes a uniform fee to be paid by passengers of direct air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation originating at airports in the United States.

■ 3. In § 1510.3 revise the introductory text; remove the definitions of ''Administrator,'' ''Interstate air transportation,'' ''Intrastate air transportation,'' ''Origin point,'' ''Passenger enplanement,'' and ''Round trip;'' revise the definition of ''Air transportation'' and ''One-way trip;'' and, add definitions for ''Continental United States,'' ''Continental interstate air transportation,'' ''Continental intrastate air transportation,'' ''Non-continental interstate air transportation,'' ''Non-continental intrastate air transportation,'' and ''Stopover'' in alphabetical order to read as follows:

§ 1510.3 Definitions.

In addition to the definitions in §§ 1500.3, 1503.103, and 1540.5 of this chapter, the following terms are used in this part:

* * * * *

Air transportation means continental interstate air transportation, continental intrastate air transportation, foreign air transportation, non-continental interstate air transportation, or non-continental intrastate air transportation.

* * * * *

Continental United States means the District of Columbia and the States other than Alaska and Hawaii.

Continental interstate air transportation means the carriage by aircraft of persons for compensation or hire within the continental United States.

Continental intrastate air transportation means the carriage by aircraft of persons for compensation or hire wholly within the same state of the continental United States.

* * * * *

Non-continental interstate air transportation means the carriage by aircraft of persons for compensation or hire within the United States, but outside the continental United States.

Non-continental intrastate air transportation means the carriage by aircraft of persons for compensation or hire wholly within the same state, territory or possession of the United States, but outside the continental United States.

* * * * *

One-way trip means continuous air transportation, during which a stopover does not occur; there may be multiple one-way trips on the same air travel itinerary.

* * * * *

Stopover means a break in travel of more than:

(1) Four (4) hours for continental interstate air transportation or continental intrastate air transportation, and

(2) Twelve (12) hours for non-continental interstate air transportation, non-continental intrastate air transportation, or foreign air transportation.

■ 4. Revise § 1510.5 to read as follows:

§ 1510.5 Imposition of security service fees.

(a) Each direct air carrier and foreign air carrier described in § 1510.9(a) shall impose a security service fee of $5.60 per one-way trip for air transportation originating at an airport in the United States. Passengers may not be charged more than $5.60 per one-way trip.

(b) The security service fee must be imposed on passengers who obtained the ticket for air transportation with a frequent flyer award, but may not be imposed on any other nonrevenue passengers.

■ 5. Amend § 1510.9 by revising paragraphs (a) and (b) to read as follows:

§ 1510.9 Collection of security service fees.

(a) The following direct air carriers and foreign air carriers must collect security service fees from passengers on—

(1) A scheduled passenger or public charter passenger operation with an aircraft having passenger seating configuration of more than 60 seats.

(2) A scheduled passenger or public charter passenger operation with an aircraft having a passenger seating configuration of less than 61 seats when passengers are enplaned from or deplaned into a sterile area.

(b) Direct air carriers and foreign air carriers must collect from each passenger, to the extent provided in § 1510.5, a security service fee on air transportation sold on or after 12:00 a.m. (Eastern Daylight Time) on July 21, 2014. The security service fee must be based on the air travel itinerary at the time the air transportation is sold. Any changes by the passenger to the itinerary are subject to additional collection or refund of the security service fee by the direct air carrier or foreign air carrier, as appropriate.

* * * * *

Dated: June 17, 2014.

John W. Halinski,

Deputy Administrator.

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FEDERAL REGISTER

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No. 119 June 20, 2014

Part IV

The President

Proclamation 9143—National Day of Making, 2014

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Vol. 79, No. 119
Friday, June 20, 2014

Presidential Documents

Title 3—

The President

Proclamation 9143 of June 17, 2014

National Day of Making, 2014

By the President of the United States of America

A Proclamation

Our Nation is home to a long line of innovators who have fueled our economy and transformed our world. Through the generations, American inventors have lit our homes, propelled humanity into the skies, and helped people across the planet connect at the click of a button. American manufacturers have never stopped chasing the next big breakthrough. As a country, we respond to challenge with discovery, determined to meet our great tests while seeking out new frontiers. During the National Day of Making, we celebrate and carry forward this proud tradition.

Today, more and more Americans are gaining access to 21st century tools, from 3D printers and scanners to design software and laser cutters. Thanks to the democratization of technology, it is easier than ever for inventors to create just about anything. Across our Nation, entrepreneurs, students, and families are getting involved in the Maker Movement. My Administration is increasing their access to advanced design and research tools while organizations, businesses, public servants, and academic institutions are doing their part by investing in makerspaces and mentoring aspiring inventors.

I am committed to helping Americans of all ages bring their ideas to life. Alongside our partners, my Administration is getting tens of thousands of young people involved in making. We are supporting an apprenticeship program for modern manufacturing and encouraging startups to build their products here at home. Because science, technology, engineering, and mathematics (STEM) are essential to invention, we launched a decade-long national effort to train 100,000 excellent STEM teachers. And we are expanding STEM AmeriCorps so that this summer, 18,000 low-income students will have learning opportunities in these vital fields.

As we observe this day, I am proud to host the first-ever White House Maker Faire. This event celebrates every maker—from students learning STEM skills to entrepreneurs launching new businesses to innovators powering the renaissance in American manufacturing. I am calling on people across the country to join us in sparking creativity and encouraging invention in their communities.

Today, let us continue on the path of discovery, experimentation, and innovation that has been the hallmark not only of human progress, but also of our Nation's progress. Together, let us unleash the imagination of our people, affirm that we are a Nation of makers, and ensure that the next great technological revolution happens right here in America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 18, 2014, as National Day of Making. I call upon all Americans to observe this day with programs, ceremonies, and activities that encourage a new generation of makers and manufacturers to share their talents and hone their skills.

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

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