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Federal Register

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. #AMS-CN-13-0100]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2014 Amendment)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct Final Rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations, decreasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This amendment is required each year to assure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton.

DATES: This direct rule is effective August 25, 2014, without further action or notice, unless significant adverse comment is received by July 28, 2014. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS-CN-13-0100, may be submitted electronically through the *Federal eRulemaking Portal* at <http://www.regulations.gov>. Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery* to Cotton Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this notice may be found at: www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Shethir M. Riva, Chief, Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361-2726, facsimile (540) 361-1199, or email at Shethir.Riva@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101-2118) (Act) were enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624, 104 stat. 3909, November 28, 1990). These amendments contained two provisions that authorize changes in the funding procedures for the Cotton Research and Promotion Program. These provisions provide for: (1) The assessment of imported cotton and cotton products; and (2) termination of refunds to cotton producers. (Prior the 1990 amendments to the Act, producers could request assessment refunds.)

As amended, the Cotton Research and Promotion Order (7 CFR part 1205) (Order) was approved by producers and importers voting in a referendum held July 17-26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This direct final rule would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR § 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of \$1 per bale of cotton, which is equivalent to 500 pounds, or \$1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices*, a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2013 in the **Federal Register** (78 FR 39551) for the purpose of calculating assessments on imported cotton is \$0.012876 per kilogram. Using the Average Weighted Priced received by U.S. farmers for Upland cotton for the calendar year 2013, this direct final rule would amend the new value of imported cotton to \$0.012728 per kilogram to reflect the price paid by U.S. farmers for Upland cotton during 2013.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500 × 0.453597).

\$1 per bale assessment equals \$0.002000 per pound or \$0.2000 cents per pound (1/500) or \$0.004409 per kg or \$0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2013 calendar year weighted average price received by producers for Upland cotton is \$0.755 per pound or \$1.664 per kg. (0.755 × 2.2046).

Five tenths of one percent of the average price equals \$0.008319 per kg. (1.664 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the \$1 per bale equivalent assessment of \$0.004409 per kg. and the supplemental assessment \$0.008319 per kg., which equals \$0.012728 per kg.

The current assessment on imported cotton is \$0.012876 per kilogram of imported cotton. The revised assessment in this direct final rule is \$0.012728, a decrease of \$0.000148 per kilogram. This decrease reflects the decrease in the average weighted price of Upland cotton received by U.S. farmers during the period January through December 2013.

Import Assessment Table in section 1205.510(b)(3) indicates the total assessment rate (\$ per kilogram) due for each Harmonized Tariff Schedule (HTS) number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to assure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

B. Good Cause Finding That Proposed Rulemaking Is Unnecessary

Rulemaking under section 553 of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) ordinarily involves publication of a notice of proposed rulemaking in the **Federal Register** and the public is given an opportunity to comment on the proposed rule; however, an agency may issue a rule without prior notice and comment procedures if it determines for good

cause that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest for such rule, and incorporates a statement of the finding with the underlying reasons in the final rule issued.

As described this **Federal Register** notice, the amendment to the value used to determine the Cotton Research and Promotion Program importer assessment will be updated to reflect the assessment already paid by U.S. farmers. For the reasons mentioned in section A of this preamble, AMS finds that publishing a proposed rule and seeking public comment is unnecessary because the change is required annually by regulation in 7 CFR 1205.510.

Also, this direct-final rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process “promote predictability and reduce uncertainty” and “identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.”

Notwithstanding the foregoing, in the “Proposed Rules” section of today’s **Federal Register**, AMS is publishing a separate document that will serve as a notice of proposal to amend part 7 CFR part 1205 as described in this direct final rule. If AMS receives significant adverse comment during the comment period, it will publish, in a timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent final rule based on the proposed rule. AMS will not institute a second comment period on this rule. Any parties interested in commenting must do so during this comment period.

C. Regulatory Impact Analysis

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to access all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts and equity).

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action has been designated as a “non-significant regulatory action” under § 3(f) of Executive Order 12866, and therefore, review has been waived, and this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary’s ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary’s ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000 and small agricultural service firms (importers) as having receipts of no more than \$7,000,000. In 2013, an estimated 17,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. Most are considered small entities as defined by the Small Business Administration.

This rule would only affect importers of cotton and cotton-containing products and would lower the assessments paid by the importers under the Cotton Research and

Promotion Order. The current assessment on imported cotton is \$0.012876 per kilogram of imported cotton. The proposed assessment is \$0.012728, which was calculated based on the 12-month weighted average of price received by U.S. cotton farmers. Section 1205.510, "Levy of assessments", provides "the rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States." In addition, section 1205.510 provides that the 12-month weighted average of prices received by U.S. farmers will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton.

Under the Cotton Research and Promotion Program, assessments are used by the Cotton Board to finance research and promotion programs designed to increase consumer demand for Upland cotton in the United States and international markets. In 2012 (the last audited year), producer assessments totaled \$45.8 million and importer assessments totaled \$39.3 million. According to the Cotton Board, should the volume of cotton products imported into the U.S. remain at the same level in 2014, one could expect a decrease of assessments by approximately \$455,000.

Importers with line-items appearing on U.S. Customs and Border Protection documentation with value of the cotton contained therein which results in an assessment of two dollars (\$2.00) or less will not be subject to assessments. In addition, imported organic cotton and products may be exempt from assessment if eligible under section 1205.519 of the Order.

There are no Federal rules that duplicate, overlap, or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581-0093, National Research, Promotion, and Consumer Information Programs. This rule does not result in a change to the information collection and recordkeeping requirements previously approved.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because this rule would decrease the assessments paid by importers under the Cotton Research

and Promotion Order. An amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton. Accordingly, the change in this rule, if adopted, should be implemented as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

■ 2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3)(ii) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is \$1.2728 cents per kilogram.

(3) * * *

(ii) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5007106010	0.2713	0.3453
5007106020	0.2713	0.3453
5007906010	0.2713	0.3453
5007906020	0.2713	0.3453
5112904000	0.1085	0.1381
5112905000	0.1085	0.1381
5112909010	0.1085	0.1381
5112909090	0.1085	0.1381
5201000500	0	1.2728
5201001200	0	1.2728
5201001400	0	1.2728
5201001800	0	1.2728
5201002200	0	1.2728
5201002400	0	1.2728
5201002800	0	1.2728
5201003400	0	1.2728
5201003800	0	1.2728
5204110000	1.0526	1.3397

IMPORT ASSESSMENT TABLE—

Continued

[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5204190000	0.6316	0.8039
5204200000	1.0526	1.3397
5205111000	1	1.2728
5205112000	1	1.2728
5205121000	1	1.2728
5205122000	1	1.2728
5205131000	1	1.2728
5205132000	1	1.2728
5205141000	1	1.2728
5205142000	1	1.2728
5205151000	1	1.2728
5205152000	1	1.2728
5205210020	1.044	1.3288
5205210090	1.044	1.3288
5205220020	1.044	1.3288
5205220090	1.044	1.3288
5205230020	1.044	1.3288
5205230090	1.044	1.3288
5205240020	1.044	1.3288
5205240090	1.044	1.3288
5205260020	1.044	1.3288
5205260090	1.044	1.3288
5205270020	1.044	1.3288
5205270090	1.044	1.3288
5205280020	1.044	1.3288
5205280090	1.044	1.3288
5205310000	1	1.2728
5205320000	1	1.2728
5205330000	1	1.2728
5205340000	1	1.2728
5205350000	1	1.2728
5205410020	1.044	1.3288
5205410090	1.044	1.3288
5205420021	1.044	1.3288
5205420029	1.044	1.3288
5205420090	1.044	1.3288
5205430021	1.044	1.3288
5205430029	1.044	1.3288
5205430090	1.044	1.3288
5205440021	1.044	1.3288
5205440029	1.044	1.3288
5205440090	1.044	1.3288
5205460021	1.044	1.3288
5205460029	1.044	1.3288
5205460090	1.044	1.3288
5205470021	1.044	1.3288
5205470029	1.044	1.3288
5205470090	1.044	1.3288
5205480020	1.044	1.3288
5205480090	1.044	1.3288
5206110000	0.7368	0.9378
5206120000	0.7368	0.9378
5206130000	0.7368	0.9378
5206140000	0.7368	0.9378
5206150000	0.7368	0.9378
5206210000	0.7692	0.9790
5206220000	0.7692	0.9790
5206230000	0.7692	0.9790
5206240000	0.7692	0.9790
5206250000	0.7692	0.9790
5206310000	0.7368	0.9378
5206320000	0.7368	0.9378
5206330000	0.7368	0.9378
5206340000	0.7368	0.9378
5206350000	0.7368	0.9378
5206410000	0.7692	0.9790
5206420000	0.7692	0.9790
5206430000	0.7692	0.9790
5206440000	0.7692	0.9790

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
5206450000	0.7692	0.9790	5208323020	1.0852	1.3812	5208598020	1.0852	1.3812
5207100000	0.9474	1.2059	5208323040	1.0852	1.3812	5208598090	1.0852	1.3812
5207900000	0.6316	0.8039	5208323090	1.0852	1.3812	5209110020	1.0309	1.3121
5208112020	1.0852	1.3812	5208324020	1.0852	1.3812	5209110025	1.0309	1.3121
5208112040	1.0852	1.3812	5208324040	1.0852	1.3812	5209110035	1.0309	1.3121
5208112090	1.0852	1.3812	5208324060	1.0852	1.3812	5209110050	1.0309	1.3121
5208114020	1.0852	1.3812	5208324090	1.0852	1.3812	5209110090	1.0309	1.3121
5208114040	1.0852	1.3812	5208325020	1.0852	1.3812	5209120020	1.0309	1.3121
5208114060	1.0852	1.3812	5208325090	1.0852	1.3812	5209120040	1.0309	1.3121
5208114090	1.0852	1.3812	5208330000	1.0852	1.3812	5209190020	1.0309	1.3121
5208116000	1.0852	1.3812	5208392020	1.0852	1.3812	5209190040	1.0309	1.3121
5208118020	1.0852	1.3812	5208392090	1.0852	1.3812	5209190060	1.0309	1.3121
5208118090	1.0852	1.3812	5208394020	1.0852	1.3812	5209190090	1.0309	1.3121
5208124020	1.0852	1.3812	5208394090	1.0852	1.3812	5209210020	1.0309	1.3121
5208124040	1.0852	1.3812	5208396020	1.0852	1.3812	5209210025	1.0309	1.3121
5208124090	1.0852	1.3812	5208396090	1.0852	1.3812	5209210035	1.0309	1.3121
5208126020	1.0852	1.3812	5208398020	1.0852	1.3812	5209210050	1.0309	1.3121
5208126040	1.0852	1.3812	5208398090	1.0852	1.3812	5209210090	1.0309	1.3121
5208126060	1.0852	1.3812	5208412000	1.0852	1.3812	5209220020	1.0309	1.3121
5208126090	1.0852	1.3812	5208414000	1.0852	1.3812	5209220040	1.0309	1.3121
5208128020	1.0852	1.3812	5208416000	1.0852	1.3812	5209290020	1.0309	1.3121
5208128090	1.0852	1.3812	5208418000	1.0852	1.3812	5209290040	1.0309	1.3121
5208130000	1.0852	1.3812	5208421000	1.0852	1.3812	5209290060	1.0309	1.3121
5208192020	1.0852	1.3812	5208423000	1.0852	1.3812	5209290090	1.0309	1.3121
5208192090	1.0852	1.3812	5208424000	1.0852	1.3812	5209313000	1.0309	1.3121
5208194020	1.0852	1.3812	5208425000	1.0852	1.3812	5209316020	1.0309	1.3121
5208194090	1.0852	1.3812	5208430000	1.0852	1.3812	5209316025	1.0309	1.3121
5208196020	1.0852	1.3812	5208492000	1.0852	1.3812	5209316035	1.0309	1.3121
5208196090	1.0852	1.3812	5208494010	1.0852	1.3812	5209316050	1.0309	1.3121
5208198020	1.0852	1.3812	5208494020	1.0852	1.3812	5209316090	1.0309	1.3121
5208198090	1.0852	1.3812	5208494090	1.0852	1.3812	5209320020	1.0309	1.3121
5208212020	1.0852	1.3812	5208496010	1.0852	1.3812	5209320040	1.0309	1.3121
5208212040	1.0852	1.3812	5208496020	1.0852	1.3812	5209390020	1.0309	1.3121
5208212090	1.0852	1.3812	5208496030	1.0852	1.3812	5209390040	1.0309	1.3121
5208214020	1.0852	1.3812	5208496090	1.0852	1.3812	5209390060	1.0309	1.3121
5208214040	1.0852	1.3812	5208498020	1.0852	1.3812	5209390080	1.0309	1.3121
5208214060	1.0852	1.3812	5208498090	1.0852	1.3812	5209390090	1.0309	1.3121
5208214090	1.0852	1.3812	5208512000	1.0852	1.3812	5209413000	1.0309	1.3121
5208216020	1.0852	1.3812	5208514020	1.0852	1.3812	5209416020	1.0309	1.3121
5208216090	1.0852	1.3812	5208514040	1.0852	1.3812	5209416040	1.0309	1.3121
5208224020	1.0852	1.3812	5208514090	1.0852	1.3812	5209420020	0.9767	1.2431
5208224040	1.0852	1.3812	5208516020	1.0852	1.3812	5209420040	0.9767	1.2431
5208224090	1.0852	1.3812	5208516040	1.0852	1.3812	5209420060	0.9767	1.2431
5208226020	1.0852	1.3812	5208516060	1.0852	1.3812	5209420080	0.9767	1.2431
5208226040	1.0852	1.3812	5208516090	1.0852	1.3812	5209430030	1.0309	1.3121
5208226060	1.0852	1.3812	5208518020	1.0852	1.3812	5209430050	1.0309	1.3121
5208226090	1.0852	1.3812	5208518090	1.0852	1.3812	5209490020	1.0309	1.3121
5208228020	1.0852	1.3812	5208521000	1.0852	1.3812	5209490040	1.0309	1.3121
5208228090	1.0852	1.3812	5208523020	1.0852	1.3812	5209490090	1.0309	1.3121
5208230000	1.0852	1.3812	5208523035	1.0852	1.3812	5209513000	1.0309	1.3121
5208292020	1.0852	1.3812	5208523045	1.0852	1.3812	5209516015	1.0852	1.3812
5208292090	1.0852	1.3812	5208523090	1.0852	1.3812	5209516025	1.0852	1.3812
5208294020	1.0852	1.3812	5208524020	1.0852	1.3812	5209516032	1.0852	1.3812
5208294090	1.0852	1.3812	5208524035	1.0852	1.3812	5209516035	1.0852	1.3812
5208296020	1.0852	1.3812	5208524045	1.0852	1.3812	5209516050	1.0852	1.3812
5208296090	1.0852	1.3812	5208524055	1.0852	1.3812	5209516090	1.0852	1.3812
5208298020	1.0852	1.3812	5208524065	1.0852	1.3812	5209520020	1.0852	1.3812
5208298090	1.0852	1.3812	5208524090	1.0852	1.3812	5209520040	1.0852	1.3812
5208312000	1.0852	1.3812	5208525020	1.0852	1.3812	5209590015	1.0852	1.3812
5208314020	1.0852	1.3812	5208525090	1.0852	1.3812	5209590025	1.0852	1.3812
5208314040	1.0852	1.3812	5208591000	1.0852	1.3812	5209590040	1.0852	1.3812
5208314090	1.0852	1.3812	5208592015	1.0852	1.3812	5209590060	1.0852	1.3812
5208316020	1.0852	1.3812	5208592025	1.0852	1.3812	5209590090	1.0852	1.3812
5208316040	1.0852	1.3812	5208592085	1.0852	1.3812	5210114020	0.6511	0.8287
5208316060	1.0852	1.3812	5208592095	1.0852	1.3812	5210114040	0.6511	0.8287
5208316090	1.0852	1.3812	5208594020	1.0852	1.3812	5210114090	0.6511	0.8287
5208318020	1.0852	1.3812	5208594090	1.0852	1.3812	5210116020	0.6511	0.8287
5208318090	1.0852	1.3812	5208596020	1.0852	1.3812	5210116040	0.6511	0.8287
5208321000	1.0852	1.3812	5208596090	1.0852	1.3812	5210116060	0.6511	0.8287

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
5210116090	0.6511	0.8287	5210518090	0.6511	0.8287	5212116040	0.8681	1.1049
5210118020	0.6511	0.8287	5210591000	0.6511	0.8287	5212116050	0.8681	1.1049
5210118090	0.6511	0.8287	5210592020	0.6511	0.8287	5212116060	0.8681	1.1049
5210191000	0.6511	0.8287	5210592090	0.6511	0.8287	5212116070	0.8681	1.1049
5210192020	0.6511	0.8287	5210594020	0.6511	0.8287	5212116080	0.8681	1.1049
5210192090	0.6511	0.8287	5210594090	0.6511	0.8287	5212116090	0.8681	1.1049
5210194020	0.6511	0.8287	5210596020	0.6511	0.8287	5212121010	0.5845	0.7440
5210194090	0.6511	0.8287	5210596090	0.6511	0.8287	5212121020	0.6231	0.7931
5210196020	0.6511	0.8287	5210598020	0.6511	0.8287	5212126010	0.8681	1.1049
5210196090	0.6511	0.8287	5210598090	0.6511	0.8287	5212126020	0.8681	1.1049
5210198020	0.6511	0.8287	5211110020	0.6511	0.8287	5212126030	0.8681	1.1049
5210198090	0.6511	0.8287	5211110025	0.6511	0.8287	5212126040	0.8681	1.1049
5210214020	0.6511	0.8287	5211110035	0.6511	0.8287	5212126050	0.8681	1.1049
5210214040	0.6511	0.8287	5211110050	0.6511	0.8287	5212126060	0.8681	1.1049
5210214090	0.6511	0.8287	5211110090	0.6511	0.8287	5212126070	0.8681	1.1049
5210216020	0.6511	0.8287	5211120020	0.6511	0.8287	5212126080	0.8681	1.1049
5210216040	0.6511	0.8287	5211120040	0.6511	0.8287	5212126090	0.8681	1.1049
5210216060	0.6511	0.8287	5211190020	0.6511	0.8287	5212131010	0.5845	0.7440
5210216090	0.6511	0.8287	5211190040	0.6511	0.8287	5212131020	0.6231	0.7931
5210218020	0.6511	0.8287	5211190060	0.6511	0.8287	5212136010	0.8681	1.1049
5210218090	0.6511	0.8287	5211190090	0.6511	0.8287	5212136020	0.8681	1.1049
5210291000	0.6511	0.8287	5211202120	0.6511	0.8287	5212136030	0.8681	1.1049
5210292020	0.6511	0.8287	5211202125	0.6511	0.8287	5212136040	0.8681	1.1049
5210292090	0.6511	0.8287	5211202135	0.6511	0.8287	5212136050	0.8681	1.1049
5210294020	0.6511	0.8287	5211202150	0.6511	0.8287	5212136060	0.8681	1.1049
5210294090	0.6511	0.8287	5211202190	0.6511	0.8287	5212136070	0.8681	1.1049
5210296020	0.6511	0.8287	5211202220	0.6511	0.8287	5212136080	0.8681	1.1049
5210296090	0.6511	0.8287	5211202240	0.6511	0.8287	5212136090	0.8681	1.1049
5210298020	0.6511	0.8287	5211202920	0.6511	0.8287	5212141010	0.5845	0.7440
5210298090	0.6511	0.8287	5211202940	0.6511	0.8287	5212141020	0.6231	0.7931
5210314020	0.6511	0.8287	5211202960	0.6511	0.8287	5212146010	0.8681	1.1049
5210314040	0.6511	0.8287	5211202990	0.6511	0.8287	5212146020	0.8681	1.1049
5210314090	0.6511	0.8287	5211310020	0.6511	0.8287	5212146030	0.8681	1.1049
5210316020	0.6511	0.8287	5211310025	0.6511	0.8287	5212146090	0.8681	1.1049
5210316040	0.6511	0.8287	5211310035	0.6511	0.8287	5212151010	0.5845	0.7440
5210316060	0.6511	0.8287	5211310050	0.6511	0.8287	5212151020	0.6231	0.7931
5210316090	0.6511	0.8287	5211310090	0.6511	0.8287	5212156010	0.8681	1.1049
5210318020	0.6511	0.8287	5211320020	0.6511	0.8287	5212156020	0.8681	1.1049
5210318090	0.6511	0.8287	5211320040	0.6511	0.8287	5212156030	0.8681	1.1049
5210320000	0.6511	0.8287	5211390020	0.6511	0.8287	5212156040	0.8681	1.1049
5210392020	0.6511	0.8287	5211390040	0.6511	0.8287	5212156050	0.8681	1.1049
5210392090	0.6511	0.8287	5211390060	0.6511	0.8287	5212156060	0.8681	1.1049
5210394020	0.6511	0.8287	5211390090	0.6511	0.8287	5212156070	0.8681	1.1049
5210394090	0.6511	0.8287	5211410020	0.6511	0.8287	5212156080	0.8681	1.1049
5210396020	0.6511	0.8287	5211410040	0.6511	0.8287	5212156090	0.8681	1.1049
5210396090	0.6511	0.8287	5211420020	0.7054	0.8978	5212211010	0.5845	0.7440
5210398020	0.6511	0.8287	5211420040	0.7054	0.8978	5212211020	0.6231	0.7931
5210398090	0.6511	0.8287	5211420060	0.6511	0.8287	5212216010	0.8681	1.1049
5210414000	0.6511	0.8287	5211420080	0.6511	0.8287	5212216020	0.8681	1.1049
5210416000	0.6511	0.8287	5211430030	0.6511	0.8287	5212216030	0.8681	1.1049
5210418000	0.6511	0.8287	5211430050	0.6511	0.8287	5212216040	0.8681	1.1049
5210491000	0.6511	0.8287	5211490020	0.6511	0.8287	5212216050	0.8681	1.1049
5210492000	0.6511	0.8287	5211490090	0.6511	0.8287	5212216060	0.8681	1.1049
5210494010	0.6511	0.8287	5211510020	0.6511	0.8287	5212216090	0.8681	1.1049
5210494020	0.6511	0.8287	5211510030	0.6511	0.8287	5212221010	0.5845	0.7440
5210494090	0.6511	0.8287	5211510050	0.6511	0.8287	5212221020	0.6231	0.7931
5210496010	0.6511	0.8287	5211510090	0.6511	0.8287	5212226010	0.8681	1.1049
5210496020	0.6511	0.8287	5211520020	0.6511	0.8287	5212226020	0.8681	1.1049
5210496090	0.6511	0.8287	5211520040	0.6511	0.8287	5212226030	0.8681	1.1049
5210498020	0.6511	0.8287	5211590015	0.6511	0.8287	5212226040	0.8681	1.1049
5210498090	0.6511	0.8287	5211590025	0.6511	0.8287	5212226050	0.8681	1.1049
5210514020	0.6511	0.8287	5211590040	0.6511	0.8287	5212226060	0.8681	1.1049
5210514040	0.6511	0.8287	5211590060	0.6511	0.8287	5212226090	0.8681	1.1049
5210514090	0.6511	0.8287	5211590090	0.6511	0.8287	5212231010	0.5845	0.7440
5210516020	0.6511	0.8287	5212111010	0.5845	0.7440	5212231020	0.6231	0.7931
5210516040	0.6511	0.8287	5212111020	0.6231	0.7931	5212236010	0.8681	1.1049
5210516060	0.6511	0.8287	5212116010	0.8681	1.1049	5212236020	0.8681	1.1049
5210516090	0.6511	0.8287	5212116020	0.8681	1.1049	5212236030	0.8681	1.1049
5210518020	0.6511	0.8287	5212116030	0.8681	1.1049	5212236040	0.8681	1.1049

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
5212236050	0.8681	1.1049	5512110030	0.1085	0.1381	5513410020	0.3581	0.4558
5212236060	0.8681	1.1049	5512110040	0.1085	0.1381	5513410040	0.3581	0.4558
5212236090	0.8681	1.1049	5512110050	0.1085	0.1381	5513410060	0.3581	0.4558
5212241010	0.5845	0.7440	5512110060	0.1085	0.1381	5513410090	0.3581	0.4558
5212241020	0.6231	0.7931	5512110070	0.1085	0.1381	5513491000	0.3581	0.4558
5212246010	0.8681	1.1049	5512110090	0.1085	0.1381	5513492020	0.3581	0.4558
5212246020	0.7054	0.8978	5512190005	0.1085	0.1381	5513492040	0.3581	0.4558
5212246030	0.8681	1.1049	5512190010	0.1085	0.1381	5513492090	0.3581	0.4558
5212246040	0.8681	1.1049	5512190015	0.1085	0.1381	5513499010	0.3581	0.4558
5212246090	0.8681	1.1049	5512190022	0.1085	0.1381	5513499020	0.3581	0.4558
5212251010	0.5845	0.7440	5512190027	0.1085	0.1381	5513499030	0.3581	0.4558
5212251020	0.6231	0.7931	5512190030	0.1085	0.1381	5513499040	0.3581	0.4558
5212256010	0.8681	1.1049	5512190035	0.1085	0.1381	5513499050	0.3581	0.4558
5212256020	0.8681	1.1049	5512190040	0.1085	0.1381	5513499060	0.3581	0.4558
5212256030	0.8681	1.1049	5512190045	0.1085	0.1381	5513499090	0.3581	0.4558
5212256040	0.8681	1.1049	5512190050	0.1085	0.1381	5514110020	0.4341	0.5525
5212256050	0.8681	1.1049	5512190090	0.1085	0.1381	5514110030	0.4341	0.5525
5212256060	0.8681	1.1049	5512210010	0.0326	0.0415	5514110050	0.4341	0.5525
5212256090	0.8681	1.1049	5512210020	0.0326	0.0415	5514110090	0.4341	0.5525
5309213005	0.5426	0.6906	5512210030	0.0326	0.0415	5514120020	0.4341	0.5525
5309213010	0.5426	0.6906	5512210040	0.0326	0.0415	5514120040	0.4341	0.5525
5309213015	0.5426	0.6906	5512210060	0.0326	0.0415	5514191020	0.4341	0.5525
5309213020	0.5426	0.6906	5512210070	0.0326	0.0415	5514191040	0.4341	0.5525
5309214010	0.2713	0.3453	5512210090	0.0326	0.0415	5514191090	0.4341	0.5525
5309214090	0.2713	0.3453	5512290010	0.217	0.2762	5514199010	0.4341	0.5525
5309293005	0.5426	0.6906	5512910010	0.0543	0.0691	5514199020	0.4341	0.5525
5309293010	0.5426	0.6906	5512990005	0.0543	0.0691	5514199030	0.4341	0.5525
5309293015	0.5426	0.6906	5512990010	0.0543	0.0691	5514199040	0.4341	0.5525
5309293020	0.5426	0.6906	5512990015	0.0543	0.0691	5514199090	0.4341	0.5525
5309294010	0.2713	0.3453	5512990020	0.0543	0.0691	5514210020	0.4341	0.5525
5309294090	0.2713	0.3453	5512990025	0.0543	0.0691	5514210030	0.4341	0.5525
5311003005	0.5426	0.6906	5512990030	0.0543	0.0691	5514210050	0.4341	0.5525
5311003010	0.5426	0.6906	5512990035	0.0543	0.0691	5514210090	0.4341	0.5525
5311003015	0.5426	0.6906	5512990040	0.0543	0.0691	5514220020	0.4341	0.5525
5311003020	0.5426	0.6906	5512990045	0.0543	0.0691	5514220040	0.4341	0.5525
5311004010	0.8681	1.1049	5512990090	0.0543	0.0691	5514230020	0.4341	0.5525
5311004020	0.8681	1.1049	5513110020	0.3581	0.4558	5514230040	0.4341	0.5525
5407810010	0.5426	0.6906	5513110040	0.3581	0.4558	5514230090	0.4341	0.5525
5407810020	0.5426	0.6906	5513110060	0.3581	0.4558	5514290010	0.4341	0.5525
5407810030	0.5426	0.6906	5513110090	0.3581	0.4558	5514290020	0.4341	0.5525
5407810040	0.5426	0.6906	5513120000	0.3581	0.4558	5514290030	0.4341	0.5525
5407810090	0.5426	0.6906	5513130020	0.3581	0.4558	5514290040	0.4341	0.5525
5407820010	0.5426	0.6906	5513130040	0.3581	0.4558	5514290090	0.4341	0.5525
5407820020	0.5426	0.6906	5513130090	0.3581	0.4558	5514303100	0.4341	0.5525
5407820030	0.5426	0.6906	5513190010	0.3581	0.4558	5514303210	0.4341	0.5525
5407820040	0.5426	0.6906	5513190020	0.3581	0.4558	5514303215	0.4341	0.5525
5407820090	0.5426	0.6906	5513190030	0.3581	0.4558	5514303280	0.4341	0.5525
5407830010	0.5426	0.6906	5513190040	0.3581	0.4558	5514303310	0.4341	0.5525
5407830020	0.5426	0.6906	5513190050	0.3581	0.4558	5514303390	0.4341	0.5525
5407830030	0.5426	0.6906	5513190060	0.3581	0.4558	5514303910	0.4341	0.5525
5407830040	0.5426	0.6906	5513190090	0.3581	0.4558	5514303920	0.4341	0.5525
5407830090	0.5426	0.6906	5513210020	0.3581	0.4558	5514303990	0.4341	0.5525
5407840010	0.5426	0.6906	5513210040	0.3581	0.4558	5514410020	0.4341	0.5525
5407840020	0.5426	0.6906	5513210060	0.3581	0.4558	5514410030	0.4341	0.5525
5407840030	0.5426	0.6906	5513210090	0.3581	0.4558	5514410050	0.4341	0.5525
5407840040	0.5426	0.6906	5513230121	0.3581	0.4558	5514410090	0.4341	0.5525
5407840090	0.5426	0.6906	5513230141	0.3581	0.4558	5514420020	0.4341	0.5525
5509210000	0.1053	0.1340	5513230191	0.3581	0.4558	5514420040	0.4341	0.5525
5509220010	0.1053	0.1340	5513290010	0.3581	0.4558	5514430020	0.4341	0.5525
5509220090	0.1053	0.1340	5513290020	0.3581	0.4558	5514430040	0.4341	0.5525
5509530030	0.3158	0.4020	5513290030	0.3581	0.4558	5514430090	0.4341	0.5525
5509530060	0.3158	0.4020	5513290040	0.3581	0.4558	5514490010	0.4341	0.5525
5509620000	0.5263	0.6699	5513290050	0.3581	0.4558	5514490020	0.4341	0.5525
5509920000	0.5263	0.6699	5513290060	0.3581	0.4558	5514490030	0.4341	0.5525
5510300000	0.3684	0.4689	5513290090	0.3581	0.4558	5514490040	0.4341	0.5525
5511200000	0.3158	0.4020	5513310000	0.3581	0.4558	5514490090	0.4341	0.5525
5512110010	0.1085	0.1381	5513390111	0.3581	0.4558	5515110005	0.1085	0.1381
5512110022	0.1085	0.1381	5513390115	0.3581	0.4558	5515110010	0.1085	0.1381
5512110027	0.1085	0.1381	5513390191	0.3581	0.4558	5515110015	0.1085	0.1381

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
5515110020	0.1085	0.1381	5516410050	0.3798	0.4834	5603930090	0.0651	0.0829
5515110025	0.1085	0.1381	5516410060	0.3798	0.4834	5603941090	0.3256	0.4144
5515110030	0.1085	0.1381	5516410070	0.3798	0.4834	5603943000	0.1628	0.2072
5515110035	0.1085	0.1381	5516410090	0.3798	0.4834	5603949010	0.0326	0.0415
5515110040	0.1085	0.1381	5516420010	0.3798	0.4834	5604100000	0.2632	0.3350
5515110045	0.1085	0.1381	5516420022	0.3798	0.4834	5604909000	0.2105	0.2679
5515110090	0.1085	0.1381	5516420027	0.3798	0.4834	5605009000	0.1579	0.2010
5515120010	0.1085	0.1381	5516420030	0.3798	0.4834	5606000010	0.1263	0.1608
5515120022	0.1085	0.1381	5516420040	0.3798	0.4834	5606000090	0.1263	0.1608
5515120027	0.1085	0.1381	5516420050	0.3798	0.4834	5607502500	0.1684	0.2143
5515120030	0.1085	0.1381	5516420060	0.3798	0.4834	5607909000	0.8421	1.0718
5515120040	0.1085	0.1381	5516420070	0.3798	0.4834	5608902300	0.6316	0.8039
5515120090	0.1085	0.1381	5516420090	0.3798	0.4834	5608902700	0.6316	0.8039
5515190005	0.1085	0.1381	5516430010	0.217	0.2762	5608903000	0.3158	0.4020
5515190010	0.1085	0.1381	5516430015	0.3798	0.4834	5609001000	0.8421	1.0718
5515190015	0.1085	0.1381	5516430020	0.3798	0.4834	5609004000	0.2105	0.2679
5515190020	0.1085	0.1381	5516430035	0.3798	0.4834	5701101300	0.0526	0.0669
5515190025	0.1085	0.1381	5516430080	0.3798	0.4834	5701101600	0.0526	0.0669
5515190030	0.1085	0.1381	5516440010	0.3798	0.4834	5701104000	0.0526	0.0669
5515190035	0.1085	0.1381	5516440022	0.3798	0.4834	5701109000	0.0526	0.0669
5515190040	0.1085	0.1381	5516440027	0.3798	0.4834	5701901010	1	1.2728
5515190045	0.1085	0.1381	5516440030	0.3798	0.4834	5701901020	1	1.2728
5515190090	0.1085	0.1381	5516440040	0.3798	0.4834	5701901030	0.0526	0.0669
5515290005	0.1085	0.1381	5516440050	0.3798	0.4834	5701901090	0.0526	0.0669
5515290010	0.1085	0.1381	5516440060	0.3798	0.4834	5701902010	0.9474	1.2059
5515290015	0.1085	0.1381	5516440070	0.3798	0.4834	5701902020	0.9474	1.2059
5515290020	0.1085	0.1381	5516440090	0.3798	0.4834	5701902030	0.0526	0.0669
5515290025	0.1085	0.1381	5516910010	0.0543	0.0691	5701902090	0.0526	0.0669
5515290030	0.1085	0.1381	5516910020	0.0543	0.0691	5702101000	0.0447	0.0569
5515290035	0.1085	0.1381	5516910030	0.0543	0.0691	5702109010	0.0447	0.0569
5515290040	0.1085	0.1381	5516910040	0.0543	0.0691	5702109020	0.85	1.0819
5515290045	0.1085	0.1381	5516910050	0.0543	0.0691	5702109030	0.0447	0.0569
5515290090	0.1085	0.1381	5516910060	0.0543	0.0691	5702109090	0.0447	0.0569
5515999005	0.1085	0.1381	5516910070	0.0543	0.0691	5702201000	0.0447	0.0569
5515999010	0.1085	0.1381	5516910090	0.0543	0.0691	5702311000	0.0447	0.0569
5515999015	0.1085	0.1381	5516920010	0.0543	0.0691	5702312000	0.0895	0.1139
5515999020	0.1085	0.1381	5516920020	0.0543	0.0691	5702322000	0.0895	0.1139
5515999025	0.1085	0.1381	5516920030	0.0543	0.0691	5702391000	0.0895	0.1139
5515999030	0.1085	0.1381	5516920040	0.0543	0.0691	5702392010	0.8053	1.0250
5515999035	0.1085	0.1381	5516920050	0.0543	0.0691	5702392090	0.0447	0.0569
5515999040	0.1085	0.1381	5516920060	0.0543	0.0691	5702411000	0.0447	0.0569
5515999045	0.1085	0.1381	5516920070	0.0543	0.0691	5702412000	0.0447	0.0569
5515999090	0.1085	0.1381	5516920090	0.0543	0.0691	5702421000	0.0895	0.1139
5516210010	0.1085	0.1381	5516930010	0.0543	0.0691	5702422020	0.0895	0.1139
5516210020	0.1085	0.1381	5516930020	0.0543	0.0691	5702422080	0.0895	0.1139
5516210030	0.1085	0.1381	5516930090	0.0543	0.0691	5702491020	0.8947	1.1388
5516210040	0.1085	0.1381	5516940010	0.0543	0.0691	5702491080	0.8947	1.1388
5516210090	0.1085	0.1381	5516940020	0.0543	0.0691	5702492000	0.0895	0.1139
5516220010	0.1085	0.1381	5516940030	0.0543	0.0691	5702502000	0.0895	0.1139
5516220020	0.1085	0.1381	5516940040	0.0543	0.0691	5702504000	0.0447	0.0569
5516220030	0.1085	0.1381	5516940050	0.0543	0.0691	5702505200	0.0895	0.1139
5516220040	0.1085	0.1381	5516940060	0.0543	0.0691	5702505600	0.85	1.0819
5516220090	0.1085	0.1381	5516940070	0.0543	0.0691	5702912000	0.0447	0.0569
5516230010	0.1085	0.1381	5516940090	0.0543	0.0691	5702913000	0.0447	0.0569
5516230020	0.1085	0.1381	5601210010	0.9767	1.2431	5702914000	0.0447	0.0569
5516230030	0.1085	0.1381	5601210090	0.9767	1.2431	5702921000	0.0447	0.0569
5516230040	0.1085	0.1381	5601220010	0.9767	1.2431	5702929000	0.0447	0.0569
5516230090	0.1085	0.1381	5601220090	0.9767	1.2431	5702990500	0.8947	1.1388
5516240010	0.1085	0.1381	5601300000	0.3256	0.4144	5702991500	0.8947	1.1388
5516240020	0.1085	0.1381	5602101000	0.0543	0.0691	5703201000	0.0452	0.0575
5516240030	0.1085	0.1381	5602109090	0.4341	0.5525	5703202010	0.0452	0.0575
5516240040	0.1085	0.1381	5602290000	0.4341	0.5525	5703302000	0.0452	0.0575
5516240085	0.1085	0.1381	5602909000	0.3256	0.4144	5703900000	0.3615	0.4601
5516240095	0.1085	0.1381	5603143000	0.2713	0.3453	5705001000	0.0452	0.0575
5516410010	0.3798	0.4834	5603910010	0.0217	0.0276	5705002005	0.0452	0.0575
5516410022	0.3798	0.4834	5603910090	0.0651	0.0829	5705002015	0.0452	0.0575
5516410027	0.3798	0.4834	5603920010	0.0217	0.0276	5705002020	0.7682	0.9778
5516410030	0.3798	0.4834	5603920090	0.0651	0.0829	5705002030	0.0452	0.0575
5516410040	0.3798	0.4834	5603930010	0.0217	0.0276	5705002090	0.1808	0.2301

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
5801210000	0.9767	1.2431	5907003500	0.3798	0.4834	6005340080	0.1096	0.1395
5801221000	0.9767	1.2431	5907008090	0.3798	0.4834	6005410010	0.1096	0.1395
5801229000	0.9767	1.2431	5908000000	0.7813	0.9944	6005410080	0.1096	0.1395
5801230000	0.9767	1.2431	5909001000	0.6837	0.8702	6005420010	0.1096	0.1395
5801260010	0.7596	0.9668	5909002000	0.4883	0.6215	6005420080	0.1096	0.1395
5801260020	0.7596	0.9668	5910001010	0.3798	0.4834	6005430010	0.1096	0.1395
5801271000	0.9767	1.2431	5910001020	0.3798	0.4834	6005430080	0.1096	0.1395
5801275010	1.0852	1.3812	5910001030	0.3798	0.4834	6005440010	0.1096	0.1395
5801275020	0.9767	1.2431	5910001060	0.3798	0.4834	6005440080	0.1096	0.1395
5801310000	0.217	0.2762	5910001070	0.3798	0.4834	6005909000	0.1096	0.1395
5801320000	0.217	0.2762	5910001090	0.6837	0.8702	6006211000	1.0965	1.3956
5801330000	0.217	0.2762	5910009000	0.5697	0.7251	6006219020	0.7675	0.9769
5801360010	0.217	0.2762	5911101000	0.1736	0.2210	6006219080	0.7675	0.9769
5801360020	0.217	0.2762	5911102000	0.0434	0.0552	6006221000	1.0965	1.3956
5802110000	1.0309	1.3121	5911201000	0.4341	0.5525	6006229020	0.7675	0.9769
5802190000	1.0309	1.3121	5911310010	0.4341	0.5525	6006229080	0.7675	0.9769
5802200020	0.1085	0.1381	5911310020	0.4341	0.5525	6006231000	1.0965	1.3956
5802200090	0.3256	0.4144	5911310030	0.4341	0.5525	6006239020	0.7675	0.9769
5802300030	0.4341	0.5525	5911310080	0.4341	0.5525	6006239080	0.7675	0.9769
5802300090	0.1085	0.1381	5911320010	0.4341	0.5525	6006241000	1.0965	1.3956
5803001000	1.0852	1.3812	5911320020	0.4341	0.5525	6006249020	0.7675	0.9769
5803002000	0.8681	1.1049	5911320030	0.4341	0.5525	6006249080	0.7675	0.9769
5803003000	0.8681	1.1049	5911320080	0.4341	0.5525	6006310020	0.3289	0.4186
5803005000	0.3256	0.4144	5911400000	0.5426	0.6906	6006310040	0.3289	0.4186
5804101000	0.4341	0.5525	5911900040	0.3158	0.4020	6006310060	0.3289	0.4186
5804109090	0.2193	0.2791	5911900080	0.2105	0.2679	6006310080	0.3289	0.4186
5804291000	0.8772	1.1165	6001106000	0.1096	0.1395	6006320020	0.3289	0.4186
5804300020	0.3256	0.4144	6001210000	0.9868	1.2560	6006320040	0.3289	0.4186
5805001000	0.1085	0.1381	6001220000	0.1096	0.1395	6006320060	0.3289	0.4186
5805003000	1.0852	1.3812	6001290000	0.1096	0.1395	6006320080	0.3289	0.4186
5806101000	0.8681	1.1049	6001910010	0.8772	1.1165	6006330020	0.3289	0.4186
5806103090	0.217	0.2762	6001910020	0.8772	1.1165	6006330040	0.3289	0.4186
5806200010	0.2577	0.3280	6001920010	0.0548	0.0697	6006330060	0.3289	0.4186
5806200090	0.2577	0.3280	6001920020	0.0548	0.0697	6006330080	0.3289	0.4186
5806310000	0.8681	1.1049	6001920030	0.0548	0.0697	6006340020	0.3289	0.4186
5806393080	0.217	0.2762	6001920040	0.0548	0.0697	6006340040	0.3289	0.4186
5806400000	0.0814	0.1036	6001999000	0.1096	0.1395	6006340060	0.3289	0.4186
5807100510	0.8681	1.1049	6002404000	0.7401	0.9420	6006340080	0.3289	0.4186
5807102010	0.8681	1.1049	6002408020	0.1974	0.2513	6006410025	0.3289	0.4186
5807900510	0.8681	1.1049	6002408080	0.1974	0.2513	6006410085	0.3289	0.4186
5807902010	0.8681	1.1049	6002904000	0.7895	1.0049	6006420025	0.3289	0.4186
5808104000	0.217	0.2762	6002908020	0.1974	0.2513	6006420085	0.3289	0.4186
5808107000	0.217	0.2762	6002908080	0.1974	0.2513	6006430025	0.3289	0.4186
5808900010	0.4341	0.5525	6003201000	0.8772	1.1165	6006430085	0.3289	0.4186
5810100000	0.3256	0.4144	6003203000	0.8772	1.1165	6006440025	0.3289	0.4186
5810910010	0.7596	0.9668	6003301000	0.1096	0.1395	6006440085	0.3289	0.4186
5810910020	0.7596	0.9668	6003306000	0.1096	0.1395	6006909000	0.1096	0.1395
5810921000	0.217	0.2762	6003401000	0.1096	0.1395	6101200010	1.02	1.2983
5810929030	0.217	0.2762	6003406000	0.1096	0.1395	6101200020	1.02	1.2983
5810929050	0.217	0.2762	6003901000	0.1096	0.1395	6101301000	0.2072	0.2637
5810929080	0.217	0.2762	6003909000	0.1096	0.1395	6101900500	0.1912	0.2434
5811002000	0.8681	1.1049	6004100010	0.2961	0.3769	6101909010	0.5737	0.7302
5901102000	0.5643	0.7182	6004100025	0.2961	0.3769	6101909030	0.51	0.6491
5901904000	0.8139	1.0359	6004100085	0.2961	0.3769	6101909060	0.255	0.3246
5903101000	0.4341	0.5525	6004902010	0.2961	0.3769	6102100000	0.255	0.3246
5903103000	0.1085	0.1381	6004902025	0.2961	0.3769	6102200010	0.9562	1.2171
5903201000	0.4341	0.5525	6004902085	0.2961	0.3769	6102200020	0.9562	1.2171
5903203090	0.1085	0.1381	6004909000	0.2961	0.3769	6102300500	0.1785	0.2272
5903901000	0.4341	0.5525	6005210000	0.7127	0.9071	6102909005	0.5737	0.7302
5903903090	0.1085	0.1381	6005220000	0.7127	0.9071	6102909015	0.4462	0.5679
5904901000	0.0326	0.0415	6005230000	0.7127	0.9071	6102909030	0.255	0.3246
5905001000	0.1085	0.1381	6005240000	0.7127	0.9071	6103101000	0.0637	0.0811
5905009000	0.1085	0.1381	6005310010	0.1096	0.1395	6103104000	0.1218	0.1550
5906100000	0.4341	0.5525	6005310080	0.1096	0.1395	6103105000	0.1218	0.1550
5906911000	0.4341	0.5525	6005320010	0.1096	0.1395	6103106010	0.8528	1.0854
5906913000	0.1085	0.1381	6005320080	0.1096	0.1395	6103106015	0.8528	1.0854
5906991000	0.4341	0.5525	6005330010	0.1096	0.1395	6103106030	0.8528	1.0854
5906993000	0.1085	0.1381	6005330080	0.1096	0.1395	6103109010	0.5482	0.6977
5907002500	0.3798	0.4834	6005340010	0.1096	0.1395	6103109020	0.5482	0.6977

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
6103109030	0.5482	0.6977	6104622011	0.8343	1.0619	6108199010	1.0611	1.3506
6103109040	0.1218	0.1550	6104622016	0.7151	0.9102	6108199030	0.2358	0.3001
6103109050	0.1218	0.1550	6104622021	0.8343	1.0619	6108210010	1.179	1.5006
6103109080	0.1827	0.2325	6104622026	0.7151	0.9102	6108210020	1.179	1.5006
6103320000	0.8722	1.1101	6104622028	0.8343	1.0619	6108299000	0.3537	0.4502
6103398010	0.7476	0.9515	6104622030	0.8343	1.0619	6108310010	1.0611	1.3506
6103398030	0.3738	0.4758	6104622050	0.8343	1.0619	6108310020	1.0611	1.3506
6103398060	0.2492	0.3172	6104622060	0.8343	1.0619	6108320010	0.2358	0.3001
6103411010	0.3576	0.4552	6104631020	0.2384	0.3034	6108320015	0.2358	0.3001
6103411020	0.3576	0.4552	6104631030	0.2384	0.3034	6108320025	0.2358	0.3001
6103412000	0.3576	0.4552	6104632006	0.8343	1.0619	6108398000	0.3537	0.4502
6103421020	0.8343	1.0619	6104632011	0.8343	1.0619	6108910005	1.179	1.5006
6103421035	0.8343	1.0619	6104632016	0.7151	0.9102	6108910015	1.179	1.5006
6103421040	0.8343	1.0619	6104632021	0.8343	1.0619	6108910025	1.179	1.5006
6103421050	0.8343	1.0619	6104632026	0.3576	0.4552	6108910030	1.179	1.5006
6103421065	0.8343	1.0619	6104632028	0.3576	0.4552	6108910040	1.179	1.5006
6103421070	0.8343	1.0619	6104632030	0.3576	0.4552	6108920005	0.2358	0.3001
6103422010	0.8343	1.0619	6104632050	0.7151	0.9102	6108920015	0.2358	0.3001
6103422015	0.8343	1.0619	6104632060	0.3576	0.4552	6108920025	0.2358	0.3001
6103422025	0.8343	1.0619	6104691000	0.3655	0.4652	6108920030	0.2358	0.3001
6103431520	0.2384	0.3034	6104692030	0.3655	0.4652	6108920040	0.2358	0.3001
6103431535	0.2384	0.3034	6104692060	0.3655	0.4652	6108999000	0.3537	0.4502
6103431540	0.2384	0.3034	6104698010	0.5482	0.6977	6109100004	1.0022	1.2756
6103431550	0.2384	0.3034	6104698014	0.3655	0.4652	6109100007	1.0022	1.2756
6103431565	0.2384	0.3034	6104698020	0.2437	0.3102	6109100011	1.0022	1.2756
6103431570	0.2384	0.3034	6104698022	0.5482	0.6977	6109100012	1.0022	1.2756
6103432020	0.2384	0.3034	6104698026	0.3655	0.4652	6109100014	1.0022	1.2756
6103432025	0.2384	0.3034	6104698038	0.2437	0.3102	6109100018	1.0022	1.2756
6103491020	0.2437	0.3102	6104698040	0.2437	0.3102	6109100023	1.0022	1.2756
6103491060	0.2437	0.3102	6105100010	0.9332	1.1878	6109100027	1.0022	1.2756
6103492000	0.2437	0.3102	6105100020	0.9332	1.1878	6109100037	1.0022	1.2756
6103498010	0.5482	0.6977	6105100030	0.9332	1.1878	6109100040	1.0022	1.2756
6103498014	0.3655	0.4652	6105202010	0.2916	0.3711	6109100045	1.0022	1.2756
6103498024	0.2437	0.3102	6105202020	0.2916	0.3711	6109100060	1.0022	1.2756
6103498026	0.2437	0.3102	6105202030	0.2916	0.3711	6109100065	1.0022	1.2756
6103498034	0.5482	0.6977	6105908010	0.5249	0.6681	6109100070	1.0022	1.2756
6103498038	0.3655	0.4652	6105908030	0.3499	0.4454	6109901007	0.2948	0.3752
6103498060	0.2437	0.3102	6105908060	0.2333	0.2969	6109901009	0.2948	0.3752
6104196010	0.8722	1.1101	6106100010	0.9332	1.1878	6109901013	0.2948	0.3752
6104196020	0.8722	1.1101	6106100020	0.9332	1.1878	6109901025	0.2948	0.3752
6104196030	0.8722	1.1101	6106100030	0.9332	1.1878	6109901047	0.2948	0.3752
6104196040	0.8722	1.1101	6106202010	0.2916	0.3711	6109901049	0.2948	0.3752
6104198010	0.5607	0.7137	6106202020	0.4666	0.5939	6109901050	0.2948	0.3752
6104198020	0.5607	0.7137	6106202030	0.2916	0.3711	6109901060	0.2948	0.3752
6104198030	0.5607	0.7137	6106901500	0.0583	0.0742	6109901065	0.2948	0.3752
6104198040	0.5607	0.7137	6106902510	0.5249	0.6681	6109901070	0.2948	0.3752
6104198060	0.3738	0.4758	6106902530	0.3499	0.4454	6109901075	0.2948	0.3752
6104198090	0.2492	0.3172	6106902550	0.2916	0.3711	6109901090	0.2948	0.3752
6104320000	0.8722	1.1101	6106903010	0.5249	0.6681	6109908010	0.3499	0.4454
6104392010	0.5607	0.7137	6106903030	0.3499	0.4454	6109908030	0.2333	0.2969
6104392030	0.3738	0.4758	6106903040	0.2916	0.3711	6110201010	0.7476	0.9515
6104392090	0.2492	0.3172	6107110010	1.0727	1.3653	6110201020	0.7476	0.9515
6104420010	0.8528	1.0854	6107110020	1.0727	1.3653	6110201022	0.7476	0.9515
6104420020	0.8528	1.0854	6107120010	0.4767	0.6067	6110201024	0.7476	0.9515
6104499010	0.5482	0.6977	6107120020	0.4767	0.6067	6110201026	0.7476	0.9515
6104499030	0.3655	0.4652	6107191000	0.1192	0.1517	6110201029	0.7476	0.9515
6104499060	0.2437	0.3102	6107210010	0.8343	1.0619	6110201031	0.7476	0.9515
6104520010	0.8822	1.1229	6107210020	0.7151	0.9102	6110201033	0.7476	0.9515
6104520020	0.8822	1.1229	6107220010	0.3576	0.4552	6110202005	1.1214	1.4273
6104598010	0.5672	0.7219	6107220015	0.1192	0.1517	6110202010	1.1214	1.4273
6104598030	0.3781	0.4812	6107220025	0.2384	0.3034	6110202015	1.1214	1.4273
6104598090	0.2521	0.3209	6107299000	0.1788	0.2276	6110202020	1.1214	1.4273
6104610010	0.2384	0.3034	6107910030	1.1918	1.5169	6110202025	1.1214	1.4273
6104610020	0.2384	0.3034	6107910040	1.1918	1.5169	6110202030	1.1214	1.4273
6104610030	0.2384	0.3034	6107910090	0.9535	1.2136	6110202035	1.1214	1.4273
6104621010	0.7509	0.9557	6107991030	0.3576	0.4552	6110202040	1.0965	1.3956
6104621020	0.8343	1.0619	6107991040	0.3576	0.4552	6110202045	1.0965	1.3956
6104621030	0.8343	1.0619	6107991090	0.3576	0.4552	6110202067	1.0965	1.3956
6104622006	0.7151	0.9102	6107999000	0.1192	0.1517	6110202069	1.0965	1.3956

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
6110202077	1.0965	1.3956	6112120050	0.2384	0.3034	6115959000	0.9868	1.2560
6110202079	1.0965	1.3956	6112120060	0.2384	0.3034	6115966020	0.2193	0.2791
6110909010	0.5607	0.7137	6112191010	0.2492	0.3172	6115991420	0.2193	0.2791
6110909012	0.1246	0.1586	6112191020	0.2492	0.3172	6115991920	0.2193	0.2791
6110909014	0.3738	0.4758	6112191030	0.2492	0.3172	6115999000	0.1096	0.1395
6110909020	0.2492	0.3172	6112191040	0.2492	0.3172	6116101300	0.3463	0.4408
6110909022	0.2492	0.3172	6112191050	0.2492	0.3172	6116101720	0.8079	1.0283
6110909024	0.2492	0.3172	6112191060	0.2492	0.3172	6116104810	0.4444	0.5656
6110909026	0.5607	0.7137	6112201060	0.2492	0.3172	6116105510	0.6464	0.8227
6110909028	0.1869	0.2379	6112201070	0.2492	0.3172	6116107510	0.6464	0.8227
6110909030	0.3738	0.4758	6112201080	0.2492	0.3172	6116109500	0.1616	0.2057
6110909038	0.2492	0.3172	6112201090	0.2492	0.3172	6116920500	0.8079	1.0283
6110909040	0.2492	0.3172	6112202010	0.8722	1.1101	6116920800	0.8079	1.0283
6110909042	0.2492	0.3172	6112202020	0.3738	0.4758	6116926410	1.0388	1.3222
6110909044	0.5607	0.7137	6112202030	0.2492	0.3172	6116926420	1.0388	1.3222
6110909046	0.5607	0.7137	6112310010	0.1192	0.1517	6116926430	1.1542	1.4691
6110909052	0.3738	0.4758	6113001020	0.1192	0.1517	6116926440	1.0388	1.3222
6110909054	0.3738	0.4758	6112390010	1.0727	1.3653	6116927450	1.0388	1.3222
6110909064	0.2492	0.3172	6112410010	0.1192	0.1517	6116927460	1.1542	1.4691
6110909066	0.2492	0.3172	6112410020	0.1192	0.1517	6116927470	1.0388	1.3222
6110909067	0.5607	0.7137	6112410030	0.1192	0.1517	6116928800	1.0388	1.3222
6110909069	0.5607	0.7137	6112410040	0.1192	0.1517	6116929400	1.0388	1.3222
6110909071	0.5607	0.7137	6112490010	0.8939	1.1378	6116938800	0.1154	0.1469
6110909073	0.5607	0.7137	6113001005	0.1246	0.1586	6116939400	0.1154	0.1469
6110909079	0.3738	0.4758	6113001010	0.1246	0.1586	6116994800	0.1154	0.1469
6110909080	0.3738	0.4758	6113001012	0.1246	0.1586	6116995400	0.1154	0.1469
6110909081	0.3738	0.4758	6113009015	0.3489	0.4441	6116999510	0.4617	0.5877
6110909082	0.3738	0.4758	6113009020	0.3489	0.4441	6116999530	0.3463	0.4408
6110909088	0.2492	0.3172	6113009038	0.3489	0.4441	6117106010	0.9234	1.1753
6110909090	0.2492	0.3172	6113009042	0.3489	0.4441	6117106020	0.2308	0.2938
6111201000	1.1918	1.5169	6113009055	0.3489	0.4441	6117808500	0.9234	1.1753
6111202000	1.1918	1.5169	6113009060	0.3489	0.4441	6117808710	1.1542	1.4691
6111203000	0.9535	1.2136	6113009074	0.3489	0.4441	6117808770	0.1731	0.2203
6111204000	0.9535	1.2136	6113009082	0.3489	0.4441	6117809510	0.9234	1.1753
6111205000	0.9535	1.2136	6114200005	0.9747	1.2406	6117809540	0.3463	0.4408
6111206010	0.9535	1.2136	6114200010	0.9747	1.2406	6117809570	0.1731	0.2203
6111206020	0.9535	1.2136	6114200015	0.8528	1.0854	6117909003	1.1542	1.4691
6111206030	0.9535	1.2136	6114200020	0.8528	1.0854	6117909015	0.2308	0.2938
6111206050	0.9535	1.2136	6114200035	0.8528	1.0854	6117909020	1.1542	1.4691
6111206070	0.9535	1.2136	6114200040	0.8528	1.0854	6117909040	1.1542	1.4691
6111301000	0.2384	0.3034	6114200042	0.3655	0.4652	6117909060	1.1542	1.4691
6111302000	0.2384	0.3034	6114200044	0.8528	1.0854	6117909080	1.1542	1.4691
6111303000	0.2384	0.3034	6114200046	0.8528	1.0854	6201121000	0.8981	1.1431
6111304000	0.2384	0.3034	6114200048	0.8528	1.0854	6201122010	0.8482	1.0796
6111305010	0.2384	0.3034	6114200052	0.8528	1.0854	6201122020	0.8482	1.0796
6111305015	0.2384	0.3034	6114200055	0.8528	1.0854	6201122025	0.9979	1.2701
6111305020	0.2384	0.3034	6114200060	0.8528	1.0854	6201122035	0.9979	1.2701
6111305030	0.2384	0.3034	6114301010	0.2437	0.3102	6201122050	0.6486	0.8255
6111305050	0.2384	0.3034	6114301020	0.2437	0.3102	6201122060	0.6486	0.8255
6111305070	0.2384	0.3034	6114302060	0.1218	0.1550	6201134015	0.1996	0.2541
6111901000	0.2384	0.3034	6114303014	0.2437	0.3102	6201134020	0.1996	0.2541
6111902000	0.2384	0.3034	6114303020	0.2437	0.3102	6201134030	0.2495	0.3176
6111903000	0.2384	0.3034	6114303030	0.2437	0.3102	6201134040	0.2495	0.3176
6111904000	0.2384	0.3034	6114303042	0.2437	0.3102	6201199010	0.5613	0.7144
6111905010	0.2384	0.3034	6114303044	0.2437	0.3102	6201199030	0.3742	0.4763
6111905020	0.2384	0.3034	6114303052	0.2437	0.3102	6201199060	0.3742	0.4763
6111905030	0.2384	0.3034	6114303054	0.2437	0.3102	6201921000	0.8779	1.1174
6111905050	0.2384	0.3034	6114303060	0.2437	0.3102	6201921500	1.0974	1.3968
6111905070	0.2384	0.3034	6114303070	0.2437	0.3102	6201922005	0.9754	1.2415
6112110010	0.9535	1.2136	6114909045	0.5482	0.6977	6201922010	0.9754	1.2415
6112110020	0.9535	1.2136	6114909055	0.3655	0.4652	6201922021	1.2193	1.5519
6112110030	0.9535	1.2136	6114909070	0.3655	0.4652	6201922031	1.2193	1.5519
6112110040	0.9535	1.2136	6115100500	0.4386	0.5583	6201922041	1.2193	1.5519
6112110050	0.9535	1.2136	6115101510	1.0965	1.3956	6201922051	0.9754	1.2415
6112110060	0.9535	1.2136	6115103000	0.9868	1.2560	6201922061	0.9754	1.2415
6112120010	0.2384	0.3034	6115106000	0.1096	0.1395	6201931000	0.2926	0.3724
6112120020	0.2384	0.3034	6115298010	1.0965	1.3956	6201932010	0.2439	0.3104
6112120030	0.2384	0.3034	6115309030	0.7675	0.9769	6201932020	0.2439	0.3104
6112120040	0.2384	0.3034	6115956000	0.9868	1.2560	6201933511	0.2439	0.3104

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
6201933521	0.2439	0.3104	6203424026	1.1796	1.5014	6204423050	0.9043	1.1510
6201999010	0.5487	0.6984	6203424031	1.1796	1.5014	6204423060	0.9043	1.1510
6201999030	0.3658	0.4656	6203424036	1.1796	1.5014	6204431000	0.4823	0.6139
6201999060	0.2439	0.3104	6203424041	0.9436	1.2010	6204432000	0.0603	0.0767
6202121000	0.8879	1.1301	6203424046	0.9436	1.2010	6204442000	0.4316	0.5493
6202122010	1.0482	1.3341	6203424051	0.8752	1.1140	6204495010	0.5549	0.7063
6202122020	1.0482	1.3341	6203424056	0.8752	1.1140	6204495030	0.2466	0.3139
6202122025	1.2332	1.5696	6203424061	0.8752	1.1140	6204510010	0.0631	0.0803
6202122035	1.2332	1.5696	6203431000	0.1887	0.2402	6204510020	0.0631	0.0803
6202122050	0.8016	1.0203	6203431500	0.118	0.1502	6204521000	1.2618	1.6060
6202122060	0.8016	1.0203	6203432005	0.118	0.1502	6204522010	1.1988	1.5258
6202134005	0.2524	0.3213	6203432010	0.2359	0.3003	6204522020	1.1988	1.5258
6202134010	0.2524	0.3213	6203432025	0.2359	0.3003	6204522030	1.1988	1.5258
6202134020	0.3155	0.4016	6203432050	0.2359	0.3003	6204522040	1.1988	1.5258
6202134030	0.3155	0.4016	6203432090	0.2359	0.3003	6204522070	1.0095	1.2849
6202199010	0.5678	0.7227	6203432500	0.4128	0.5254	6204522080	1.0095	1.2849
6202199030	0.3786	0.4819	6203433510	0.059	0.0751	6204531000	0.4416	0.5621
6202199060	0.2524	0.3213	6203433590	0.059	0.0751	6204532010	0.0631	0.0803
6202921000	0.9865	1.2556	6203434010	0.1167	0.1485	6204532020	0.0631	0.0803
6202921500	0.9865	1.2556	6203434015	0.1167	0.1485	6204533010	0.2524	0.3213
6202922010	0.9865	1.2556	6203434020	0.1167	0.1485	6204533020	0.2524	0.3213
6202922020	0.9865	1.2556	6203434030	0.1167	0.1485	6204591000	0.4416	0.5621
6202922026	1.2332	1.5696	6203434035	0.1167	0.1485	6204594010	0.5678	0.7227
6202922031	1.2332	1.5696	6203434040	0.1167	0.1485	6204594030	0.2524	0.3213
6202922061	0.9865	1.2556	6203491005	0.118	0.1502	6204594060	0.2524	0.3213
6202922071	0.9865	1.2556	6203491010	0.2359	0.3003	6204611010	0.059	0.0751
6202931000	0.296	0.3767	6203491025	0.2359	0.3003	6204611020	0.059	0.0751
6202932010	0.2466	0.3139	6203491050	0.2359	0.3003	6204619010	0.059	0.0751
6202932020	0.2466	0.3139	6203491090	0.2359	0.3003	6204619020	0.059	0.0751
6202935011	0.2466	0.3139	6203491500	0.4128	0.5254	6204619030	0.059	0.0751
6202935021	0.2466	0.3139	6203492015	0.2359	0.3003	6204619040	0.118	0.1502
6202999011	0.5549	0.7063	6203492020	0.2359	0.3003	6204621000	0.8681	1.1049
6202999031	0.37	0.4709	6203492030	0.118	0.1502	6204622005	0.7077	0.9008
6202999061	0.2466	0.3139	6203492045	0.118	0.1502	6204622010	0.9436	1.2010
6203122010	0.1233	0.1569	6203492050	0.118	0.1502	6204622025	0.9436	1.2010
6203122020	0.1233	0.1569	6203492060	0.118	0.1502	6204622050	0.9436	1.2010
6203191010	0.9865	1.2556	6203498020	0.5308	0.6756	6204623000	1.1796	1.5014
6203191020	0.9865	1.2556	6203498030	0.3539	0.4504	6204624003	1.0616	1.3512
6203191030	0.9865	1.2556	6203498045	0.2359	0.3003	6204624006	1.1796	1.5014
6203199010	0.5549	0.7063	6204110000	0.0617	0.0785	6204624011	1.1796	1.5014
6203199020	0.5549	0.7063	6204120010	0.9865	1.2556	6204624021	0.9436	1.2010
6203199030	0.5549	0.7063	6204120020	0.9865	1.2556	6204624026	1.1796	1.5014
6203199050	0.37	0.4709	6204120030	0.9865	1.2556	6204624031	1.1796	1.5014
6203199080	0.2466	0.3139	6204120040	0.9865	1.2556	6204624036	1.1796	1.5014
6203221000	1.2332	1.5696	6204132010	0.1233	0.1569	6204624041	1.1796	1.5014
6203321000	0.6782	0.8632	6204132020	0.1233	0.1569	6204624046	0.9436	1.2010
6203322010	1.1715	1.4911	6204192000	0.1233	0.1569	6204624051	0.9436	1.2010
6203322020	1.1715	1.4911	6204198010	0.5549	0.7063	6204624056	0.9335	1.1882
6203322030	1.1715	1.4911	6204198020	0.5549	0.7063	6204624061	0.9335	1.1882
6203322040	1.1715	1.4911	6204198030	0.5549	0.7063	6204624066	0.9335	1.1882
6203322050	1.1715	1.4911	6204198040	0.5549	0.7063	6204631000	0.2019	0.2570
6203332010	0.1233	0.1569	6204198060	0.3083	0.3924	6204631200	0.118	0.1502
6203332020	0.1233	0.1569	6204198090	0.2466	0.3139	6204631505	0.118	0.1502
6203332010	0.1233	0.1569	6204221000	1.2332	1.5696	6204631510	0.2359	0.3003
6203392020	0.1233	0.1569	6204321000	0.6782	0.8632	6204631525	0.2359	0.3003
6203399010	0.5549	0.7063	6204322010	1.1715	1.4911	6204631550	0.2359	0.3003
6203399030	0.37	0.4709	6204322020	1.1715	1.4911	6204632000	0.4718	0.6005
6203399060	0.2466	0.3139	6204322030	0.9865	1.2556	6204632510	0.059	0.0751
6203421000	1.0616	1.3512	6204322040	0.9865	1.2556	6204632520	0.059	0.0751
6203422005	0.7077	0.9008	6204398010	0.5549	0.7063	6204633010	0.0603	0.0767
6203422010	0.9436	1.2010	6204398030	0.3083	0.3924	6204633090	0.0603	0.0767
6203422025	0.9436	1.2010	6204412010	0.0603	0.0767	6204633510	0.2412	0.3070
6203422050	0.9436	1.2010	6204412020	0.0603	0.0767	6204633525	0.2412	0.3070
6203422090	0.9436	1.2010	6204421000	1.2058	1.5347	6204633530	0.2412	0.3070
6203424003	1.0616	1.3512	6204422000	0.6632	0.8441	6204633532	0.2309	0.2939
6203424006	1.1796	1.5014	6204423010	1.2058	1.5347	6204633535	0.2309	0.2939
6203424011	1.1796	1.5014	6204423020	1.2058	1.5347	6204633540	0.2309	0.2939
6203424016	0.9436	1.2010	6204423030	0.9043	1.1510	6204691005	0.118	0.1502
6203424021	1.1796	1.5014	6204423040	0.9043	1.1510	6204691010	0.2359	0.3003

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
6204691025	0.2359	0.3003	6206303061	0.9436	1.2010	6209903030	0.2917	0.3713
6204691050	0.2359	0.3003	6206401000	0.4128	0.5254	6209903040	0.2917	0.3713
6204692010	0.059	0.0751	6206403010	0.2949	0.3753	6210109010	0.217	0.2762
6204692020	0.059	0.0751	6206403020	0.2949	0.3753	6210109040	0.217	0.2762
6204692030	0.059	0.0751	6206403025	0.2949	0.3753	6210203000	0.0362	0.0461
6204692510	0.2359	0.3003	6206403030	0.2949	0.3753	6210205000	0.0844	0.1074
6204692520	0.2359	0.3003	6206403040	0.2949	0.3753	6210207000	0.1809	0.2302
6204692530	0.2359	0.3003	6206403050	0.2949	0.3753	6210303000	0.0362	0.0461
6204692540	0.2309	0.2939	6206900010	0.5308	0.6756	6210305000	0.0844	0.1074
6204692550	0.2309	0.2939	6206900030	0.2359	0.3003	6210307000	0.0362	0.0461
6204692560	0.2309	0.2939	6206900040	0.1769	0.2252	6210309020	0.422	0.5371
6204696010	0.5308	0.6756	6207110000	1.0281	1.3086	6210403000	0.037	0.0471
6204696030	0.2359	0.3003	6207199010	0.3427	0.4362	6210405020	0.4316	0.5493
6204696070	0.3539	0.4504	6207199030	0.4569	0.5815	6210405031	0.0863	0.1098
6204699010	0.5308	0.6756	6207210010	1.0502	1.3367	6210405039	0.0863	0.1098
6204699030	0.2359	0.3003	6207210020	1.0502	1.3367	6210405040	0.4316	0.5493
6204699044	0.2359	0.3003	6207210030	1.0502	1.3367	6210405050	0.4316	0.5493
6204699046	0.2359	0.3003	6207210040	1.0502	1.3367	6210407000	0.111	0.1413
6204699050	0.3539	0.4504	6207220000	0.3501	0.4456	6210409025	0.111	0.1413
6205201000	1.1796	1.5014	6207291000	0.1167	0.1485	6210409033	0.111	0.1413
6205202003	0.9436	1.2010	6207299030	0.1167	0.1485	6210409045	0.111	0.1413
6205202016	0.9436	1.2010	6207911000	1.0852	1.3812	6210409060	0.111	0.1413
6205202021	0.9436	1.2010	6207913010	1.0852	1.3812	6210503000	0.037	0.0471
6205202026	0.9436	1.2010	6207913020	1.0852	1.3812	6210505020	0.0863	0.1098
6205202031	0.9436	1.2010	6207997520	0.2412	0.3070	6210505031	0.0863	0.1098
6205202036	1.0616	1.3512	6207998510	0.2412	0.3070	6210505039	0.0863	0.1098
6205202041	1.0616	1.3512	6207998520	0.2412	0.3070	6210505040	0.0863	0.1098
6205202044	1.0616	1.3512	6208110000	0.2412	0.3070	6210505055	0.0863	0.1098
6205202047	0.9436	1.2010	6208192000	1.0852	1.3812	6210507000	0.4316	0.5493
6205202051	0.9436	1.2010	6208195000	0.1206	0.1535	6210509050	0.148	0.1884
6205202056	0.9436	1.2010	6208199000	0.2412	0.3070	6210509060	0.148	0.1884
6205202061	0.9436	1.2010	6208210010	1.0026	1.2761	6210509070	0.148	0.1884
6205202066	0.9436	1.2010	6208210020	1.0026	1.2761	6210509090	0.148	0.1884
6205202071	0.9436	1.2010	6208210030	1.0026	1.2761	6211111010	0.1206	0.1535
6205202076	0.9436	1.2010	6208220000	0.118	0.1502	6211111020	0.1206	0.1535
6205301000	0.4128	0.5254	6208299030	0.2359	0.3003	6211118010	1.0852	1.3812
6205302010	0.2949	0.3753	6208911010	1.0852	1.3812	6211118020	1.0852	1.3812
6205302020	0.2949	0.3753	6208911020	1.0852	1.3812	6211118040	0.2412	0.3070
6205302030	0.2949	0.3753	6208913010	1.0852	1.3812	6211121010	0.0603	0.0767
6205302040	0.2949	0.3753	6208913020	1.0852	1.3812	6211121020	0.0603	0.0767
6205302050	0.2949	0.3753	6208920010	0.1206	0.1535	6211128010	1.0852	1.3812
6205302055	0.2949	0.3753	6208920020	0.1206	0.1535	6211128020	1.0852	1.3812
6205302060	0.2949	0.3753	6208920030	0.1206	0.1535	6211128030	0.6029	0.7674
6205302070	0.2949	0.3753	6208920040	0.1206	0.1535	6211200410	0.7717	0.9822
6205302075	0.2949	0.3753	6208992010	0.0603	0.0767	6211200420	0.0965	0.1228
6205302080	0.2949	0.3753	6208992020	0.0603	0.0767	6211200430	0.7717	0.9822
6205900710	0.118	0.1502	6208995010	0.2412	0.3070	6211200440	0.0965	0.1228
6205900720	0.118	0.1502	6208995020	0.2412	0.3070	6211200810	0.3858	0.4910
6205901000	0.2359	0.3003	6208998010	0.2412	0.3070	6211200820	0.3858	0.4910
6205903010	0.5308	0.6756	6208998020	0.2412	0.3070	6211201510	0.7615	0.9692
6205903030	0.2359	0.3003	6209201000	1.0967	1.3959	6211201515	0.2343	0.2982
6205903050	0.1769	0.2252	6209202000	1.039	1.3224	6211201520	0.6443	0.8201
6205904010	0.5308	0.6756	6209203000	0.9236	1.1756	6211201525	0.2929	0.3728
6205904030	0.2359	0.3003	6209205030	0.9236	1.1756	6211201530	0.7615	0.9692
6205904040	0.2359	0.3003	6209205035	0.9236	1.1756	6211201535	0.3515	0.4474
6206100010	0.5308	0.6756	6209205045	0.9236	1.1756	6211201540	0.7615	0.9692
6206100030	0.2359	0.3003	6209205050	0.9236	1.1756	6211201545	0.2929	0.3728
6206100040	0.118	0.1502	6209301000	0.2917	0.3713	6211201550	0.7615	0.9692
6206100050	0.2359	0.3003	6209302000	0.2917	0.3713	6211201555	0.41	0.5218
6206203010	0.059	0.0751	6209303010	0.2334	0.2971	6211201560	0.7615	0.9692
6206203020	0.059	0.0751	6209303020	0.2334	0.2971	6211201565	0.2343	0.2982
6206301000	1.1796	1.5014	6209303030	0.2334	0.2971	6211202040	0.1233	0.1569
6206302000	0.6488	0.8258	6209303040	0.2334	0.2971	6211202810	0.8016	1.0203
6206303003	0.9436	1.2010	6209900500	0.1154	0.1469	6211202820	0.2466	0.3139
6206303011	0.9436	1.2010	6209901000	0.2917	0.3713	6211202830	0.3083	0.3924
6206303021	0.9436	1.2010	6209902000	0.2917	0.3713	6211203400	0.1233	0.1569
6206303031	0.9436	1.2010	6209903010	0.2917	0.3713	6211203810	0.8016	1.0203
6206303041	0.9436	1.2010	6209903015	0.2917	0.3713	6211203820	0.2466	0.3139
6206303051	0.9436	1.2010	6209903020	0.2917	0.3713	6211203830	0.3083	0.3924

IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]			IMPORT ASSESSMENT TABLE— Continued [Raw cotton fiber]		
HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.	HTS No.	Conv. factor.	Cents/kg.
6211204400	0.1233	0.1569	6211430010	0.2466	0.3139	6217109530	0.2412	0.3070
6211204815	0.8016	1.0203	6211430020	0.2466	0.3139	6217909003	0.9646	1.2277
6211204835	0.2466	0.3139	6211430030	0.2466	0.3139	6217909005	0.1809	0.2302
6211204860	0.3083	0.3924	6211430040	0.2466	0.3139	6217909010	0.2412	0.3070
6211205400	0.1233	0.1569	6211430050	0.2466	0.3139	6217909025	0.9646	1.2277
6211205810	0.8016	1.0203	6211430060	0.2466	0.3139	6217909030	0.1809	0.2302
6211205820	0.2466	0.3139	6211430064	0.3083	0.3924	6217909035	0.2412	0.3070
6211205830	0.3083	0.3924	6211430066	0.2466	0.3139	6217909050	0.9646	1.2277
6211206400	0.1233	0.1569	6211430074	0.3083	0.3924	6217909055	0.1809	0.2302
6211206810	0.8016	1.0203	6211430076	0.37	0.4709	6217909060	0.2412	0.3070
6211206820	0.2466	0.3139	6211430078	0.37	0.4709	6217909075	0.9646	1.2277
6211206830	0.3083	0.3924	6211430091	0.2466	0.3139	6217909080	0.1809	0.2302
6211207400	0.1233	0.1569	6211499010	0.2466	0.3139	6217909085	0.2412	0.3070
6211207810	0.9249	1.1772	6211499020	0.2466	0.3139	6301300010	0.8305	1.0571
6211207820	0.2466	0.3139	6211499030	0.2466	0.3139	6301300020	0.8305	1.0571
6211207830	0.3083	0.3924	6211499040	0.2466	0.3139	6301900030	0.2215	0.2819
6211320003	0.6412	0.8161	6211499050	0.2466	0.3139	6302100005	1.1073	1.4094
6211320007	0.8016	1.0203	6211499060	0.2466	0.3139	6302100008	1.1073	1.4094
6211320010	0.9865	1.2556	6211499070	0.2466	0.3139	6302100015	1.1073	1.4094
6211320015	0.9865	1.2556	6211499080	0.2466	0.3139	6302213010	1.1073	1.4094
6211320025	0.9865	1.2556	6211499090	0.2466	0.3139	6302213020	1.1073	1.4094
6211320030	0.9249	1.1772	6212105010	0.9138	1.1631	6302213030	1.1073	1.4094
6211320040	0.9249	1.1772	6212105020	0.2285	0.2908	6302213040	1.1073	1.4094
6211320050	0.9249	1.1772	6212105030	0.2285	0.2908	6302213050	1.1073	1.4094
6211320060	0.9249	1.1772	6212109010	0.9138	1.1631	6302215010	0.7751	0.9865
6211320070	0.9249	1.1772	6212109020	0.2285	0.2908	6302215020	0.7751	0.9865
6211320075	0.9249	1.1772	6212109040	0.2285	0.2908	6302215030	0.7751	0.9865
6211320081	0.9249	1.1772	6212200010	0.6854	0.8724	6302215040	0.7751	0.9865
6211330003	0.0987	0.1256	6212200020	0.2856	0.3635	6302215050	0.7751	0.9865
6211330007	0.1233	0.1569	6212200030	0.1142	0.1454	6302217010	1.1073	1.4094
6211330010	0.3083	0.3924	6212300010	0.6854	0.8724	6302217020	1.1073	1.4094
6211330015	0.3083	0.3924	6212300020	0.2856	0.3635	6302217030	1.1073	1.4094
6211330017	0.3083	0.3924	6212300030	0.1142	0.1454	6302217040	1.1073	1.4094
6211330025	0.37	0.4709	6212900010	0.1828	0.2327	6302217050	1.1073	1.4094
6211330030	0.37	0.4709	6212900020	0.1828	0.2327	6302219010	0.7751	0.9865
6211330035	0.37	0.4709	6212900030	0.1828	0.2327	6302219020	0.7751	0.9865
6211330040	0.37	0.4709	6212900050	0.0914	0.1163	6302219030	0.7751	0.9865
6211330054	0.37	0.4709	6212900090	0.4112	0.5234	6302219040	0.7751	0.9865
6211330058	0.37	0.4709	6213201000	1.1187	1.4239	6302219050	0.7751	0.9865
6211330061	0.37	0.4709	6213202000	1.0069	1.2816	6302221010	0.5537	0.7047
6211390510	0.1233	0.1569	6213900700	0.4475	0.5696	6302221020	0.3876	0.4933
6211390520	0.1233	0.1569	6213901000	0.4475	0.5696	6302221030	0.5537	0.7047
6211390530	0.1233	0.1569	6213902000	0.3356	0.4272	6302221040	0.3876	0.4933
6211390540	0.1233	0.1569	6214300000	0.1142	0.1454	6302221050	0.3876	0.4933
6211390545	0.1233	0.1569	6214400000	0.1142	0.1454	6302221060	0.3876	0.4933
6211390551	0.1233	0.1569	6214900010	0.8567	1.0904	6302222010	0.3876	0.4933
6211399010	0.2466	0.3139	6214900090	0.2285	0.2908	6302222020	0.3876	0.4933
6211399020	0.2466	0.3139	6215100025	0.1142	0.1454	6302222030	0.3876	0.4933
6211399030	0.2466	0.3139	6215200000	0.1142	0.1454	6302290020	0.2215	0.2819
6211399040	0.2466	0.3139	6215900015	1.0281	1.3086	6302313010	1.1073	1.4094
6211399050	0.2466	0.3139	6216000800	0.0685	0.0872	6302313020	1.1073	1.4094
6211399060	0.2466	0.3139	6216001300	0.3427	0.4362	6302313030	1.1073	1.4094
6211399070	0.2466	0.3139	6216001720	0.6397	0.8142	6302313040	1.1073	1.4094
6211399090	0.2466	0.3139	6216001730	0.1599	0.2035	6302313050	1.1073	1.4094
6211420003	0.6412	0.8161	6216001900	0.3427	0.4362	6302315010	0.7751	0.9865
6211420007	0.8016	1.0203	6216002110	0.578	0.7357	6302315020	0.7751	0.9865
6211420010	0.9865	1.2556	6216002120	0.2477	0.3153	6302315030	0.7751	0.9865
6211420020	0.9865	1.2556	6216002410	0.6605	0.8407	6302315040	0.7751	0.9865
6211420025	1.1099	1.4127	6216002425	0.1651	0.2101	6302315050	0.7751	0.9865
6211420030	0.8632	1.0987	6216002600	0.1651	0.2101	6302317010	1.1073	1.4094
6211420040	0.9865	1.2556	6216002910	0.6605	0.8407	6302317020	1.1073	1.4094
6211420054	1.1099	1.4127	6216002925	0.1651	0.2101	6302317030	1.1073	1.4094
6211420056	1.1099	1.4127	6216003100	0.1651	0.2101	6302317040	1.1073	1.4094
6211420060	0.9865	1.2556	6216003300	0.5898	0.7507	6302317050	1.1073	1.4094
6211420070	1.1099	1.4127	6216003500	0.5898	0.7507	6302319010	0.7751	0.9865
6211420075	1.1099	1.4127	6216003800	1.1796	1.5014	6302319020	0.7751	0.9865
6211420081	1.1099	1.4127	6216004100	1.1796	1.5014	6302319030	0.7751	0.9865
6211430003	0.0987	0.1256	6217109510	0.9646	1.2277	6302319040	0.7751	0.9865
6211430007	0.1233	0.1569	6217109520	0.1809	0.2302	6302319050	0.7751	0.9865

IMPORT ASSESSMENT TABLE—
Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6302321010	0.5537	0.7047
6302321020	0.3876	0.4933
6302321030	0.5537	0.7047
6302321040	0.3876	0.4933
6302321050	0.3876	0.4933
6302321060	0.3876	0.4933
6302322010	0.5537	0.7047
6302322020	0.3876	0.4933
6302322030	0.5537	0.7047
6302322040	0.3876	0.4933
6302322050	0.3876	0.4933
6302322060	0.3876	0.4933
6302390030	0.2215	0.2819
6302402010	0.9412	1.1980
6302511000	0.5537	0.7047
6302512000	0.8305	1.0571
6302513000	0.5537	0.7047
6302514000	0.7751	0.9865
6302593020	0.5537	0.7047
6302600010	1.1073	1.4094
6302600020	0.9966	1.2685
6302600030	0.9966	1.2685
6302910005	0.9966	1.2685
6302910015	1.1073	1.4094
6302910025	0.9966	1.2685
6302910035	0.9966	1.2685
6302910045	0.9966	1.2685
6302910050	0.9966	1.2685
6302910060	0.9966	1.2685
6302931000	0.4429	0.5637
6302932000	0.4429	0.5637
6302992000	0.2215	0.2819
6303191100	0.8859	1.1276
6303910010	0.609	0.7751
6303910020	0.609	0.7751
6303921000	0.2768	0.3523
6303922010	0.2768	0.3523
6303922030	0.2768	0.3523
6303922050	0.2768	0.3523
6303990010	0.2768	0.3523
6304111000	0.9966	1.2685
6304113000	0.1107	0.1409
6304190500	0.9966	1.2685
6304191000	1.1073	1.4094
6304191500	0.3876	0.4933
6304192000	0.3876	0.4933
6304193060	0.2215	0.2819
6304910020	0.8859	1.1276
6304910070	0.2215	0.2819
6304920000	0.8859	1.1276
6304996040	0.2215	0.2819
6505001515	1.1189	1.4241
6505001525	0.5594	0.7120
6505001540	1.1189	1.4241
6505002030	0.9412	1.1980
6505002060	0.9412	1.1980
6505002545	0.5537	0.7047
6507000000	0.3986	0.5073
9404901000	0.2104	0.2678
9404908020	0.9966	1.2685
9404908040	0.9966	1.2685
9404908505	0.6644	0.8456
9404908536	0.0997	0.1269
9404909505	0.6644	0.8456
9404909570	0.2658	0.3383
9619002100	0.8681	1.1049
9619002500	0.1085	0.1381
9619003100	0.9535	1.2136
9619003300	1.1545	1.4694

IMPORT ASSESSMENT TABLE—
Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
9619004100	0.2384	0.3034
9619004300	0.2384	0.3034
9619006100	0.8528	1.0854
9619006400	0.2437	0.3102
9619006800	0.3655	0.4652
9619007100	1.1099	1.4127
9619007400	0.2466	0.3139
9619007800	0.2466	0.3139
9619007900	0.2466	0.3139

* * * * *

Authority: 7 U.S.C. 2101–2118.

Dated: June 23, 2014.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2014–14988 Filed 6–25–14; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 710

RIN 3133–AE30

Voluntary Liquidation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is issuing a final rule to amend its voluntary liquidation regulation to reduce administrative burdens on voluntarily liquidating federal credit unions (FCUs) and recognize technological advances by: Permitting liquidating FCUs to publish required creditor notices in either electronic media or newspapers of general circulation; increasing the asset-size threshold for requiring multiple creditor notices; requiring that preliminary partial distributions to members not exceed the National Credit Union Share Insurance Fund (NCUSIF) insurance limit for any member share account; specifying when liquidating FCUs must determine member share balances for the purposes of distributions; and permitting liquidating FCUs to distribute member share payouts either by wire or other electronic means or by mail or personal delivery.

DATES: This rule is effective July 28, 2014.

FOR FURTHER INFORMATION CONTACT: Damon Frank and Ian Marenga, Trial Attorneys, Office of General Counsel, National Credit Union Administration,

1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Summary of Public Comments
- III. Final Rule
- IV. Regulatory Procedures

I. Background

What changes does this final rule make?

This final rule amends NCUA’s regulation on voluntary liquidations by FCUs. The changes modernize the rule and afford greater procedural flexibility to voluntarily liquidating FCUs. The final rule adopts the proposed changes in the proposed rule on voluntary liquidations issued by the Board in February 2014.¹ Specifically, the final rule raises the asset-size thresholds that determine the frequency of required creditor notice publication. Further, it allows FCUs to use electronic media to meet the publication requirement while also enabling FCUs to issue share payouts to members by electronic payment methods. Also, the final rule clarifies the existing calculation of pro rata distributions to members. Finally, it requires that preliminary pro rata distributions to members, which voluntarily liquidating FCUs may issue pending the final payout, be limited to the NCUSIF insured amount applicable to any given account or accounts. This change does not limit the amount of the final distribution in any manner, provided the FCU does not enter involuntary liquidation because of insolvency.

II. Summary of Public Comments

The public comment period for the proposed rule ended on May 2, 2014. NCUA received five comment letters. Three of the comments were from credit union trade associations, one was sent on behalf of two credit union leagues, and one was from an FCU. All five letters expressly supported the proposed rule in general. Two comment letters from trade associations, however, suggested three identical changes to the proposed rule.

First, these two commenters requested that the final rule require NCUA staff to work with credit unions considering liquidation to find ways to continue operations or merge with another credit union to ensure ongoing member access to credit union services.

Second, both disagreed with the proposal to raise asset-size thresholds that determine whether and how many creditor notices must be published by a

¹ 79 FR 11714 (March 3, 2014).

voluntarily liquidating FCU. These commenters stated that liquidation is a drastic step and that credit unions considering this option should be required to follow all notice and other requirements.

Third, both requested that the final rule adopt provisions similar to the FDIC's liquidation rules to provide members up to \$250,000 from their accounts and issue a claim against the estate of the closed credit union. The commenters stated that it would be inappropriate to treat credit union members less favorably than bank customers in a liquidation context.

The Board generally agrees with the rationale the commenters offered to support their proposed changes to the rule. As explained in detail below, however, the Board believes that the proposed rule and the way NCUA administers part 710 in practice already is consistent with the commenters' suggested amendments. Therefore, the Board does not believe it is necessary to amend the proposed rule to address the commenters' concerns.

III. Final Rule

A. Section 710.5(a)(1)

The final rule will allow voluntarily liquidating FCUs to publish any required creditor notice(s) in electronic media. FCUs may continue to publish in newspapers of general circulation, as provided by the current rule.

The final rule also increases the asset-size threshold for requiring multiple creditor notices from FCUs with assets equal to or greater than \$5 million to FCUs with assets equal to or greater than \$50 million, which is NCUA's threshold for defining small credit unions. Two commenters did not support these adjustments because they believe that credit unions of all sizes should be required to follow all notice and other requirements to conduct a voluntary liquidation. The Board agrees that liquidation is, as the commenters stated, "an exceptional event" and one that an FCU should undertake only after careful consideration of any alternatives that would provide continuing credit union services to its members. NCUA's Voluntary Liquidation Manual, which was issued in 1994 to provide detailed procedural guidance for this process, expresses the same position. The Board does not believe, however, that raising the asset-size thresholds from their 1993 levels will encourage more voluntary liquidations, disadvantage members, or diminish NCUA's oversight of the process.

The proposed and final rules only affect the asset-size thresholds that

govern how a voluntarily liquidating FCU must notify its potential creditors. Notably, the notice and procedural requirements of part 710, including the member vote and notification of the NCUA Regional Director, are unchanged.² Likewise, federally insured, state-chartered credit unions are still required to notify the Regional Director of a decision to liquidate, though the remainder of the requirements in part 710 apply solely to FCUs.³ The final rule does not change the requirement that a voluntarily liquidating FCU of any size must notify its creditors of the liquidation.⁴ It simply updates the asset-size thresholds that determine whether and how frequently the notice must be published to reach a broader audience of potential creditors.

B. Section 710.5(a)(2)

The amendment to this provision increases the asset-size threshold applicable to publication requirements. FCUs with assets equal to or greater than \$1 million but less than \$50 million will be required to publish just one notice. As stated in the proposed rule, the final rule retains the tiered system for determining publication requirements, consistent with inflation since 1993, growth in credit union assets, and NCUA's definition of small credit unions. The Board adopts these amendments without change for the reasons discussed above.

C. Section 710.5(a)(3)

This amendment also increases asset-size thresholds applicable to the publication requirement. FCUs with assets under \$1 million are exempted from the publication requirement but still must notify creditors, as required by the existing rule. The Board adopts this change from the proposed rule for the reasons discussed above.

D. Section 710.6(a)

The final rule also makes a minor change to the optional, partial pro rata distribution process. The current rule permits voluntarily liquidating FCUs to make a partial pro rata distribution of assets to members before the liquidation is completed. The Regional Director must approve the distribution.⁵ The proposed rule limited these preliminary distributions to the insured amount available in any account. The purpose of this limitation is to protect the NCUSIF in case the liquidating FCU becomes

insolvent during the process. In that event, NCUA would be required to place the FCU into involuntary liquidation and apply the liquidation payout priorities and share insurance requirements in parts 709 and 745. Any payments of uninsured shares before the completion of the voluntary liquidation might complicate or disrupt the priorities that apply in an involuntary liquidation, which could result in additional cost to the NCUSIF in the unusual case in which the FCU becomes insolvent.

The final rule also adds a minor clarification to the proposed rule. The proposed rule limited preliminary share distributions to the insured amount available in any account. The final rule clarifies that multiple accounts held by the same member or members may sometimes be aggregated to determine share insurance per part 745 of NCUA's regulations. This clarification does not change the current rule for calculating share insurance and is intended to reflect more accurately how NCUA currently applies share insurance to multiple accounts under part 745.

Two commenters disagreed with the proposed change to this provision and requested that NCUA implement a process comparable to the FDIC's liquidation process. According to the commenters, in a liquidation, the FDIC pays insured amounts up to \$250,000 and then provides claims against the estate of the closed bank to the depositors for any amounts above the insured limit. The commenters stated that credit union members should not be treated less favorably than bank customers.

The Board agrees that credit union members should not be disadvantaged and believes that this amendment to the rule does not harm their interests in any way. If the voluntarily liquidating FCU remains solvent throughout the process, its members receive their full account balances, along with any available liquidating dividend. If the FCU becomes insolvent, NCUA would place it into involuntary liquidation under Section 207(a) of the Federal Credit Union Act and apply the payout priorities and procedures in part 709 of NCUA's regulations. During this process, members would receive their insured balances and a certificate of claim in liquidation for any uninsured balances to allow them to share in the proceeds of the involuntary liquidation.⁶ This treatment of uninsured balances is the same as the FDIC liquidation process that the commenters describe. Whether the FCU

² 12 CFR 710.2, 710.3.

³ 12 CFR 710.9.

⁴ 12 CFR 710.5(a).

⁵ 12 CFR 710.6(a).

⁶ 12 CFR 745.201(b).

remains solvent during a voluntary liquidation or not, its members are not disadvantaged when compared to bank customers.

E. Section 710.6(b)

The final rule provides greater specificity for the calculation of pro rata distributions to members. For purposes of this calculation, a voluntarily liquidating FCU will use the date that members approve liquidation to compute share balances, subject to adjustment for any share drafts that clear after the liquidation date.

F. Section 710.6(c)

The final rule also allows voluntarily liquidating FCUs to distribute member payouts by wire or other means, if approved by the member, in addition to the existing option of issuing a check.

IV. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities.⁷ For purposes of this analysis, NCUA considers small credit unions to be those having under \$50 million in assets.⁸ This final rule has no significant economic impact on FCUs as going concerns because it solely addresses procedures for voluntary liquidation. Also, the final rule increases certain dollar thresholds and affords greater flexibility to all FCUs engaging in voluntary liquidation. Additionally, the number of FCUs engaging in voluntary liquidations is very low. Accordingly, NCUA has determined that this rule will not have a significant economic impact on a substantial number of small credit unions.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden.⁹ For purposes of the PRA, a paperwork burden may take the form of either a reporting or a recordkeeping requirement, both referred to as information collections. This final rule does not impose or expand upon any existing reporting or recordkeeping requirements. This final rule will not

create new paperwork burdens or modify any existing paperwork burdens.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This final rule applies almost exclusively to FCUs and will not have a substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

D. Assessment of Federal Regulations and Policies on Families

NCUA has determined that this rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.¹⁰

List of Subjects in 12 CFR Part 710

Credit union, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on June 19, 2014.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, NCUA amends 12 CFR Part 710 as follows:

PART 710—VOLUNTARY LIQUIDATION

■ 1. The authority citation for part 710 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1786, and 1787.

■ 2. In § 710.5, revise paragraphs (a)(1) and (2) and in paragraph (a)(3) remove “\$500,000” and add in its place “\$1 million”.

The revisions read as follows:

§ 710.5 Notice of liquidation to creditors.

(a) * * *

(1) Federal credit unions with assets equal to or greater than \$50 million as of the month end prior to the liquidation date shall publish the notice once a week in each of three successive weeks, in a newspaper of general circulation in each county in which the Federal credit union maintains an office

or branch for the transaction of business on the liquidation date, or through any alternative publication through an electronic medium that is reasonably calculated to reach the general public in the relevant area or areas. The first notice shall be published within seven days of the liquidation date.

(2) Federal credit unions with assets equal to or greater than \$1 million but less than \$50 million as of the month end prior to the liquidation date shall publish the notice described in paragraph (a)(1) of this section at least once. The notice shall be published within seven days of the liquidation date.

* * * * *

■ 3. In § 710.6, revise paragraphs (a), (b), and (c) to read as follows:

§ 710.6 Distribution of assets.

(a) With the approval of the Regional Director, a partial pro rata distribution of the Federal credit union’s assets may be made to its members from cash funds available on authorization by the board of directors or liquidating agent. Payment of a partial distribution may exclude member accounts of less than \$25.00 and must not exceed the insured amount applicable to any account or accounts, as determined under part 745 of this chapter.

(b) After all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the Federal credit union have been paid, with the exception of shares due its members, the books shall be closed and the pro rata distribution to the members shall be computed. The computation shall be based on the total amount in each share account as of the liquidation date or the date on which all share drafts have cleared, whichever is later.

(c) Payments must be made to members promptly after the pro rata distribution has been computed. The Federal credit union may mail a check to a member at his or her last known address, deliver the check personally to the member, or make the payment by wire or any other electronic means approved by a member.

* * * * *

[FR Doc. 2014–14885 Filed 6–25–14; 8:45 am]

BILLING CODE 7535–01–P

⁷ 5 U.S.C. 603(a).

⁸ Interpretive Ruling and Policy Statement 03–2, 68 FR 31949 (May 29, 2003), as amended by Interpretive Ruling and Policy Statement 13–1, 78 FR 4032 (Jan. 18, 2013).

⁹ 44 U.S.C. 3507(d).

¹⁰ Public Law 105–277, 112 Stat. 2681 (1998).

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2014–0013; Airspace
Docket No. 13–ASW–33]

**Amendment of Class E Airspace;
Taylor, TX**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Taylor, TX. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Taylor Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport. Airport coordinates also are adjusted.

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: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7654.

SUPPLEMENTARY INFORMATION:**History**

On April 7, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E airspace at Taylor Municipal Airport, Taylor, TX (79 FR 19030) Docket No. FAA–2014–0013. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 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 the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace by creating a segment extending from the 6.4-mile radius of Taylor Municipal Airport, Taylor, TX, to 10.7 miles north of the

airport, for new RNAV standard instrument approach procedures developed at the airport. Controlled airspace is needed for the safety and management of IFR operations at the airport. The geographic coordinates of the airport are adjusted to be in concert with the FAA's aeronautical database.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 that 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, describes 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 amends controlled airspace at Taylor Municipal Airport, Taylor, TX.

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 the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013, is amended as follows:

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

* * * * *

ASW TX E5 Taylor, TX [Amended]

Taylor Municipal Airport, TX
(Lat. 30°34'22" N., long. 97°26'36" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Taylor Municipal Airport, and within 1.6 miles each side of the 039° bearing from the airport extending from the 6.4-mile radius to 11.2 miles northeast of the airport, and within 3.9 miles each side of 021° bearing from the airport extending from the 6.4-mile radius to 7.3 miles northeast of the airport, and within 2 miles each side of the 359° bearing from the airport extending from the 6.4-mile radius to 10.7 miles north of the airport.

Issued in Fort Worth, Texas, on June 17, 2014.

Kent M. Wheeler,

*Manager, Operations Support Group, ATO
Central Service Center.*

[FR Doc. 2014–14904 Filed 6–25–14; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Part 744**

[Docket No. 140522446–4446–01]

RIN 0694–AG19

Addition of Certain Persons to the Entity List; and Removal of Person From the Entity List Based on Removal Request

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding four persons under five entries to the Entity List. The persons who are added to the Entity List have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. These persons will be listed on the Entity List under the destinations of China and Hong Kong. There are five entries for four persons because one person is listed under multiple countries, resulting in one additional entry. Specifically, the one additional entry covers one person in China who also has an address in Hong Kong.

In addition, this rule removes one person from the Entity List, as the result of a request for removal submitted by the person, a review of information provided in the removal request in accordance with the EAR, and further review conducted by the End-User Review Committee (ERC).

DATES: *Effective Date:* This rule is effective June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-5991, Fax: (202) 482-3911, Email: ERC@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Entity List (Supplement No. 4 to Part 744) notifies the public about entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to include activities sanctioned by the State Department and activities contrary to U.S. national security or foreign policy interests, including terrorism and export control violations involving abuse of human rights. Certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require licenses from BIS and are usually subject to a policy of denial. The availability of license exceptions in such transactions is very limited. The license review policy for each entity is identified in the license review policy column on the Entity List and the availability of license exceptions is noted in the **Federal Register** notices

adding persons to the Entity List. BIS places entities on the Entity List based on certain sections of part 744 (Control Policy: End-User and End-Use Based) of the EAR.

The End-user Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add four persons under five entries to the Entity List on the basis of § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The five entries added to the Entity List consist of four entries in China, and one entry in Hong Kong.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these four persons to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such persons may be added to the Entity List. Paragraphs (b)(1) through (b)(5) of § 744.11 include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

The four persons being added have been determined by the ERC to be involved in activities that are contrary to the national security or foreign policy interests of the United States, including the activities described under paragraph (b)(2) and (b)(5) of § 744.11.

The ERC determined that Poly Technologies Inc., Xinshidai Company (New Era Group), and Panda International Information Technology Company, all located in China, and HWA Create, located in China and Hong Kong, be added to the Entity List on the basis of their attempts to procure items, including U.S.-origin items, for activities contrary to the national security and foreign policy interests of the United States. The ERC determined

that these persons' activities have included the activities described under paragraph (b)(2) and (b)(5) of § 744.11 of the EAR. Specifically, these companies have attempted to supply items to the People's Liberation Army and/or to export items to destinations sanctioned by the United States. The Department of State sanctioned Poly Technologies Inc. under the Iran, North Korea and Syria Nonproliferation Act (INKSNA) in February 2013. Xinshidai Company was sanctioned in 2004 by the Departments of State and the Treasury under Executive Order 12938, and again by the State Department under INKSNA in 2008.

Pursuant to § 744.11(b)(2) and (b)(5) of the EAR, the ERC determined that the conduct of these four persons raises sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving these persons, and the possible imposition of license conditions or license denials on shipments to the persons, will enhance BIS's ability to prevent violations of the EAR.

For the four persons recommended for addition, the ERC specified a license requirement for all items subject to the EAR and a license review policy of presumption of denial. The license requirements apply to any transaction in which items are to be exported, reexported, or transferred (in-country) to any of the persons or in which such persons act as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule.

This final rule adds the following four persons under five entries to the Entity List:

China

(1) *China Xinshidai Company*, a.k.a., the following one alias:

—China New Era Group, Xinshidai Plaza, Plaza No. 7 Huayuan Rd., Beijing, China;

(2) *HWA Create*, 5/F, Xinshidai Building/New Era Mansion, 7 Huayuan Rd., Beijing, China; *and*

No. B3 Huayuan Rd., Beijing, China (See alternate addresses under Hong Kong);

(3) *Panda International Information Technology Company, Ltd.*, 7/F, B Tower, Yingwu Conference Center, No. 6. Huayuan Road, Haidian District, Beijing, China; *and*

Rm 606 Block B, Beijing Agricultural Science Building, Shugang Garden Haidian Middle Rd, Beijing, China; *and*

(4) *Poly Technologies Inc.*, 11F Poly Plaza, 14 Dongzhimen Nandajie, Beijing China; and

27 Wanshoulu, Haidian district, Beijing, China.

Hong Kong

(1) *HWA Create*, Unit 1001–1002, 10F, Chinachem Building, 34–37 Connaught Rd., Hong Kong; and

Unit A 5th Floor, Cheong Commercial Building, 19–25 Jervois St, Hong Kong; and

Unit B, 6/F, Dah Sing Life Building, 99–1–5 Des Voeux Rd, Hong Kong (See alternate addresses under China).

Removal From the Entity List

This rule implements a decision of the ERC to remove one person, Masoud Est. for Medical and Scientific Supplies, located in Jordan, from the Entity List as a result of the person's request for removal from the Entity List. Based upon the review of the information provided in the removal request in accordance with § 744.16 (Procedure for requesting removal or modification of an Entity List entity), and after review by the ERC's member agencies, the ERC determined that this person should be removed from the Entity List.

The ERC decision to remove this person took into account this person's cooperation with the U.S. Government during the appeal process. In accordance with § 744.16(c), the Deputy Assistant Secretary for Export Administration has sent written notification to this person, informing this entity of the ERC's decision to remove it from the Entity List. This final rule implements the decision to remove the following person located in Jordan from the Entity List:

Jordan

(1) *Masoud Est. for Medical and Scientific Supplies*, 74 First Floor, Tla'a Al Ali Khali Al Salim Street, Amman, Jordan 11118.

The removal of the one entity referenced above, which was made on the basis of a § 744.16 removal request and was approved by the ERC, eliminates the existing license requirements in Supplement No. 4 to part 744 for exports, reexports and transfers (in-country) to the entity. However, the removal of this entity from the Entity List does not relieve persons of other obligations under part 744 of the EAR or under other parts of the EAR. Neither the removal of an entity from the Entity List nor the removal of Entity List-based license requirements relieves persons of their obligations under General Prohibition 5 in § 736.2(b)(5) of the EAR which provides

that, "you may not, without a license, knowingly export or reexport any item subject to the EAR to an end-user or end-use that is prohibited by part 744 of the EAR." Additionally this removal does not relieve persons of their obligation to apply for export, reexport or in-country transfer licenses required by other provisions of the EAR. BIS strongly urges the use of Supplement No. 3 to part 732 of the EAR, "BIS's 'Know Your Customer' Guidance and Red Flags," when persons are involved in transactions that are subject to the EAR.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on June 26, 2014, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to Jasmeet.K.Seehra@omb.eop.gov, or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. For the four persons added under five entries to the Entity List in this final rule, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (See 5 U.S.C. 553(a)(1)). BIS implements this rule to protect U.S. national security or foreign policy interests by preventing items from being exported, reexported, or transferred (in country) to the persons being added to the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, then entities being added to the Entity List by this action would continue to be able to receive items without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, because these parties may receive notice of the U.S. Government's intention to place these entities on the Entity List if a proposed rule is published, doing so would create an incentive for these persons to either accelerate receiving items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, or to take steps to set up

additional aliases, change addresses, and other measures to try to limit the impact of the listing on the Entity List once a final rule was published. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

5. For the one removal from the Entity List in this final rule, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because it would be contrary to the public interest.

In determining whether to grant removal requests from the Entity List, a committee of U.S. Government agencies (the End-user Review Committee (ERC)) evaluates information about and commitments made by listed persons requesting removal from the Entity List, the nature and terms of which are set forth in 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b). The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (72 FR 31005 (June 5, 2007) (proposed rule), and 73 FR 49311 (August 21, 2008) (final rule)). This removal has been made within the established regulatory framework of the Entity List. If the rule were to be delayed to allow for public comment, U.S. exporters may face unnecessary economic losses as they turn away potential sales because the customer remained a listed person on the Entity List even after the ERC approved the removal pursuant to the rule published at 73 FR 49311 on August 21, 2008. By publishing without prior notice and

comment, BIS allows the applicant to receive U.S. exports immediately since the applicant already has received approval by the ERC pursuant to 15 CFR part 744, Supplement No. 5, as noted in 15 CFR 744.16(b).

The removals from the Entity List granted by the ERC involve interagency deliberation and result from review of public and non-public sources, including sensitive law enforcement information and classified information, and the measurement of such information against the Entity List removal criteria. This information is extensively reviewed according to the criteria for evaluating removal requests from the Entity List, as set out in 15 CFR part 744, Supplement No. 5 and 15 CFR 744.16(b). For reasons of national security, BIS is not at liberty to provide to the public the information on which the ERC relied to make the decision to remove this entity. In addition, the information included in the removal request is specific to information exchanged between the applicant and the ERC, which by law (section 12(c) of the Export Administration Act), BIS is restricted from sharing with the public. The removal requests from the Entity List contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such removal requests.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(1) because this rule is a substantive rule which relieves a restriction. This rule removes a requirement (the Entity-List-based license requirement and limitation on use of license exceptions) on this one person being removed from the Entity List. The rule does not impose a requirement on any other person for this one removal from the Entity List.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be

given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. As a result, no final regulatory flexibility analysis is required and none has been prepared.

List of Subject in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013); Notice of January 21, 2014, 79 FR 3721 (January 22, 2014).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. By adding under China, in alphabetical order, four Chinese entities; and

■ b. By adding under Hong Kong, in alphabetical order, one Hong Kong entity.

■ c. By removing the heading “Jordan,” and one Jordanian entity, “Masoud Est. for Medical and Scientific Supplies, 74 First Floor, Tla’a Al Ali Khali Al Salim Street, Amman, Jordan 11118.”

The additions read as follows:

Supplement No. 4 to Part 744—Entity List

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF				
*	*	*	*	*
	China Xinshidai Company, a.k.a., the following one alias: -China New Era Group.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	79 FR [INSERT FR PAGE NUMBER 6–26–14].

Country	Entity	License requirement	License review policy	Federal Register citation
	Xinshidai Plaza, Plaza No. 7 Huayuan Rd., Beijing, China.			
*	*	*	*	*
	HWA Create, 5/F, Xinshidai Building/New Era Mansion, 7 Huayuan Rd., Beijing, China; and No. B3 Huayuan Rd., Beijing, China (See alternate addresses under Hong Kong).	For all items subject to the EAR. (See § 744.11 of the EAR).	EAR. Presumption of denial.	79 FR [INSERT FR PAGE NUMBER 6–26–14].
*	*	*	*	*
	Panda International Information Technology Company, Ltd., 7/F, B Tower, Yingwu Conference Center, No. 6. Huayuan Road, Haidian District, Beijing, China; and Rm 606 Block B, Beijing Agricultural Science Building, Shugang Garden Haidian Middle Rd, Beijing, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	EAR. Presumption of denial.	79 FR [INSERT FR PAGE NUMBER 6–26–14].
*	*	*	*	*
	Poly Technologies Inc., 11F Poly Plaza, 14 Dongzhimen Nandajie, Beijing China; and 27 Wanshoulu, Haidian district, Beijing, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	EAR. Presumption of denial.	79 FR [INSERT FR PAGE NUMBER 6–26–14].
*	*	*	*	*
HONG KONG				
*	*	*	*	*
	HWA Create, Unit 1001–1002, 10F, Chinachem Building, 34–37 Connaught Rd., Hong Kong; and Unit A 5th Floor, Cheong Commercial Building, 19–25 Jervois St, Hong Kong; and Unit B, 6/F, Dah Sing Life Building, 99–1–5 Des Voeux Rd, Hong Kong (See alternate addresses under China).	For all items subject to the EAR. (See § 744.11 of the EAR).	EAR. Presumption of denial.	79 FR [INSERT FR PAGE NUMBER 6–26–14].
*	*	*	*	*

Dated: June 20, 2014.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2014–14935 Filed 6–25–14; 8:45 am]

BILLING CODE 3510–33–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Docket No. SSA–2009–0027]

RIN 0960–AH02

Electronic Substitutions for SSA–538

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: This final rule adopts, without change, the final rule with request for comments we published in the **Federal Register** (76 FR 41685) on July 15, 2011. We are revising our regulations to reflect our use of

electronic case processing at the initial and reconsideration levels of our administrative review process. We are not changing the requirement that State agency medical and psychological consultants must affirm the accuracy and completeness of their findings of fact and discussion of the supporting evidence, only the manner in which they may provide the required findings and affirmation. This revision will improve our efficiency by increasing our use of electronic resources.

DATES: These final rules are effective June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Cheryl Williams, Office of Medical Listings Improvement, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–1020. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security

Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

Background

We are making final the rules for using electronic substitutions for the Childhood Disability Evaluation Form (SSA–538) we published as a final rule with request for comments in the **Federal Register** on July 15, 2011. We previously required adjudicators at the initial and reconsideration levels to complete Form SSA–538 in all cases of children alleging disability or continuing disability under title XVI of the Social Security Act. We now provide a Web-based tool that assists our adjudicators in making disability determinations at the initial and reconsideration levels. We use the new tool in electronic cases but do not use it for cases that we do not process electronically. The final rule permits our adjudicators to substitute the Web-

based tool for Form SSA-538. If adjudicators do not use the Web-based tool, we still require them to complete Form SSA-538 to explain our findings in childhood disability determinations.

Public Comments

On July 15, 2011, we published a final rule with request for comments in the **Federal Register** at 76 FR 41685 and provided a 60-day public comment period. We received one comment. We carefully considered the concerns expressed in this comment, but did not make any changes to the final rule.

We have summarized the commenter's view and have responded to the significant issue raised by the commenter.

Comment: The commenter was concerned with the consistency between claims that are filed on paper and those filed electronically, and suggested that Form SSA-538 be available for electronic claims to ensure that all children's claims receive the same considerations.

Response: We did not adopt this comment. While we believe that consistency in adjudication is important, we do not agree that Form SSA-538 should be available on the Web-based tool that adjudicators currently use in evaluating childhood disability claims. As we noted in the preamble to our July 2011 final rule with request for comments (76 FR 41686), although the Web-based tool does not include an exact copy of Form SSA-538, the tool does include all of the major elements of the form for explaining our findings in these claims. That is, the consultant with overall responsibility must affirm that he or she considered the factors and evidence, as we require, in determining whether a child's impairment(s) is severe, meets or medically equals a listing, or functionally equals the listings.

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB did not review it.

Regulatory Flexibility Act

We certify that these rules would not have a significant economic impact on a substantial number of small entities because they affect individuals only.

Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

These rules do not create any new or affect any existing collections and, therefore, do not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Program No. 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure; Aged, Blind, Disability benefits; Public assistance programs; Reporting and recordkeeping requirements; Supplemental Security Income (SSI).

Dated: June 19, 2014.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

Accordingly, the final rule with request for comments amending 20 CFR chapter III, part 416, subpart I that was published at 76 FR 41685 on July 15, 2011, is adopted as a final rule without change.

[FR Doc. 2014-14914 Filed 6-25-14; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31, and 301

[TD 9670]

RINs 1545-BJ06; 1545-BK38

Disregarded Entities; Religious and Family Member FICA and FUTA Exceptions; Indoor Tanning Services Excise Tax

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to disregarded entities (including qualified subchapter S subsidiaries) and the indoor tanning services excise tax. These final regulations affect disregarded entities responsible for collecting the indoor tanning services excise tax and owners of those disregarded entities. The final regulations also relate to disregarded entities and certain exceptions from taxes under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act, as well as backup withholding rules and related information reporting requirements. These final regulations affect individual

owners of disregarded entities. These regulations also affect the owners of disregarded entities subject to backup withholding rules.

DATES: *Effective Date:* These regulations are effective on June 26, 2014.

Applicability Dates: For dates of applicability, see §§ 1.1361-4(a)(8)(ii), 31.3121(b)(3)-1(e), 31.3127-1(c), 31.3306(c)(5)-1(e), 301.7701-2(e)(5), and 301.7701-2(e)(6)(iv).

FOR FURTHER INFORMATION CONTACT:

Regarding excise tax-related provisions, Michael H. Beker (202) 317-6855; regarding employment tax-related provisions, Andrew Holubeck (202) 317-4770 (not toll free calls).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations amending the Income Tax Regulations (26 CFR part 1) under section 1361 of the Internal Revenue Code (Code), the Employment Tax Regulations (26 CFR part 31) under sections 3121, 3127, and 3306 of the Code, and the Procedure and Administration Regulations (26 CFR part 301) under section 7701 of the Code.

Indoor Tanning Services Excise Tax-Related Regulations

On June 25, 2012, final and temporary regulations (TD 9596) were published in the **Federal Register** (77 FR 37806). The regulations treat disregarded entities (including qualified subchapter S subsidiaries) as separate entities for purposes of the indoor tanning services excise tax imposed by section 5000B.

Also on June 25, 2012, a notice of proposed rulemaking (REG-125570-11) was published by cross-reference to the temporary regulations in the **Federal Register** (77 FR 37838). The preamble to TD 9596 includes background information and an explanation of provisions regarding the regulations.

Employment Tax-Related Regulations

On November 1, 2011, final and temporary regulations (TD 9554) were published in the **Federal Register** (76 FR 67363). The regulations extend the exceptions or exemptions from taxes under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act under sections 3121(b)(3) (concerning individuals who work for certain family members), 3127 (concerning members of religious faiths), and 3306(c)(5) (concerning persons employed by children and spouses and children under 21 employed by their parents) to services performed in the employ of certain

entities that are generally disregarded as separate from their owners for federal tax purposes under § 301.7701-2(c). The regulations also clarify the existing rule that, in the case of an entity that is disregarded as an entity separate from its owner for any purpose under § 301.7701-2(c), the owner is subject to the withholding requirements imposed under section 3406 (backup withholding).

Also on November 1, 2011, a notice of proposed rulemaking (REG-136565-09) was published by cross-reference to the temporary regulations in the **Federal Register** (76 FR 67384). The preamble to TD 9554 includes background information and an explanation of provisions regarding the regulations.

Combining the Employment Tax and Excise Tax Provisions Into This Final Regulation

The IRS did not receive any written or electronic comments responding to either notice of proposed rulemaking and a public hearing was neither requested nor held. Accordingly, both sets of proposed regulations are adopted as amended by this Treasury decision without substantive change and both sets of corresponding temporary regulations are removed. The nonsubstantive revisions are discussed in the next section.

Explanation of Revisions

These final regulations reorganize and revise § 31.3121(b)(3)-1, § 31.3127-1, § 31.3306(c)(5)-1, and § 301.7701-2(c)(2)(iv) for clarity, and no substantive changes are intended to these provisions. In § 31.3121(b)(3)-1, concerning family employment, the general rule that applies to corporations was moved from § 31.3121(b)(3)-1(c) to § 31.3121(b)(3)-1(d), so that the rules for disregarded entities (which are treated as corporations for purposes of Subtitle C under § 301.7701-2(c)(2)(iv)(B)) would follow after the general corporate rule. Similarly, in § 31.3306(c)(5)-1, with respect to the provisions concerning family employment, the general rule that applies to corporations was moved from § 31.3306(c)(5)-1(c) to § 31.3306(c)(5)-1(d), so that the rules for disregarded entities would follow after the general corporate rule. For clarity, § 31.3127-1(a) was reorganized into a list format and headings were added. In addition, §§ 31.3121(b)(3)-1(d), 31.3127-1(b), and 31.3306(c)(5)-1(d) were revised to provide that an entity that is treated as a corporation for purposes of Subtitle C under § 301.7701-2(c)(2)(iv)(B) is not treated as the employer for purposes of applying sections 3121(b)(3), 3127, and

3306(c)(5) and the regulations thereunder.

Section 301.7701-2(c)(2)(iv)(A) continues to provide that § 301.7701-2(c)(2)(i) (relating to certain wholly owned entities) does not apply to taxes imposed under Subtitle C. Section 301.7701-2(c)(2)(iv)(B) also continues to provide that an entity that is disregarded as an entity separate from its owner for any purpose under § 301.7701-2 is treated as a corporation for purposes of taxes imposed under Subtitle C. The cross references that were formerly in § 301.7701-2(c)(2)(iv)(C) and were described as exceptions to § 301.7701-2(c)(2)(iv)(B) are now described as special rules and are added to § 301.7701-2(c)(2)(iv)(B). In addition, the language formerly of § 301.7701-2(c)(2)(iv)(A) regarding backup withholding has been moved to new § 301.7701-2(c)(2)(iv)(C)(1) to clarify that it is an exception to the general provisions of § 301.7701-2(c)(2)(iv)(A) and (B). Finally, the last two sentences that were formerly in § 301.7701-2(c)(2)(iv)(A) regarding taxes imposed under Subtitle A, including Chapter 2, Tax on Self Employment Income, have been moved to new § 301.7701-2(c)(2)(iv)(C)(2) to put all the special clarifying rules and exceptions in one paragraph.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the proposed regulations that preceded these regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business and no comments were received.

Drafting Information

The principal authors of these regulations are Michael H. Beker, Office of the Associate Chief Counsel (Passthroughs and Special Industries), and Andrew Holubeck, Office of the Associate Chief Counsel (Tax Exempt & Government Entities). However, other personnel from the IRS and the Treasury

Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 31

Employment taxes, Income Taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1, 31, and 301 are amended as follows:

PART 1—INCOME TAX

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

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

■ **Par. 2.** Section 1.1361-4 is amended as follows:

■ 1. In paragraph (a)(8)(i)(A) the language “and 38” is removed and “38, and 49” is added in its place.

■ 2. In paragraph (a)(8)(i)(B) the language “Chapter 33” is removed and “Chapters 33 and 49” is added in its place.

■ 3. Paragraph (a)(8)(ii) is revised.

■ 4. Paragraph (a)(8)(iii) is removed.

The revision reads as follows:

§ 1.1361-4 Effect of QSub election.

(a) * * *

(8) * * *

(ii) *Effective/applicability date.* (A) Except as provided in this paragraph (a)(8)(ii), paragraph (a)(8) of this section applies to liabilities imposed and actions first required or permitted in periods beginning on or after January 1, 2008.

(B) References to Chapter 49 in paragraph (a)(8) of this section apply to taxes imposed on amounts paid on or after July 1, 2012.

(C) Paragraph (a)(8)(i)(E) of this section applies for periods after December 31, 2014.

* * * * *

§ 1.1361-4T [Removed]

■ **Par. 3.** Section 1.1361-4T is removed.

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Par. 4.** The authority citation for part 31 continues to read in part as follows:

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

■ **Par. 5.** Section 31.3121(b)(3)–1 is amended by revising paragraphs (c), (d), and (e) to read as follows:

§ 31.3121(b)(3)–1 Family employment.

* * * * *

(c) Services performed in the employ of a partnership are within the exception described in paragraph (a) of this section only if the requisite family relationship exists between the employee and each of the partners comprising the partnership.

(d) Services performed in the employ of a corporation are not within the exception described in paragraph (a) of this section, except that services performed in the employ of an entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter may qualify for the exception if the requirements of the exception are otherwise met. An entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter is not treated as the employer for purposes of applying section 3121(b)(3) and this section. For purposes of applying section 3121(b)(3) and this section, the owner of an entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter is treated as the employer.

(e) Paragraphs (c) and (d) of this section apply to wages paid on or after November 1, 2011. However, taxpayers may apply paragraphs (c) and (d) of this section to wages paid on or after January 1, 2009.

§ 31.3121(b)(3)–1T [Removed]

■ **Par. 6.** Section 31.3121(b)(3)–1T is removed.

■ **Par. 7.** Section 31.3127–1 is added to read as follows:

§ 31.3127–1 Exemption for employers and their employees if both are members of religious faiths opposed to participation in Social Security Act programs.

(a) *Exemption*—(1) *Employer*. Except as provided in paragraph (b) of this section, an employer is exempt from the taxes imposed by section 3111 on wages paid to an employee if—

(i) The employer (or if the employer is a partnership, each partner therein) and its employee are members of a recognized religious sect or division described in section 1402(g)(1);

(ii) Both the employer (or if the employer is a partnership, each partner therein) and the employee adhere to the tenets and teachings of that sect; and

(iii) Both the employer and the employee have filed and had approved applications under section 3127(b) for exemption from the taxes imposed by sections 3111 and 3101.

(2) *Employee*. If an employer is exempt from the taxes imposed by section 3111 under paragraph (a)(1) of this section, then each employee described in paragraph (a)(1) of this section is exempt from the taxes imposed by section 3101 on the wages received with respect to employment with that employer.

(b) *Corporation*. Services performed in the employ of a corporation are not within the exemption described in paragraph (a) of this section, except that services performed in the employ of an entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter may qualify for the exemption if the requirements of the exemption are otherwise met. An entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter is not treated as the employer for purposes of applying section 3127 and this section. For purposes of applying section 3127 and paragraph (a) of this section, the owner of an entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter is treated as the employer.

(c) *Effective/applicability date*. This section applies to wages paid on or after November 1, 2011. However, taxpayers may apply this section to wages paid on or after January 1, 2009.

§ 31.3127–1T [Removed]

■ **Par. 8.** Section 31.3127–1T is removed.

■ **Par. 9.** Section 31.3306(c)(5)–1 is amended by revising paragraphs (c), (d), and (e) to read as follows:

§ 31.3306(c)(5)–1 Family employment.

* * * * *

(c) Services performed in the employ of a partnership are within the exception described in paragraph (a) of this section only if the requisite family relationship exists between the employee and each of the partners comprising the partnership.

(d) Services performed in the employ of a corporation are not within the exception described in paragraph (a) of this section, except that services performed in the employ of an entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter

may qualify for the exception if the requirements of the exception are otherwise met. An entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter is not treated as the employer for purposes of applying section 3306(c)(5) and this section. For purposes of applying section 3306(c)(5) and this section, the owner of an entity that is treated as a corporation under § 301.7701–2(c)(2)(iv)(B) of this chapter is treated as the employer.

(e) Paragraphs (c) and (d) of this section apply to wages paid on or after November 1, 2011. However, taxpayers may apply paragraphs (c) and (d) of this section to wages paid on or after January 1, 2009.

§ 31.3306(c)(5)–1T [Removed]

■ **Par. 10.** Section 3306(c)(5)–1T is removed.

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 11.** The authority citation for part 301 continues to read in part as follows:

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

■ **Par. 12.** Section 301.7701–2 is amended as follows:

■ 1. Paragraphs (c)(2)(iv)(A), (B), and (C) are revised.

■ 2. Paragraph (c)(2)(v)(A)(1) is amended by removing the language “and 38” and adding “38, and 49” in its place.

■ 3. Paragraph (c)(2)(v)(A)(2) is amended by removing the language “Chapter 33” and adding “Chapters 33 and 49” in its place.

■ 4. Paragraph (c)(2)(vi) is removed.

■ 5. Paragraph (e)(5) is revised.

■ 6. Paragraph (e)(6)(iv) is added.

■ 7. Paragraphs (e)(8) and (e)(9) are removed.

The revisions and addition read as follows:

§ 301.7701–2 Business entities; definitions.

* * * * *

(c) * * *

(2) * * *

(iv) * * *

(A) *In general*. Except as provided in paragraph (c)(2)(iv)(C) of this section, paragraph (c)(2)(i) of this section (relating to certain wholly owned entities) does not apply to taxes imposed under Subtitle C—Employment Taxes and Collection of Income Tax (Chapters 21, 22, 23, 23A, 24, and 25 of the Internal Revenue Code).

(B) *Treatment of entity.* Except as provided in paragraph (c)(2)(iv)(C) of this section, an entity that is disregarded as an entity separate from its owner for any purpose under this section is treated as a corporation with respect to taxes imposed under Subtitle C—Employment Taxes and Collection of Income Tax (Chapters 21, 22, 23, 23A, 24, and 25 of the Internal Revenue Code). For special rules regarding the application of certain employment tax exceptions, see §§ 31.3121(b)(3)–1(d), 31.3127–1(b), and 31.3306(c)(5)–1(d) of this chapter.

(C) *Special rules.* (1) Paragraphs (c)(2)(iv)(A) and (B) of this section do not apply to withholding requirements imposed by section 3406 (backup withholding). Thus, in the case of an entity that is disregarded as an entity separate from its owner for any purpose under this section, the owner is subject to the withholding requirements imposed by section 3406 (backup withholding).

(2) Paragraph (c)(2)(i) of this section applies to taxes imposed under Subtitle A, including Chapter 2—Tax on Self Employment Income. Thus, the owner of an entity that is treated in the same manner as a sole proprietorship under paragraph (a) of this section is subject to tax on self-employment income.

* * * * *

(e) * * *

(5)(i) Except as provided in this paragraph (e)(5), paragraph (c)(2)(iv) of this section applies with respect to wages paid on or after January 1, 2009.

(ii) Paragraph (c)(2)(iv)(B) applies with respect to wages paid on or after September 14, 2009. For rules that apply before September 14, 2009, see 26 CFR part 301 revised as of April 1, 2009.

(iii) Paragraph (c)(2)(iv)(C)(1) of this section applies with respect to wages paid on or after November 1, 2011. For rules that apply before November 1, 2011, see 26 CFR part 301, revised as of April 1, 2011. However, taxpayers may apply paragraph (c)(2)(iv)(C)(1) of this section with respect to wages paid on or after January 1, 2009.

(6) * * *

(iv) References to Chapter 49 in paragraph (c)(2)(v) of this section apply to taxes imposed on amounts paid on or after July 1, 2012.

* * * * *

§ 301.7701–2T [Removed]

■ **Par. 13.** Section 301.7701–2T is removed.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: February 7, 2014.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

Editorial Note: This document was received for publication by the Office of the Federal Register on June 23, 2014.

[FR Doc. 2014–14967 Filed 6–25–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0005]

RIN 1625–AA08

Special Local Regulations; Beaufort Water Festival, Beaufort, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation pertaining to the Beaufort Water Festival from 11:30 a.m. through 4:30 p.m. on July 19, 2014. This action is necessary to ensure safety of life on navigable waters of the United States during the Beaufort Water Festival Air Show. During the enforcement period, the special local regulation establishes a regulated area which all people and vessels will be prohibited from entering, transiting through, anchoring, or remaining within. Vessels may enter, transit through, anchor in, or remain within the area if authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective and will be enforced from 11:00 a.m. until 5:00 p.m. on July 19, 2014.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2014–0005 and are available online by going to <http://www.regulations.gov>, inserting USCG–2014–0005 in the “Keyword” box, and then clicking “Search.” They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590,

between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On April 19, 2014, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations; Beaufort Water Festival, Beaufort, SC in the **Federal Register** (79 FR 21661). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

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

C. Discussion of Comments, Changes and the Final Rule

This temporary rule creates a regulated area that will encompass a portion of the waterway that is 700 ft wide by 2600 ft in length, whose approximate corner coordinates are as follows: 32°25’47” N/080°40’44” W, 32°25’41” N/080°40’14” W, 32°25’35” N/080°40’16” W, 32°25’40” N/080°40’46” W, Spectator vessels may safely transit outside the regulated area, but are prohibited from entering, transiting through, anchoring, or remaining within the regulated area. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation. Persons and vessels may not enter, transit through, anchor in, or remain within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

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

on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

1. Regulatory Planning and Review

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

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

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received 0 comments from the Small Business Administration on this rule.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit

through, anchor in, or remain within that portion of Beaufort River from 11:00 a.m. until 5:00 p.m. on July 19, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade. An environmental analysis checklist and a Categorical Exclusion Determination were completed for this event in previous years. Since this event has remained materially unchanged from the time of the prior determinations, a new environmental analysis checklist and Categorical Exclusion Determination were not completed for 2014. The previously completed environmental analysis checklist and Categorical Exclusion Determination can be found in docket folder for USCG-2013-0213 at www.regulations.gov. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2-1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07-0005 to read as follows:

§ 100.T07-0005 Special Local Regulations; Beaufort Water Festival, Beaufort, SC.

(a) *Regulated Area.* The following location is a regulated area: Certain waters of the Beaufort River, within the following points; 32°25'47" N/080°40'44" W, 32°25'41" N/080°40'14" W, 32°25'35" N/080°40'16" W, 32°25'40" N/080°40'46" W. All coordinates are North American Datum 1983. This zone will create a regulated area that will encompass a portion of the waterway that is 700 ft wide by 2600 ft in length.

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

(c) *Regulations.* (1) All persons and vessels, except those participating in the Beaufort Water Festival Air Show, or serving as safety vessels, are prohibited from entering, transiting through, anchoring, or remaining within the regulated area. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(2) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Date.* This rule will be enforced from 11:30 a.m. until 4:30 p.m. on July 19, 2014.

Dated: June 2, 2014.

R.R. Rodriguez,

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

[FR Doc. 2014-14898 Filed 6-25-14; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2012-1036]

Safety Zones & Special Local Regulations; Recurring Marine Events in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce 6 safety zones for 5 fireworks displays and 1 swim event in the Sector Long Island Sound area of responsibility on the dates and times listed in the tables below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the regulated area or safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

DATES: The regulations in 33 CFR 165.151 will be enforced during the dates and times listed in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Scott Baumgartner, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203-468-4559, email Scott.A.Baumgartner@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.151 on the specified dates and times as indicated in the Tables below. If the event is delayed by inclement weather, the regulation will be enforced on the rain date indicated in the Tables below. These regulations were published in the **Federal Register** on May 24, 2013 (78 FR 31402).

TABLE 1 TO § 165.151

6	June
6.4 Salute to Veterans Fireworks	<ul style="list-style-type: none"> • Date: June 28, 2014. • Rain date: June 29, 2014. • Time: 9 p.m. to 10:30 p.m.

TABLE 1 TO § 165.151—Continued

	<ul style="list-style-type: none"> • Location: Waters of Reynolds Channel off Hempstead, NY within 600 feet of the fireworks launch site located in approximate position 40°35'36.87" N, 073°35'20.72" W (NAD 83).
7	July
7.12 City of Stamford Fireworks	<ul style="list-style-type: none"> • Date: July 3, 2014. • Rain date: July 5, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of Fisher's Westcott cove, Stamford, CT in approximate position 41°02'09.56" N, 073°30'57.76" W (NAD 83).
7.13 City of West Haven Fireworks	<ul style="list-style-type: none"> • Date: July 3 2014. • Rain date: July 5, 2014. • Time: 8:45 p.m. to 10:30 p.m. • Location: Waters of New Haven Harbor, off Bradley Point, West Haven, CT within 800 feet of the fireworks launch site located in approximate position 41°15'07" N, 072°57'26" W (NAD 83).
7.23 Riverfest Fireworks	<ul style="list-style-type: none"> • Date: July 12, 2014. • Rain date: July 13, 2014. • Time: 4:00 p.m. to 12:00 a.m. • Location: Waters of the Connecticut River near Hartford, CT within 800 feet of the center point of four fireworks barges located in approximate position, 41°45'39.93" N, 072°39'49.14" W (NAD 83).
7.29 Mashantucket Pequot Fireworks	<ul style="list-style-type: none"> • Date: July 12, 2014. • Rain Date: July 13, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Thames River New London, CT within 1,000 feet of the fireworks barges located in the following approximate positions: Barge 1, 41°21'03.31" N, 072°05'21.54" W Barge 2, 41°20'51.75" N, 072°05'18.90" W (NAD 83).

TABLE 2 TO § 165.151

	August
1.1 Swim Across the Sound	<ul style="list-style-type: none"> • Date: August 2, 2014. • Time: 8:30 a.m. to 7:30 p.m. • Location: Waters of Long Island Sound, Port Jefferson, NY to Captain's Cove Seaport, Bridgeport, CT. in approximate positions 40°58'11.71" N 073°05'51.12" W, north-westerly to the finishing point at Captain's Cove Seaport 41°09'25.07" N 073°12'47.82" W (NAD 83).

Under the provisions of 33 CFR 165.151, the fireworks displays and swim events listed above are established as safety zones. During the enforcement periods, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within the regulated area or safety zone unless they receive permission from the COTP or designated representative.

This notice is issued under authority of 33 CFR part 165 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that the regulated area or safety zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area or safety zone.

Dated: June 13, 2014.
E.J. Cubanski, III,
Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.
 [FR Doc. 2014-14993 Filed 6-25-14; 8:45 am]
BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2014-0260]

RIN 1625-AA00

Safety Zone; United States and Canadian Military Exercise Jump Training, Lake Erie, Hamburg, NY

AGENCY: Coast Guard, DHS.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Erie, Hamburg, NY. This rule is necessary to protect the United States military and Canadian military participants as well as mariners and vessels from the navigational and safety hazards associated with the airborne deployment of U.S. and Canadian military personnel and their associated equipment. This rule is intended to restrict vessels from a portion of Lake Erie from the shoreline of Woodlawn Beach out approximately one mile into Lake Erie during the airborne deployment exercise.

DATES: This temporary final rule is effective from 7:30 a.m. July 9, 2014, until 6:30 p.m. July 11, 2014. It will be enforced from 7:30 a.m. until 6:30 p.m. daily from July 9, 2014 through July 11, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG-

2014-0260]. To view documents mentioned in this preamble as being available in the docket, go to <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 rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9573, email SectorBuffaloMarineSafety@uscg.mil. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826 or 1-800-647-5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of Proposed Rulemaking
 TFR Temporary Final Rule
 § Section

A. Regulatory History and Information

The Coast Guard is issuing this TFR without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display, which are discussed further below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this TFR effective less than 30

days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

Between 7:30 a.m. to 6:30 p.m. each day on July 9-11, 2014 a training operation will be taking place on Lake Erie Hamburg, NY. The Captain of the Port Buffalo has determined that airborne deployment of military personnel may pose a significant risk to public safety and property. Such hazards include parachutes and rigging equipment for the parachuting military personnel floating on the water as well as the potential for collisions between vessels and descending parachuting military personnel.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of U.S. and Canadian military personnel, transient watercraft and potential spectator vessels during this exercise. This zone will be effective and enforced between 7:30 a.m. to 6:30 p.m. daily from July 9, 2014, through July 11, 2014. Radio broadcasts will be made prior to all jump evolutions. This safety zone will encompass all waters of Lake Erie, Hamburg, NY off of Woodlawn beach within a zone described by the following position: Beginning at 42°45'50.82" N, 078°53'23.46" W, the point of origin, in a straight line north to 42°46'50.82" N, 078°53'23.46" W then in a straight line east to 42°46'50.82" N, 078°52'01.68" W then in a straight line to south to the shoreline position 42°46'17.84" N, 078°52'01.68" W and continuing along the shoreline south to 42°45'50.82" N, 078°52'48.18" W and returning in a straight line west to the point of origin (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Lake Erie between 8:00 a.m. to 6:00 p.m. daily starting on July 9-11, 2014.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be activated, and thus subject to enforcement, for only 10 hours each day. The majority of the training exercises will be conducted during the regular business week during normal daylight business hours reducing the likelihood of affecting transient recreational vessels. Traffic may be allowed to pass around the zone with

the permission of the Captain of the Port before and after the completion of each evolution. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his on-scene representative. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations

That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §§ 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Commandant Instruction because it involves the establishment of a safety zone.

A preliminary environmental analysis checklist and a preliminary Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0260 to read as follows:

§ 165.T09–0260 Safety Zone; US/CA Special Forces Jump Training, Lake Erie, Hamburg, NY.

(a) *Location.* This safety zone will encompass all waters of Lake Erie, Hamburg, NY, off of Woodlawn beach within a zone described by the following positions: Beginning at 42°45'50.82" N, 078°53'23.46" W, the point of origin, in a straight line north to 42°46'50.82" N, 078°53'23.46" W then

in a straight line east to 42°46'50.82" N, 078°52'01.68" W then in a straight line to south to the shoreline position 42°46'17.84" N, 078°52'01.68" W and continuing along the shoreline south to 42°45'50.82" N, 078°52'48.18" W and returning in a straight line west to the point of origin (NAD 83).

(b) *Enforcement period.* This section will be enforced between 7:30 a.m. to 6:30 p.m. daily starting on July 9, 2014, through July 11, 2014.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within the safety zone described in paragraph (a) of this § 165.T09–0260 is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

(d) *Exemption.* Public vessels, as defined in paragraph (c) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Buffalo or his designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of public or environmental safety.

(f) *Notification.* The Captain of the Port Buffalo will notify the public that the safety zones in this section is or will be enforced by all appropriate means to the affected segments of the public including publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to

Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone is cancelled.

Dated: June 12, 2014.

B.W. Roche,

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

[FR Doc. 2014–14896 Filed 6–25–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0165]

RIN 1625–AA00

Safety Zones; July 4th Fireworks Displays Within the Captain of the Port Zone, Miami FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary safety zones during Fourth of July firework events on navigable waterways in the vicinity of Stuart, West Palm Beach, and Miami, Florida. These safety zones are necessary to protect the public from hazards associated with launching fireworks over the navigable waters of the United States. Non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the safety zones unless authorized by the Captain of the Port Miami or a designated representative.

DATES: This rule is effective and will be enforced from 8:30 p.m. until 10:15 p.m. on July 4, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0165]. To view documents mentioned in this preamble as being available in the docket, go to <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 rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or

email John K. Jennings, Sector Miami Prevention Department, U.S. Coast Guard; telephone (305) 535–4317, email john.k.jennings@uscg.mil. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On May 6, 2014, a Notice of Proposed Rulemaking (NPRM) entitled Safety Zones: July 4th Fireworks Displays within the Captain of the Port Miami Zone, FL was published in the **Federal Register** (79 FR 25763). We received no comments on the proposed rule. No Public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential hazards associated with launching fireworks over the navigable waters of the United States.

B. Basis and Purpose

(a) The legal basis for the rule is the Coast Guard’s authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 33 CFR 1.05–1(g), and 160.5; Department of Homeland Security Delegation No. 0170.1.

(b) The purpose of the rule is to provide for the safety of life on navigable waters of the United States.

C. Discussion of the Final Rule

Multiple fireworks display events are planned for Fourth of July celebrations throughout the Captain of the Port Miami Zone. The fireworks will explode over navigable waters of the United States.

The Coast Guard is establishing three temporary safety zones for fireworks displays on July 4, 2014 on navigable waters of the United States within the Captain of the Port Miami Zone based on the location and/or size of the events. The safety zones are listed below.

The first safety zone is in Stuart, Florida. The safety zone encompasses all waters within a 400 yard radius around the barge from which the fireworks will be launched, located on the St. Lucie River north of City Hall.

This safety zone will be enforced from 8:30 p.m. until 9:45 p.m.

The second safety zone is in West Palm Beach, Florida. The safety zone encompasses all waters within a 300 yard radius around the barge from which the fireworks will be launched, located on the Intracoastal Waterway north of the Royal Palm Bridge. This safety zone will be enforced from 9 p.m. until 10:15 p.m.

The third safety zone is located at Bayfront Park, Miami, Florida. The safety zone encompasses all waters within a 400 yard radius around the barge from which the fireworks will be launched, located on the waters of Biscayne Bay east of Bayfront Park. This safety zone will be enforced from 8:30 p.m. until 9:45 p.m.

Non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the safety zones unless authorized by the Captain of the Port Miami or a designated representative.

Persons and vessels may request authorization to enter the safety zones by contacting the Captain of the Port Miami by telephone at 305-535-4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the safety zones is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or the designated representative. The Coast Guard will provide notice of the safety zones by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following

reasons: (1) Each safety zone will be enforced for less than two hours; (2) although non-participant persons and vessels will not be able to enter, transit through, anchor in, or remain within the safety zones without authorization from the Captain of the Port Miami or a designated representative, they may operate in the surrounding areas during the enforcement period; (3) non-participant persons and vessels may still enter, transit through, anchor in, or remain within the safety zones during the enforcement period if authorized by the Captain of the Port Miami or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zones to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of motor vessels intending to enter, transit through, anchor in, or remain within any of the safety zones described in this regulation during the respective enforcement period. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to

the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard previously completed a Categorical Exclusion Determination for these temporary safety zones in 2013. The regulation for the 2013 occurrences is similar in all aspects to this year’s regulation with the exception of the removal of one event in Deerfield Beach. This display was removed from this year’s regulation for lack of need due to low vessel spectatorship. Since this year’s event is similar to the 2013 event and regulation, the same Categorical Exclusion Determination is being referenced for this year’s regulation. The Categorical Exclusion Determination is available in the docket folder for USCG–2013–0429 at www.regulations.gov. This

rule involves establishing safety zones that will be enforced from 8:30 p.m. until 10:15 p.m. on July 4, 2014. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0165 to read as follows:

§ 165.T07–0165 Safety Zones; July 4th Fireworks Displays within the Captain of the Port Miami Zone, FL.

(a) *Regulated Areas.* The following regulated areas are safety zones. All coordinates are North American Datum 1983.

(1) *Stuart, FL.* All waters within a 400 yard radius around the barge from which the fireworks will be launched, located on the St. Lucie River north of City Hall at approximate position 27°12′09″ N, 80°14′20″ W.

(2) *West Palm Beach, FL.* All waters within a 300 yard radius around the barge from which the fireworks will be launched, located on the Intracoastal Waterway north of the Royal Palm Bridge at approximate position 26°42′36″ N, 80°02′45″ W.

(3) *Miami, FL.* All waters within a 400 yard radius around the barge from which the fireworks will be launched, located on the waters of Biscayne Bay east of Bayfront Park at approximate position 25°46′30″ N, 80°10′56″ W.

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

(c) *Regulations.*

(1) Non-participant persons and vessels are prohibited from entering, transiting through, anchoring in or remaining within the safety zones unless authorized by the Captain of the Port Miami or a designated representative.

(2) Non-participant persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zones may contact the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within a safety zone is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

(3) The Coast Guard will provide notice of the safety zones by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule will be enforced from 8:30 p.m. until 10:15 p.m. on July 4, 2014.

Dated: June 11, 2014.

A.J. Gould,

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

[FR Doc. 2014–14905 Filed 6–25–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0353]

RIN 1625–AA00

Safety Zone; Meridian Health Fireworks, Navesink River, Rumson, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary Final Rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of the Navesink River in the vicinity of Rumson, NJ for a fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays. This rule is intended to restrict all vessels from a portion of the Navesink River before, during, and immediately after the fireworks event.

DATES: This rule is effective on June 27, 2014 from 9:15 p.m. until 10:30 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0353]. To view documents mentioned in this preamble as being available in the docket, go to <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 rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Kristopher Kesting, Sector New York, Waterways Management, U.S. Coast Guard; Telephone (718) 354–4154, Email Kristopher.R.Kesting@uscg.mil. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because a late event application was received on March 13, 2014 and therefore sufficient time was not available to execute the full NPRM process. The event sponsor advised that the event is in correlation with a large Meridian Health fundraiser event, and therefore the sponsor is unable to cancel or delay the event date.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal**

Register. The rule must become effective on the date specified in order to provide for the safety of spectators and vessels operating in the area near this event. Delaying the effective date of this rule would be contrary to the public interest and would expose spectators and vessels to the hazards associated with the fireworks event. The sponsor advised that any change to the date of the event would cause economic hardship on the event sponsor, negatively impacting other activities being held in conjunction with the event.

B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

This temporary safety zone is necessary to ensure the safety of spectators and vessels from hazards associated with the fireworks display.

C. Discussion of the Final Rule

This rule establishes a temporary safety zone on the navigable waters of the Navesink River, in the vicinity of Rumson, NJ. All persons and vessels shall comply with the instructions of the Captain of the Port (COTP) New York or a designated representative during the enforcement of the temporary safety zone. Entering into, transiting through, or anchoring within the temporary safety zone is prohibited unless authorized by the COTP, or a designated representative.

Based on the inherent hazards associated with fireworks, the COTP New York has determined that fireworks launched in close proximity to water craft pose a significant risk to public safety and property. The combination of an increased number of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, and debris, especially burning debris falling on passing or spectator vessels, has the potential to result in serious injuries or fatalities. This temporary safety zone will restrict vessels from a portion of the Navesink River around the location of the fireworks launch platform before, during, and immediately after the fireworks display.

The Coast Guard has determined that this regulated area will not have a significant impact on vessel traffic due to its temporary nature and limited size and the fact that vessels are allowed to transit the navigable waters outside of the regulated area.

Advanced public notifications may also be made to the local mariners through appropriate means, which may include, but are not limited to, the Local Notice to Mariners as well as Broadcast Notice to Mariners.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard’s implementation of this temporary safety zone will be of short duration and is designed to minimize the impact to vessel traffic on the navigable waters. This temporary safety zone will only be enforced for a short period, in the late evening. Due to the location, vessels will be able to transit around the zone in a safe manner.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

(1) This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in a portion of the navigable waters in the vicinity of the marine event during the effective period.

(2) This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for a short period, vessel traffic could pass safely around the safety

zone, and the Coast Guard will notify mariners before activating the zone by appropriate means which may include but are not limited to Local Notice to Mariners and Broadcast Notice to Mariners.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security

Management Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a temporary safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), reporting and recordkeeping requirements, waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREA

- 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T01–0353 to read as follows:

§ 165.T01–0353 Safety Zone; Meridian Health Fireworks, Navesink River, Rumson, NJ.

(a) *Regulated Area.* The following area is a temporary safety zone: All navigable waters of The Navesink River within a 150-yard radius of the fireworks barge located in approximate position 40°22'41.27" N, 074°01'43.68" W, approximately 1320 yards southwest of Locust Pt., in the vicinity of Rumson, NJ.

(b) *Enforcement Period.* This rule is effective and will be enforced on June 27, 2014 from 9:15 p.m. until 10:30 p.m.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP) New York, to act on his or

her behalf. A designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) No spectators will be allowed to enter into, transit through, or anchor in the safety zone without the permission of the COTP or a designated representative.

(3) All spectators given permission to enter or operate in the safety zone shall comply with the instructions of the COTP or a designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, vessel spectator shall proceed as directed.

(4) Spectators desiring to enter or operate within the safety zone shall contact the COTP or a designated representative via VHF channel 16 or 718-354-4353 (Sector New York command center) to obtain permission to do so.

Dated: June 11, 2014.

G. Loebel,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2014-15007 Filed 6-25-14; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2013-0223; FRL-9912-82-Region-4]

Approval and Promulgation of Implementation Plans for Georgia: State Implementation Plan Miscellaneous Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the portions of revisions to the Georgia State Implementation Plan

(SIP), submitted by the Georgia Environmental Protection Division (GA EPD), on September 15, 2008, and August 30, 2010, that incorporate changes to the state rules reflecting the 2006 national ambient air quality standards (NAAQS) for particulate matter (PM). EPA approved the remaining portions of Georgia's September 15, 2008, and August 30, 2010, SIP revisions in a previous rulemaking.

DATES: This rule will be effective on July 28, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2013-0223. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Nacosta Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9140. Ms. Ward can be reached via electronic mail at ward.nacosta@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

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

I. This Action

EPA is taking final action to approve the portions of Georgia's September 15, 2008, and August 30, 2010, SIP revisions related to the PM_{2.5} and PM₁₀

(NAAQS (collectively referred to as the "PM NAAQS"). On May 16, 2013, EPA published a direct final rule approving the portions of Georgia's September 15, 2008, August 30, 2010 (two submittals), and December 15, 2011, SIP submissions, that incorporate amendments to Georgia Rules 391-3-1-.02(4)(b), (c), (e), (f), and (g) reflecting the NAAQS for sulfur dioxide (SO₂), nitrogen dioxide (NO₂), ozone, lead, and PM in effect at the time of submittal. See 78 FR 28744.

EPA published an accompanying proposed approval to the May 16, 2013, direct final rule in the event that EPA received adverse comment and withdrew the direct final rule. See 78 FR 28776. In the direct final rule, EPA stated that if adverse comments were received by June 17, 2013, the rule would be withdrawn and not take effect, the proposed rule would remain in effect, and an additional public comment period would not be instituted.

On May 17, 2013, EPA received comments from a single commenter solely on the portions of the rulemaking related to the PM NAAQS; therefore, EPA withdrew the PM portions of the direct final rule. See 78 FR 41851 (July 12, 2013). The withdrawal of the PM portions did not affect EPA's May 16, 2013, direct final action on Georgia's SIP revisions related to the SO₂, NO₂, ozone, and lead NAAQS. EPA is now taking action to approve only the portions of the September 15, 2008, and August 30, 2010, SIP revisions related to the PM NAAQS. EPA has reviewed the changes to GA EPD's rule reflecting the PM NAAQS and determined that these changes are consistent with federal regulations in effect at the time of SIP submission; thus, EPA is approving these revisions to the Georgia SIP.

II. Background

EPA approved a Georgia SIP revision on February 9, 2010, that adopted the 1997 24-hour PM_{2.5} NAAQS and 1997 annual PM_{2.5} NAAQS set at 65 micrograms per cubic meter (µg/m³) and 15 µg/m³, respectively. See 75 FR 6309. On October 17, 2006, EPA revised the 24-hour PM_{2.5} NAAQS to 35 µg/m³ and retained the annual PM_{2.5} NAAQS at 15 µg/m³.¹ See 71 FR 61144. Accordingly, Georgia submitted three SIP revisions one dated September 15, 2008,² and two

¹ On December 14, 2012, EPA strengthened the primary annual PM_{2.5} NAAQS to 12.0 µg/m³ and retained the 24-hour PM_{2.5} NAAQS at 35 µg/m³. See 78 FR 3086 (January 15, 2013).

² The September 15, 2008 SIP revision includes changes to Georgia Rule 391-3-1-.02(4)(c) that update the 24-hr PM_{2.5} NAAQS to 35 µg/m³. These changes were state effective on June 25, 2008.

dated August 30, 2010,³ that, among other things, incorporate changes to Georgia Rule 391–3–1–.02(4)(c)—“Particulate Matter”—that update the rule for consistency with the 2006 PM_{2.5} NAAQS.

EPA approved Georgia’s SIP revision on December 14, 1992, that adopted the initial 1987 24-hour PM₁₀ NAAQS and 1987 annual PM₁₀ NAAQS set at 150 µg/m³ and 50 µg/m³, respectively. See 57 FR 58989. On October 17, 2006, EPA retained the 24-hour PM₁₀ NAAQS at 150 µg/m³ and revoked the annual PM₁₀ NAAQS. See 71 FR 61144. Accordingly, in the August 30, 2010, SIP revision, GA EPA incorporated changes to state rule 391–3–1–.02(4)(c) that update the rule for consistency with the 2006 PM₁₀ NAAQS.⁴

III. Response to Comments

On May 17, 2013, EPA received a comment from one member of the general public. While the comment was generally in support of EPA’s action, EPA withdrew the direct final rule because the comment could be interpreted as adverse. A summary of the comment and EPA’s response is provided below.

Comment: The Commenter noted that EPA revised the PM_{2.5} NAAQS in 2012, and he recommended that “the particulate matter SIP for Georgia be conditionally approved, the condition being that a revised SIP reflecting the new standard be submitted within a reasonable amount of time as determined by” EPA.

Response: Although EPA recently updated the annual PM_{2.5} NAAQS, the State submitted the SIP revisions prior to the December 14, 2012, promulgation of the new standard, published on January 15, 2013 (see 78 FR 3086). As mentioned above, GA EPD submitted its SIP revisions to update the PM NAAQS on September 15, 2008, and August 30, 2010, in response to EPA’s promulgation of the 2006 PM NAAQS. EPA believes that it is appropriate to approve Georgia’s September 15, 2008, and August 30 2010, SIP revisions as they relate to the PM NAAQS because they reflect the PM NAAQS in effect at that time, these NAAQS remain in effect, and the 2012 PM_{2.5} NAAQS was not promulgated at that time. EPA notes that today’s action does not relieve

Georgia of any current or future requirements regarding the 2012 PM_{2.5} NAAQS and that EPA is committed to working with Georgia to update its SIP to reflect the 2012 PM_{2.5} NAAQS.

IV. Final Action

EPA is approving the portions of Georgia’s September 15, 2008, and August 30, 2010, SIP revisions that relate to the PM NAAQS because they are consistent with the PM NAAQS in effect at the time of submittal.

V. Statutory and Executive Order Reviews

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

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

appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: June 16, 2014.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

³ The August 20, 2010 SIP revision related to PM_{2.5} includes changes to Georgia Rule 391–3–1–.02(4)(c) that align the significant digits for the annual PM_{2.5} NAAQS with the federal standard. These changes were state effective on December 20, 2009.

⁴ The August 20, 2010 SIP revision related to PM₁₀ includes changes to Georgia Rule 391–3–1–.02(4)(c) that repeal the annual PM₁₀ NAAQS. These changes were state effective on July 20, 2009.

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

Subpart L—Georgia

■ 2. Section 52.570 is amended by revising the entry for “391–3–1–.02(4),”

under Emission Standards, in the table titled “EPA APPROVED GEORGIA REGULATIONS” in paragraph (c), to read as follows:

§ 52.570 Identification of plan.
 * * * * *
 (c) * * *

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Emission Standards				
*	*	*	*	*
391–3–1–.02(4)	Ambient Air Standards	9/13/2011	6/26/2014 [Insert Federal Register citation].	
*	*	*	*	*

* * * * *
 [FR Doc. 2014–14876 Filed 6–25–14; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0274; FRL–9912–57–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revision to the Chicago 8-Hour Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, EPA is withdrawing the May 22, 2014, direct final rule approving a revision to the Illinois State Implementation Plan (SIP). EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on May 22, 2014. EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 79 FR 29324 on May 22, 2014, is withdrawn effective June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–6680, leslie.michael@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is withdrawing the May 22, 2014 (79 FR 29324), direct final rule approving a

revision to the 1997 8-hour ozone maintenance plan for the Illinois portion of the Chicago-Gary-Lake County, Illinois-Indiana area. In the direct final rule, EPA stated that if adverse comments were received by June 23, 2014, the rule would be withdrawn and not take effect. On May 26, 2014, EPA received a comment, which it interprets as adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on May 22, 2014 (79 FR 29395). EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Oxides of nitrogen, Ozone, Volatile organic compounds.

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

Dated: June 10, 2014.

Susan Hedman,
Regional Administrator, Region 5.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendment to 40 CFR 52.726 published in the **Federal Register** on May 22, 2014 (79 FR 29324) on page 29327 is withdrawn effective June 26, 2014.

[FR Doc. 2014–14868 Filed 6–25–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260 and 261

[EPA–HQ–RCRA–2011–1014; FRL–9911–84–OSWER]

RIN 2050–AG68

Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is revising certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow the Agency to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials.

DATES: This final rule is effective on December 26, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–RCRA–2011–1014. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information may not be publicly available, such as Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the RCRA Docket, EPA/DC, William

Jefferson Clinton Building West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the RCRA Docket is (202) 566-0270.

FOR FURTHER INFORMATION CONTACT: For more detailed information on specific aspects of this rulemaking, contact Amanda Kohler, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460, (703) 347-8975, kohler.amanda@epa.gov.

SUPPLEMENTARY INFORMATION:

Does this action apply to me?

This rule affects all persons who export used CRTs for reuse or recycling. This action does not affect households or conditionally exempt small quantity generators.

I. Statutory Authority

Today's rule is promulgated under the authority of sections 2002(a), 3001, 3002, 3004, 3006, and 3007 of the Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6912(a), 6921, 6922, 6924, 6926, 6927, and 6938.

II. List of Abbreviations and Acronyms

CEQ White House Council on Environmental Quality
 CFR Code of Federal Regulations
 CRT Cathode Ray Tube
 EPA Environmental Protection Agency
 GSA General Services Administration
 HSWA Hazardous and Solid Waste Amendments
 ICR Information Collection Request
 NTTAA National Technology Transfer and Advancement Act
 OECD Organization for Economic Cooperation and Development
 OMB Office of Management and Budget
 RCRA Resource Conservation and Recovery Act
 UMRA Unfunded Mandates Reform Act

III. What is the intent of this rule?

Today's rule revises the export provisions that apply to persons who export used CRTs for reuse or recycling. The existing regulations were first promulgated on July 28, 2006 (71 FR 42928). Since promulgation of these regulations, the Agency has realized the necessity of obtaining additional information on the export of these

materials to better ensure their proper management. This rule is intended to accomplish that goal.

IV. What is the scope of this rule?

Today's rule affects only the export provisions of the CRT rule and does not affect any regulations applicable to the domestic management of used CRTs. Today's rule also does not affect unused CRTs. In today's rule, EPA is (1) adding a definition of "CRT exporter" to the regulations; (2) requiring annual reports from exporters of used CRTs exported for recycling; (3) revising the notification that must be submitted when used CRTs are exported for recycling; (4) revising the notification that must be submitted when used CRTs are exported for reuse; and (5) requiring that normal business records maintained by exporters of used CRTs for reuse be translated into English upon request. These changes are described in section VI of the preamble.

V. Background

A. Reuse and Recycling of Used Cathode Ray Tubes

In June 2002, EPA proposed to amend its hazardous waste regulations under RCRA to streamline the management standards for used CRTs in an effort to encourage reuse and recycling of these materials rather than landfilling or possible incineration (67 FR 40508, June 12, 2002). In that proposal, EPA described how used CRTs can be reused and recycled.

1. Reuse

Many used computers are resold or donated so that they can be used again, either as is or after minor repairs. The Agency encourages this option as a responsible way to manage these materials, because preventing or delaying their discard conserves resources. This option extends the lives of valuable products and delays their introduction into the waste management system. Reuse also allows schools, non-profit organizations, and individual families to use equipment that they otherwise could not afford. Many markets for the reuse of computers are located abroad, particularly in countries where few may be able to purchase state-of-the-art new equipment (67 FR 40510).

Organizations that handle used computers vary in their practices. In some cases, organizations take donations of used computer equipment. These organizations may test the equipment, and, if necessary, rewire it and replace various parts before sending them off for reuse. In other cases, the

entities that collect the used CRTs send them to another organization with more expertise for evaluation and possible repair and reuse. CRTs that cannot be used after such minor repairs may be sent to recycling or disposal (67 FR 40510).

In its 2006 final rule, EPA reaffirmed that materials used and taken out of service by one person are not wastes when the next owner uses them for their intended purpose. EPA also stated that used CRTs undergoing repairs (such as rewiring or replacing defective parts) before resale or distribution are not being reclaimed and are considered to be products in use rather than solid wastes (71 FR 42929).

2. Recycling

If reuse or repair is not a practical option, CRTs can be sent for recycling, which typically consists of disassembly for the purpose of recovering valuable materials from the CRTs, especially glass. When processing begins, the CRT display unit is dismantled, and the bare CRT is separated from all other parts (usually glass, plastic, or metal). Next, the vacuum is released by either drilling or punching through the anode, a small metal button in the funnel, or removing the electron gun portion of the tube. The different glass portions of the CRT (panel, funnel, and frit line) are then separated and classified according to chemical composition, especially by the amount of lead contained. All glass is then cleaned and sorted and cleaned cullet (*i.e.*, processed glass) is typically shipped off-site to a CRT glass manufacturer or to a lead smelter (67 FR 40510).

B. 2006 CRT Rule

The Agency promulgated the CRT rule on July 28, 2006 (71 FR 42928). In that rule, EPA amended its regulations under RCRA to streamline the management standards for used CRTs in an effort to encourage recycling and reuse of these materials rather than landfilling or possible incineration. The scope of the rule encompassed both used, intact CRTs and used, broken CRTs (*i.e.*, glass that has been removed from its housing or casing with its vacuum released). Specifically, under 40 CFR 261.4(a)(22), these materials are excluded from the definition of solid waste provided certain conditions are met, including that all used CRTs (*i.e.*, intact or broken) sent for reuse or recycling meet the speculative accumulation condition at § 261.1(c)(8). In addition, used, broken CRTs and CRT glass processors are subject to the packaging, labeling, and management standards under § 261.39. Persons who

send CRTs for disposal are not eligible for the conditional exclusion at § 261.4(a)(22), and may be required to handle their CRTs as hazardous waste from the point of generation, including the requirement to file a hazardous waste export notice under 40 CFR part 262 and the requirement to send the CRTs to a RCRA designated facility.

In addition to these domestic regulations, the CRT rule also established conditions at § 261.39(a)(5) for used, broken CRTs and at § 261.40 for used, intact CRTs exported for recycling. In order for these CRTs to be excluded from the definition of solid waste, the exporter must meet specific conditions. In particular, exporters of used CRTs for recycling must notify EPA of an intended shipment 60 days before the initial shipment occurs. Notifications may cover exports extending over a 12-month or lesser period. The notification must include contact information about the exporter, the recycler, and an alternate recycler, as well as a description of the manner in which the CRTs will be recycled, the frequency and rate of export, the means of transport, the total quantity of CRTs to be shipped, and information about which transit countries the shipments will pass through.

When EPA receives this information, it forwards it to the receiving country and any transit countries for review. When the receiving country consents in writing to receive the CRTs, EPA forwards an Acknowledgement of Consent to Export CRTs to the exporter. The exporter may not ship the CRTs until it receives the Acknowledgement of Consent to Export CRTs. If the receiving country does not consent or withdraws a prior consent, EPA will notify the exporter in writing, and the exporter must not allow any shipments or further shipments to proceed. Exporters must keep copies of notifications and Acknowledgements of Consent to Export CRTs for three years following receipt of the consent. Consent is not required from transit countries, but EPA notifies the exporter of any responses from these countries. Under § 261.39(c), processed glass (*i.e.*, glass that has been sorted or otherwise managed pursuant to the definition of “CRT processing” in § 260.10) sent to a CRT glass manufacturer or to a lead smelter is subject only to the speculative accumulation condition at § 261.1(c)(8) and exporters of such materials are not subject to the export notice condition of § 261.39(a)(5).

With respect to used, intact CRTs that are exported for reuse, § 261.41 currently requires exporters to submit a one-time notification to EPA with

contact information and a statement that they are exporting CRTs for reuse. They must keep copies of normal business records demonstrating that the CRTs in each shipment will be reused. Records must be retained for three years from the date of export. Examples of normal business records include contracts, invoices, shipping documents, and other documents that identify the planned disposition of the materials.

C. National Strategy for Electronics Stewardship¹

In proclaiming November 15, 2010, as America Recycles Day, President Obama stated that Americans must increase our capacity to recycle our used electronics responsibly. Increasing domestic recycling efforts can create green jobs, lead to more productive reuse of valuable materials, and support a vibrant American recycling and refurbishing industry. If done properly, we can increase our domestic recycling efforts, reduce harm from exports of electronic waste (e-waste) being handled unsafely in developing countries, strengthen domestic and international markets for viable and functional used electronic products, and protect health and environmental threats at home and abroad.

To seize these opportunities and address the problems caused by discarded used electronics, the White House Council on Environmental Quality (CEQ), acting under Executive Order 13514 and on previous executive orders, established the Interagency Task Force on Electronics Stewardship, co-chaired by EPA and the General Services Administration (GSA), as well as CEQ.^{2,3}

On behalf of the Task Force, EPA solicited public comment from stakeholders through a notice published in the **Federal Register** (76 FR 11243–

44; March 1, 2011). About 130 unique sets of comments were received in response to the notice, as well as 2,050 letters from a mail-in campaign. Also on behalf of the Task Force, CEQ held three stakeholder listening sessions in March 2011 with state and local government agencies, non-governmental organizations, and industry, respectively. Comments provided through both of these methods were evaluated by the Task Force and considered in developing the strategy.

On July 20, 2011, the Task Force articulated its goals and recommendations in its report titled *National Strategy for Electronics Stewardship*. The National Strategy provides four overarching goals, the action items under each goal, and the projects that will implement each action item. One goal of the National Strategy is to reduce harm from U.S. exports of e-waste and improve the safe handling of used electronics in developing countries. To achieve this goal, one action the Task Force recommended was for EPA to propose regulatory changes to improve compliance with the existing regulations regarding exports of CRTs that are destined for reuse and recycling.

The National Strategy states that, despite decreased production of CRTs, many are still being exported for recycling or reuse and some CRTs that are exported for reuse are actually disassembled and recycled under unsafe conditions. Therefore, EPA committed to proposing changes to the CRT rule to better track exports of CRTs for reuse and recycling. These proposed regulatory changes would clarify who is subject to the rule, which would improve compliance throughout the regulated community. Additionally, EPA would gather additional information on shipments of CRTs that are sent for reuse.

Thus, in March 2012, EPA proposed revisions to the export provisions of the CRT exclusion in order to better track exports of CRTs and ensure safe management abroad (77 FR 15336, March 15, 2012). Today's rule makes final the revisions, mostly as proposed.

VI. Final Revisions To Export Provisions and Response to Comments

EPA is finalizing the following revisions to the export provisions of the conditional exclusion from the definition of solid waste for used CRTs (§ 261.4(a)(22)).

A. Definition of “CRT Exporter”

In March 2012, EPA proposed to add a definition of “CRT exporter” to § 260.10 to eliminate any potential

¹ Much of the discussion below comes directly from the *National Strategy for Electronics Stewardship*, Interagency Task Force on Electronics Stewardship, July 20, 2011.

² The following agencies and departments contributed to the National Strategy and participated in drafting the recommendations: CEQ, EPA, GSA, Office of Management and Budget, Office of the U.S. Trade Representative, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Labor, Department of Justice, Department of State, Department of Veterans Affairs, Federal Communications Commission, U.S. Customs and Border Protection, and the U.S. Postal Service.

³ Executive Order (E.O.) 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009). Previous executive orders include E.O. 12873, Federal Acquisition, Recycling, and Waste Prevention (October 20, 1995), E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007), and E.O. 13534, National Export Initiative (March 11, 2010).

confusion over who is responsible for fulfilling the CRT exporter duties, including submitting the export notices required under § 261.39(a)(5) (for used, broken CRTs exported for recycling), § 261.40 (for used, intact CRTs exported for recycling) and § 261.41 (for used, intact CRTs exported for reuse). The Agency proposed a definition of “CRT exporter” to mean “any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.”

As discussed in the March 2012 proposed rule, there may be several persons involved in the generation, collection, management, and eventual export of CRTs for recycling or reuse. Thus, EPA has concluded that defining “CRT exporter” is important to properly assign responsibility for the CRT exporter duties and to enable effective compliance monitoring of the export provisions of the rule. Therefore, EPA is finalizing the definition of “CRT exporter” mostly as proposed.⁴

The CRT exporter and any intermediary arranging for the export must be based in the United States, because foreign-based entities add to the possibility of confusion over fulfilling the export responsibilities and it is more difficult to establish EPA jurisdiction over such persons.

Additionally, EPA notes that “person,” which is used in today’s definition of CRT exporter, is defined in § 260.10 to mean an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

If a person exports used CRTs for recycling without fulfilling the export notice provisions of the CRT rule, the receiving country would be unaware that these materials were entering the country and would be unable to provide consent. Additionally, EPA would be unable to respond to information requests from foreign countries regarding the export of CRTs abroad. This would hinder the receiving country’s ability to determine whether the imported used CRTs are being properly managed. Intermediaries who participate in arranging for the CRT exports, as well as the actual entities who initiated the CRT export, may be held jointly and severally liable under

RCRA for exporting hazardous waste in violation of the hazardous waste export requirements if they fail to fulfill the notice condition, among other conditions, of the CRT rule.

Response to Comments

Comment: While one commenter did not oppose EPA’s proposed definition of CRT exporter, two commenters argued that the definition of “CRT exporter” was unclear and that it may be too broad and encompass entities that lack direct knowledge about the CRT export. Specifically, these commenters took issue with the phrasing “any intermediary” and “any person in the United States who initiates a transaction to send used CRTs outside the United States territories.” One commenter argued that the definition could include generators and collectors of CRTs who have no involvement in the decision or the arrangements to export. The other commenter argued that only the entity with direct control over the actual CRT export should bear primary responsibility for the CRT export notification. This commenter stated that clarification is especially important given EPA’s stated intention to hold all parties jointly and severally liable for failing to comply with the exporter conditions.

Response: EPA disagrees with the commenters that argued the definition of “CRT exporter” was too broad and may encompass entities that do not have knowledge of the export, including generators of the CRTs. As noted previously, the trade of used electronics can take place along a chain of businesses that collect, refurbish, dismantle, recycle, and reprocess used electronic products and their components. When used CRTs are exported for recycling or reuse, there may be several persons involved from the time that a decision is made to export these materials up to the time that the actual export occurs. EPA has concluded that the language of the definition appropriately defines those entities who are responsible for fulfilling the exporter duties, including “any person . . . who initiates a transaction” to export used CRTs or “any intermediary . . . arranging for such export.” EPA does not agree that this would include entities that have no knowledge of the export since presumably these entities would neither be “initiating a transaction” nor “arranging for such export.”

EPA modeled today’s definition of “CRT exporter” on the definition of “primary exporter” of hazardous waste in § 262.51. Thus, EPA believes the reference to “any intermediary” is

important to maintain consistent accountability throughout the RCRA export regulations.

As an example of how the definition would apply, a state may contract with a recycling facility to collect and recycle used electronics, including used CRTs. The recycling facility makes the decision regarding which CRTs can be reused, refurbished, or recycled. The recycling facility also makes the decision whether to reuse or recycle the CRTs domestically or whether to export the used CRTs, sometimes through a broker.

In this case, the generators of the CRTs, as well as the state that contracted with the recycling facility, are not involved in the decision-making to export certain CRTs and are not initiating a transaction to export, or arranging for export. Thus, these entities would not be considered a “CRT exporter” and are not responsible for fulfilling the CRT exporter duties.

On the other hand, because the recycling facility is making the determination regarding whether and which CRTs will be reused, refurbished, or recycled domestically or internationally, then the recycling facility is making the decision to export certain CRTs and is thus initiating a transaction to export. Therefore, the recycling facility is considered a CRT exporter and is responsible for the CRT exporter duties. Furthermore, if the recycling facility used a broker to manage the export, both the recycling facility (which initiated the export) and the broker (who arranged for the export) would be considered a CRT exporter and thus responsible for the CRT exporter duties.

Another example of how the definition would apply includes an electronic recycler that has collected CRTs and is storing them on site. In this case, the electronic recycler determines how the CRTs will ultimately be managed, either via reuse, recycling, or disposal. The electronic recycler also initiates the transaction to export by partnering with a broker to find foreign entities that can reuse or recycle the CRTs abroad—that is, the broker acts as an intermediary and makes arrangements for the export of used CRTs by soliciting and evaluating bids from foreign entities and other handling arrangements (e.g., contracts) with foreign entities. In addition, the electronic recycler makes arrangements for the export of used CRTs by reviewing or receiving information from the broker and packaging and preparing the used CRTs for transport across international boundaries. Therefore,

⁴ EPA is finalizing the definition of CRT exporter as proposed with a minor editorial change to add the words “or its” in between “the United States” and “territories.”

both the electronic recycler and the broker are CRT exporters.

To avoid duplicative submissions, the Agency expects only one person to perform the exporter duties under §§ 261.39(a)(5) and 261.41, thus persons should assign these exporter responsibilities among themselves. However, all persons are jointly and severally liable for failing to comply with the exporter conditions. In other words, EPA has the authority to enforce against all persons associated with the export who meet the definition of “CRT exporter.”

Comment: One commenter argued that EPA should expand the definition of “CRT exporter” to include all generators of CRTs. This commenter believed that it would be far too easy for all sellers to the eventual export market to claim that they are not exporters and to avoid responsibility.

Response: EPA disagrees with the commenter that argued the definition of “CRT exporter” should be expanded to include all entities along the electronic recycling chain, regardless of whether these entities are engaged in export activities, such as initiating a transaction to, or arranging for, export of CRTs.

In many cases, generators of CRTs do not possess the expertise to determine whether certain CRTs can and may be reused, refurbished, or recycled—whether domestically or internationally. Many generators contract out collection and management of used CRTs to a recycling facility, whose business includes making these determinations. Thus, EPA does not believe that generators should automatically meet the definition of “CRT exporter” because, in many cases, the generator would not be making the decision to export the used CRTs and moreover would lack specific knowledge of the exporting operations (e.g., foreign destination facility, quantity of used CRTs to be exported) needed to submit export notices.

However, generators of used CRTs that do make the decision to export certain CRTs and thus initiate, or arrange for, export of used CRTs, would meet the definition of “CRT exporter” and thus would be responsible for fulfilling the CRT exporter duties. (As noted previously, if more than one person is a CRT exporter, then only one person must perform the exporter duties under §§ 261.39(a)(5) and 261.41, however, all CRT exporters are liable if the exporter duties are not fulfilled.)

B. Annual Reports for Used CRTs Sent for Recycling

In March 2012, EPA proposed to require annual reports from exporters of used CRTs sent for recycling. In general, these reports would provide EPA with more accurate information on the total quantity of CRTs actually exported for recycling during the calendar year, and would also help determine whether CRTs exported for recycling are handled as commodities and not discarded. Additionally, EPA would be able to analyze shipments from specific exporters by comparing actual shipments in the annual report against proposed shipments in the export notice to ensure that the shipments occurred under the terms approved by the receiving country. Finally, these reports would enable EPA to provide receiving countries with information that may assist them in determining the quantity of CRTs that were received in a particular country for recycling.

For the above reasons, EPA is finalizing at § 261.39(a)(5)(x) the proposed condition that the CRT exporter submit annual reports for used CRTs exported for recycling. Under today’s rule, the exporter must provide, no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported for recycling during the previous calendar year.⁵ Such reports must also include the name, EPA ID number (if applicable), mailing and site address of the CRT exporter, the calendar year covered by the report, and a certification signed by the exporter that states “I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

Annual reports must be submitted to the same EPA office that currently receives the export notices—that is, EPA’s Office of Enforcement and

⁵ As stated above, multiple entities may be considered the “CRT exporter” and thus are responsible for ensuring annual reports are submitted. To avoid duplicative submissions, the Agency expects only one person to perform the exporter duties under §§ 261.39(a)(5) and 261.41, thus persons should assign these exporter responsibilities among themselves.

Compliance Assurance. In addition, CRT exporters are required to keep copies of each annual report for a period of at least three years from the due date of the report.

Response to Comments

Comment: One commenter argued that the proposed yearly reporting condition was not going to provide case-by-case information and thus was not likely to be useful for receiving prior informed consent as required by the Basel Convention. This commenter believes that the receiving country and transit countries should be giving consent on a case-by-case basis, rather than on a 12-month or lesser basis (as is currently allowed under the export provisions of the CRT rule), unless those countries stipulate that yearly consents are appropriate.

Response: EPA has concluded that notice and consent based on a 12-month or lesser period, coupled with today’s condition to submit annual reports for the CRTs actually exported over the previous 12-month or lesser period, provides sufficient information to adequately monitor the export of used CRTs in order to ensure proper management of these materials abroad. Specifically, EPA would be able to analyze specific shipments from exporters by comparing actual shipments in the annual report against the proposed shipments in the export notice to ensure that the shipments occurred under the terms approved by the receiving country. Requiring notice and consent on a per shipment basis, as this commenter suggests, would not provide any additional protection, but would increase the burden for CRT exporters and EPA, as well as receiving and transit countries. Furthermore, EPA notes that the receiving country always has the option of specifying consent for a lesser period, or on a per shipment basis, if it chooses to do so. Finally, we note that while the United States is a signatory to the Basel Convention, the United States is not a party to the Basel Convention.

C. Revision to the Notification Required for Used CRTs Sent for Recycling

In March 2012, EPA proposed a change to the notice required for CRTs exported for recycling. The current notice at § 261.39(a)(5)(i)(F) requires the exporter to state the name and address of the recycler and any alternate recycler. EPA had proposed to replace this language with a condition that the exporter state the name and address of the recycler or recyclers and the estimated quantity of used CRTs to be

sent to each facility, as well as the names of any alternate recyclers.

As we explained in the proposal, used CRTs may be exported to more than one destination facility in a foreign country. For example, used CRTs may first be sent to a foreign facility responsible for importing the CRTs and then may be subsequently sent to another foreign facility responsible for recycling the CRTs. Requiring the proposed additional information will allow EPA to provide the receiving country with the most accurate information available about any interim destination and the ultimate destination of the CRTs when they reach that country. This further enables the receiving country to ensure proper management of the used CRTs in that country. Because this additional information will further ensure that used CRTs exported for recycling are managed safely, we are finalizing the proposed change in today's rule.

Response to Comments

Comment: One commenter argued against the proposed change and said that EPA should require notification from one exporter to one consignee, not alternate recyclers, so as to be consistent with the Basel Convention.

Response: EPA disagrees with this comment because it would limit the information needed to determine the ultimate destination of the CRTs in the receiving country, and, thus, not provide the additional assurance that such CRTs are managed safely. We would also note that listing both interim and final destination facilities in the export notice is consistent with the Basel Convention, as the instructions for the Basel notification document direct notifiers to list the destination facility in Block 10 and, if that facility is doing only an interim R12 (exchange of wastes for submission to any of the recovery operations numbered R1–R10) or R13 (accumulation of material intended for any operation in this list) operation, to list the subsequent recycling facility in an annex.⁶ Furthermore, the receiving country has the option of limiting its consent to only one of the listed destination facilities if they do not consider the interim destination or the alternate recycler to be appropriate destinations. Finally, we note that while the United States is a signatory to the

Basel Convention, the United States is not a party to the Basel Convention.

D. Revisions to the Notification Required for Used, Intact CRTs Exported for Reuse

In March 2012, EPA proposed revisions to the notification requirements for CRTs exported for reuse codified at § 261.41. Specifically, EPA proposed to replace the one-time notice for used, intact CRTs exported for reuse with a condition that the notice (1) be submitted to cover exports for reuse expected over a 12-month or lesser period; and (2) contain additional information, similar to the notification required for CRTs exported for recycling. Additionally, EPA requested comment regarding whether the proposed notice should be sent to the Regional Administrator (as is the case in the existing § 261.41) or to EPA Headquarters, where notices for CRTs exported for recycling are currently sent.

Currently, the notification for CRTs exported for reuse contains minimal information: Name, address, and EPA ID (if applicable), the name and phone number of a contact person for the exporter, and a statement that the notifier plans to export used, intact CRTs for reuse. The current notification provides no information regarding where the used, intact CRTs are being exported for reuse, which hinders EPA's ability to share information with the receiving country if there is an issue with the export, which, in turn, inhibits the receiving country's ability to ensure safe management of the CRTs. Furthermore, the one-time nature of the notice provides no assurance that the information collected over time will accurately reflect entities that are exporting CRTs for reuse, which greatly hinders use of the data for compliance monitoring and reporting purposes.

Because the Agency has determined that the currently required information in the notification does not provide sufficient information to allow EPA to adequately monitor compliance and ensure that used, intact CRTs are reused according to the exclusion and not discarded, the Agency is finalizing the proposed condition to expand the notification for CRTs exported for reuse and to require submittals to cover exports over a 12-month or lesser period. Additionally, EPA is requiring that the notice be sent to the same EPA office that receives notices for CRTs exported for recycling (EPA's Office of Enforcement and Compliance Assurance), which will improve efficiency and tracking of all notices for CRTs exported for recycling and reuse.

This additional information will enable better reporting by EPA in response to information requests from receiving countries and other interested parties regarding exports of used CRTs for reuse. This information will, in turn, enable effective compliance monitoring by EPA and those countries receiving such exports, which decreases the risk of potential mismanagement of the materials. Therefore, exporters of used, intact CRTs sent for reuse must send a notification to EPA that would cover export activities extending over a 12-month or lesser period. The written notification, signed by the exporter, must contain the following information listed in § 261.41:

- The name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the used, intact CRTs;⁷
- The estimated frequency or rate at which the used, intact CRTs are to be exported for reuse and the period of time over which they are to be exported;
- The estimated total quantity of used, intact CRTs specified in kilograms;
 - All points of entry to and departure from each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in such country, and the nature of their handling while there;
 - A description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle, such as air, highway, rail, water, etc.), as well as the type(s) of container (drums, boxes, tanks, etc.);
 - The name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed or sold for reuse and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;
 - A description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and

⁷ As stated above, multiple entities may be considered the "CRT exporter" and thus are responsible for ensuring notices are submitted. To avoid duplicative submissions, the Agency expects only one person to perform the exporter duties under §§ 261.39(a)(5) and 261.41, thus persons should assign these exporter responsibilities among themselves. In the case of multiple entities that may be considered the "CRT exporter," the notice should only contain the name, address, telephone number, and EPA ID number for the individual or company that these entities have mutually assigned to be the exporter of record.

⁶ See instruction item 21, p.11, "Revised notification and movement documents for the control of transboundary movement of hazardous wastes and instructions for completing these documents," approved by the Basel Conference of Parties, December 2006, available online at <http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx>.

• A certification signed by the CRT exporter that states “I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

CRT exporters who export used, intact CRTs for reuse must comply with the revised notification requirements at § 261.41 as of the effective date of the rule, regardless of whether or not they have already submitted a one-time notification under the previous requirements.

Response to Comments

Comment: One commenter supported the proposed changes to the notification for used, intact CRTs sent for reuse.

Response: The Agency agrees with the commenter.

Comment: Two commenters opposed the proposed changes arguing that used, intact CRTs intended for reuse are not being discarded and thus are not solid and hazardous wastes subject to EPA jurisdiction. These commenters believe that EPA does not have authority to impose the additional notification conditions on used, intact CRTs exported for reuse as these are products, not solid wastes. Additionally, these commenters argued that EPA should enforce against bad actors and not impose further regulation on companies that are complying with the RCRA regulations.

Response: EPA disagrees with these commenters who argued that the revisions to the notification exceed EPA’s authority under RCRA. In fact, EPA has concluded that our authority to request such information is inherent in our authority to determine whether a material is discarded.

The Agency notes that used, intact CRTs exported for reuse can be identical in appearance to those exported for recycling. In addition, information in the record, both for this rulemaking and for the 2006 CRT rulemaking, shows that exported electronics for alleged reuse may not in fact be handled as valuable commodities in foreign

countries.⁸ Consequently, EPA has determined that the information required in today’s notification is necessary to help ensure that the used, intact CRTs are actually reused abroad, and are not recycled (or disposed).

We consider the specific information required in today’s notification to be the minimum information needed to enable credible evaluation of the status of hazardous secondary materials under section 3007 of RCRA and to ensure proper management of these materials. EPA further believes that RCRA section 3007 allows us to gather information about any material when we have reason to believe that it may be a solid waste and possibly a hazardous waste within the meaning of RCRA section 1004(5). Section 2002 also gives EPA authority to issue regulations necessary to carry out the purposes of RCRA.

The intent of this notification is to provide basic information to EPA about who will be exporting used, intact CRTs for reuse. The specific information included in the notification will enable regulatory agencies to monitor compliance adequately and to ensure used, intact CRTs are reused and not discarded. The information will enable better reporting by EPA in response to information requests from receiving countries and other interested parties regarding exports of used, intact CRTs for reuse. This information will, in turn, enable effective compliance monitoring by EPA and in those countries which receive such CRTs for reuse, which decreases the risk of potential mismanagement of the materials.

Comment: One commenter indicated that the CRT exporter may not know certain information required in the notification. For example, this commenter believed that CRT exporters may not know information about the transit countries and the length of time spent in each country because the transportation process is under control of the transporter. Additionally, this commenter believed that the “name and address of the ultimate destination facility or facilities where the CRTs will be reused and the estimated quantity of CRTs sent to each facility” would be difficult for the CRT exporter to provide because the destination facility may be a distribution or sales entity, which sells the CRTs into the local market, but does not itself use them. Thus, the

commenter argued that it is not practical for the exporter to identify all of the potential customers who might purchase and use the CRTs.

Response: Regarding the comment on transit countries, EPA understands that some uncertainty is inherent in a notification that estimates used, intact CRTs exported for reuse over a 12-month or lesser period. Though the CRT exporter may not know exact information about transportation activities that have yet to occur, including the time spent in each transit country, the Agency believes it is important that the CRT exporter provide this information to the best of its ability, in an effort to give the transit country (and EPA) information regarding such shipments. The Agency expects that the CRT exporter would have at least general knowledge with regard to anticipated shipment and arrival dates which would allow the exporter to estimate such information. However, CRT exporters can work with transporters to compile such information and develop reasonable estimates needed to complete the notification.

Regarding the ultimate destination facility, EPA agrees with the commenter that it is not practical for the exporter to identify all of the potential customers who might purchase and reuse the CRTs and, in fact, EPA is not looking for the CRT exporter to identify all potential customers in the export notification. Rather, when requiring the “ultimate destination facility or facilities where the CRTs will be reused,” EPA means for CRT exporters to identify the facility or facilities that will be refurbishing the CRTs or receiving the CRTs to be distributed or sold for reuse. To clarify this issue, EPA has modified the language of the requirement to require “the name and address of the ultimate destination facility or facilities where the CRTs will be reused, *refurbished, distributed or sold for reuse. . . .*”

Comment: One commenter argued that the proposed certification language in the notification for used, intact CRTs exported for reuse (*i.e.*, “the CRTs described in this notice are fully functioning or capable of being functional after refurbishment”) is too broad. Specifically, this commenter argued that nearly any CRT could be exported under the standard “capable of being functional after refurbishment.”

Response: EPA agrees with this commenter that the proposed certification language could be clearer regarding the standard for used, intact CRTs exported for reuse. Therefore, EPA has amended the proposed certification language to read “that the CRTs

⁸ “Exporting Harm—The High-Tech Trashing of Asia,” Basel Action Network and the Silicon Valley Toxics Coalition, February 25, 2002 (referenced by commenter on the 2002 CRT proposed rule); “Following the Trail of Toxic E-Waste.” CBS 60 Minutes. November 9, 2008; Carroll Chris, “High-Tech Trash,” National Geographic Magazine, January 2008.

described in this notice *are intact* and fully functioning or capable of being functional after refurbishment *and that the used CRTs will be reused or refurbished and reused. . . .*” EPA believes that the addition of “are intact” makes it clear that broken CRTs would not meet this standard and thus could not be exported for reuse. EPA also notes that CRT exporters, including exporters that do not have physical access to the CRTs, such as a broker or intermediary, are responsible for ensuring that the used CRTs are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused.

Additionally, EPA affirms that persons notifying that they are exporting used, intact CRTs for reuse, but whose CRTs are subsequently not reused, but recycled or disposed, may be subject to enforcement action under RCRA section 3008(a) for violations of the hazardous waste requirements occurring from the time the hazardous secondary materials are generated through the time they are ultimately disposed or recycled. The Agency affirms that § 261.2(f) applies to claims that hazardous secondary materials are not solid waste or are conditionally exempt from regulation. Respondents in enforcement actions should be prepared to demonstrate that there is a known market (for reuse of the used, intact CRTs) and that they are meeting the terms of the exclusion.

Comment: One commenter agreed that notifications for CRTs exported for reuse should be sent to the same EPA office which receives notifications for CRTs exported for recycling.

Response: EPA agrees with this comment and thus, the final rule requires all notifications to export CRTs, whether for reuse or recycling, must be sent to EPA’s Office of Enforcement and Compliance Assurance.

E. Revision to the Normal Business Records Provision for Used CRTs Exported for Reuse

Under § 261.41(b), persons who export CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of CRTs that are exported will be reused. The documentation must be retained for a period of at least three years from the date the CRTs were exported. In the March 2012 proposal, EPA requested comment regarding whether to require persons who export used, intact CRTs for reuse to provide a third-party translation of the documents into English, if the documents are written in a language other than English and if EPA requests such a translation.

EPA believes that requiring CRT exporters to provide an English translation of normal business records upon request by EPA is inherent in the demonstration that each shipment of used, intact CRTs will be reused. English translation will also assist with compliance monitoring of this provision. Therefore, EPA is amending the condition at § 261.41(b) to read: “CRT exporters of used, intact CRTs sent for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, CRT exporters of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records as well as a third-party translation of the normal business records into English within 30 days upon request by EPA.”

Response to Comments

Comment: One commenter supported requiring persons who export used, intact CRTs for reuse to provide third-party translation of documents into English.

Response: EPA agrees with this commenter and thus has finalized such a condition in today’s rule at § 261.41(b).

VII. Response to Other Requests for Comment in the March 2012 Proposed Rule

EPA also requested comment on several other issues in the March 2012 proposed rule, including (1) whether to require exporters of CRTs for reuse to include with all shipments a copy of the notification submitted pursuant to § 261.41; (2) whether to require specific types of documents to be retained by exporters of used, intact CRTs for reuse, including contracts, invoices, and/or shipping documents; (3) whether to require persons who export CRTs for reuse to provide contact information on an alternative destination facility for used, intact CRTs that are damaged in transit, or whether to require such persons to send the damaged CRTs back to the CRT exporter; (4) whether to require persons who export used, intact CRTs for reuse to submit annual reports like those proposed for persons who export CRTs for recycling; and (5) whether “bare” CRTs (used, intact CRTs that are removed from the monitor with the vacuum still intact, even though the plastic housing or casing has been broken and removed) are likely to be

exported for recycling rather than for reuse and whether the regulation needs to be modified to reflect this situation.

Response to Comments

Comment: Whether the actual notification should accompany shipments of CRTs exported for reuse, one commenter argued that under the Basel Convention, all shipments of used CRTs exported for recycling and reuse (unless tested as fully functional) must be accompanied by a movement document.

Response: Although EPA has considered whether this would be helpful to officials of U.S. Customs who would be examining a shipment, EPA is not finalizing this condition because we do not believe it would serve much purpose, especially since notices for exports of used CRTs for reuse involve no consent or terms of consent by the importing country, and thus, we do not believe an accompanying notice is necessary for protection of human health and the environment. We would also note that while the United States is a signatory to the Basel Convention, the United States is not a party to the Basel Convention.

Comment: Whether to require specific types of documents to be retained by exporters of used, intact CRTs for reuse, one commenter argued that documents for CRTs exported for reuse should be retained for three years and include all invoices with brokers and shippers, as well as all bills of lading, including shipping container numbers.

Response: EPA has decided not to require the CRT exporter to retain specific types of documents because the Agency expects that the normal business records for used, intact CRTs sent for reuse, which the CRT exporter is required to maintain for three years under § 261.41(b), would likely contain the appropriate information for meeting the condition. Examples of normal business records include contracts, invoices, and bills of lading.

Comment: Whether to require persons who export CRTs for reuse to provide contact information on an alternative destination facility for used, intact CRTs that are damaged in transit, or whether to require such persons to send the damaged CRTs back to the CRT exporter, one commenter argued that EPA should require that broken equipment be returned to the sender. *Response:* EPA has decided not to finalize specific regulatory conditions for used, intact CRTs that become damaged in transit. CRTs that are exported for reuse and subsequently become damaged in transit to the extent that the importing facility in the

receiving country determines that the CRTs cannot be reused would typically be returned to the CRT exporter. To the extent that CRT export shipments for reuse will regularly and predictably include a percentage that ultimately need to be recycled, the original notice for reuse would not cover any subsequent shipping of damaged CRTs to a recycling facility in that country. Unless the damaged CRTs are sent back to the exporter for management in the U.S., the exporter would need to submit a notice to EPA to export a specified amount of used CRTs for recycling at the recycling destination facility in the destination country in order to obtain consent from the country of import prior to sending any of the unusable CRTs from the reuse/refurbishment site to that recycling destination facility.

Comment: Whether to require persons who export used, intact CRTs for reuse to submit annual reports like those proposed for persons who export CRTs for recycling, one commenter argued that annual reports for CRTs exported for reuse were not necessary if the reporting was conducted in accordance with the Basel Convention.

Response: EPA has decided not to finalize a requirement that annual reports be submitted by CRT exporters who export CRTs for reuse. The export provisions for used, intact CRTs exported for reuse are quite different from the export provisions for used CRTs exported for recycling. Specifically, used CRTs exported for recycling must comply with the notification and consent procedures. In this case, the annual report is needed to ensure that CRTs were exported according to the terms approved by the receiving country. However, used, intact CRTs exported for reuse must submit a notification only and do not need consent of the receiving country. Thus, the Agency does not believe that the submission of such an annual report for CRTs exported for reuse is needed and would impose burden on the CRT exporter. We would also note that while the United States is a signatory to the Basel Convention, the United States is not a party to the Basel Convention.

Comment: Whether “bare” CRTs are likely to be exported for recycling rather than reuse and whether the regulation needs to be modified to reflect this situation, one commenter indicated that if EPA were to make any rule changes, the change should be flexible to allow for a recycler to determine the end use of the “bare” CRT and not be bound by one or the other.

Response: EPA is not making any regulatory changes pertaining to the issue of “bare” CRTs. Upon further

consideration, EPA continues to believe that “bare” CRTs (meaning intact CRTs that are removed from the monitor while the vacuum is still intact) are more product-like than waste-like, that is, bare CRTs more closely resemble functional CRTs as opposed to broken CRTs or CRTs that must be recycled. Therefore, if “bare” CRTs are exported for reuse, they would not be considered subject to the export conditions of § 261.39(a)(5) (export provisions for CRTs exported for recycling), but rather would be subject to the export requirements of § 261.41 (export provisions for CRTs exported for reuse).

VIII. State Authorization

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified states to administer the RCRA Subtitle C hazardous waste program within the state. Following authorization, the authorized state program operates in lieu of the federal regulations. EPA retains enforcement authority to enforce the authorized state Subtitle C program, although authorized states have primary enforcement authority. EPA also retains its authority under RCRA sections 3007, 3008, 3013, 3017, and 7003. The standards and requirements for state authorizations are found at 40 CFR part 271.

Prior to enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), a state with final RCRA authorization administered its hazardous waste program entirely in lieu of EPA administering the federal program in that state. EPA did not issue permits for any facilities in that state, since the state was now authorized to issue RCRA permits. When new, more stringent federal requirements were promulgated, the state was obligated to enact equivalent authorities within specified time frames. However, the new requirements did not take effect in an authorized state until the state adopted the equivalent state requirements.

In contrast, under RCRA section 3006(g) (42 U.S.C. 6926(g)), which was added by HSWA, new requirements and prohibitions imposed under HSWA authority take effect in authorized states at the same time that they take effect in unauthorized states. While states must still adopt HSWA related provisions as state law to retain final authorization, EPA implements the HSWA provisions in authorized states, including the issuance of any permits pertaining to HSWA requirements, until the state is granted authorization to do so.

Authorized states are required to modify their programs only when EPA promulgates federal requirements that are more stringent or broader in scope than existing federal requirements.⁹ RCRA section 3009 allows the states to impose standards more stringent than those in the federal program (see § 271.1). Therefore, authorized states may, but are not required to, adopt federal regulations, both HSWA and non-HSWA, that are considered less stringent than previous federal regulations.

B. Effect on State Authorization

Because of the federal government's special role in matters of foreign policy, EPA does not authorize states to administer federal import/export functions in any section of the RCRA hazardous waste regulations. This promotes national coordination, uniformity, and the expeditious transmission of information between the United States and foreign countries. Although states would not receive authorization to administer the federal government's export functions in today's rule, state programs are still required to adopt provisions in today's rule that are more stringent than existing federal requirements to maintain their equivalency with the federal program. Today's final rule contains amendments to §§ 261.39 and 261.41 that are more stringent. Therefore, states that have adopted these provisions, as well as states that have added CRTs to their universal waste programs under 40 CFR part 273, are required to adopt these amendments. In addition, EPA strongly encourages states to incorporate all import- and export- related requirements into their regulations for the convenience of the regulated community and for completeness, particularly where a state has already incorporated 40 CFR part 262, subparts E and H, the import/export manifest and Organization for Economic Cooperation and Development (OECD) movement document related requirements in § 263.10(d), the import manifest and OECD movement document submittal requirements in §§ 264.12(a)(2), 264.71, 265.12(a)(2), and 265.71, or the management provisions for spent lead-acid batteries in 40 CFR part 266, subpart G. When a state adopts the export provisions in this rule, care should be taken not to replace federal or

⁹ EPA notes that decisions regarding whether a state rule is more stringent or broader in scope than the federal program are made when the Agency authorizes state programs.

international references with state terms.

IX. Administrative Requirements for This Rulemaking

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

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

EPA prepared an analysis of the potential costs and benefits associated with this action. This analysis is contained in the “Economic Impacts Assessment for Revisions to the Export Provisions of the Cathode Ray Tube Final Rule.” A copy of the analysis is available in the docket for this action. Annual costs to CRT exporters and EPA for the reporting and recordkeeping requirements are estimated to range from \$9,777 to \$17,362 per year. Additionally, CRT exporters will incur a one-time cost of \$42,904 in the first year following promulgation of the rule to familiarize themselves with the new CRT rule requirements.

B. Paperwork Reduction Act

The information collection requirements in this rule will be submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them. An information collection request (ICR) document prepared by EPA has been assigned EPA ICR number 2455.02 and OMB number 2050-0208.

EPA is finalizing revisions to the notifications under §§ 261.39 and 261.41 that must be submitted to EPA when CRTs are exported for reuse or recycling. The purpose of these revisions is to address certain implementation concerns with the current export provisions of the CRT rule.

Under today's rule, EPA is requiring in the notification for CRTs exported for recycling that the exporter state the name and address of the recycler or recyclers and the estimated quantity of CRTs to be sent to each facility, as well as the names of any alternate recyclers.

Additionally, EPA is requiring notifications for used, intact CRTs exported for reuse to be submitted to cover a 12-month or lesser period. EPA is also requiring additional items of

information in the notice, including contact information about the exporter and the destination facility, the frequency or rate at which the CRTs would be exported, the estimated quantity of CRTs expected to be exported, transport information, and a description of the manner in which the used, intact CRTs will be reused in the receiving country. Furthermore, EPA is requiring the exporter to sign a certification statement that the CRTs are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. EPA believes that this expanded notice will help the Agency determine whether the exported CRTs have been handled as products that are actually reused in the receiving country.

Finally, EPA is also finalizing a requirement that exporters of CRTs that are exported for recycling must submit an annual report to EPA that documents the actual quantity of CRTs in kilograms exported during the previous calendar year. This information will help ensure that the shipments occurred under the terms approved by the receiving country and enables EPA to provide receiving countries with information that may help them to determine the quantity of CRTs that were received in a particular country for recycling.

EPA has carefully considered the burden imposed upon the regulated community by the information collection requirements in today's rule. EPA is confident that the recordkeeping and reporting activities required of respondents under today's rule are necessary and, to the extent possible, has attempted to minimize the burden imposed. EPA believes strongly that if the minimum information collection requirements in today's rule are not met, neither the facilities nor EPA can ensure that CRTs are managed in compliance with the regulations.

EPA estimates the total annual respondent burden for the new paperwork requirements in the rule ranges from 247 to 278 hours, and the annual respondent cost for the new paperwork requirements is approximately \$22,235 to \$28,492. There are no capital or operations and maintenance costs expected for this collection. The estimated annual hourly burden ranges from 0.15 to 3.52 hours per response for the 152 respondents (depending on the type of notice and whether the respondent is an exporter of CRTs for reuse or recycling). The estimated total annual burden to EPA for administering the rule (e.g., received, review, and process information required under the final rule) ranges

from 32 to 53 hours, with a cost of approximately \$1,844 to \$3,172. Burden is defined at 5 CFR 1320.3(b).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements in this final rule.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as (1) a small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this final rule are individual CRT exporters. We have determined that approximately 152 CRT exporters will experience an impact of less than 0.1 percent of annual sales as a result of annual compliance costs of the rule.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has minimized the additional information considered necessary in order to reduce the impact of this rule on small entities.

D. Unfunded Mandates Reform Act (UMRA)

This rule does not contain a federal mandate that may result in expenditures of \$100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. The total costs of this rule for CRT exporters and EPA are estimated to range from \$9,777 to \$17,362. Because these direct costs are well below the \$100 million annual direct cost threshold, this final rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. EPA does not authorize states to administer federal import/export functions in any section of the RCRA hazardous waste regulations because of the federal government's special role in matters of foreign policy.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Specifically, this final rule does not have federalism implications because state and local governments do not administer the import/export requirements under RCRA. Thus, Executive Order 13132 does not apply to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). No tribal governments are known to own or operate businesses that may be affected by this rule. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in Executive Order 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children residing in the United States. This final rule is intended to improve

regulatory efficiency and increase accountability among all parties associated with the export of used CRTs whether sent for recycling or reuse, and does not directly affect the level of protection provided to human health or the environment in the United States.

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

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

I. National Technology Transfer and Advancement Act of 1995

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

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

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

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

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not directly affect the level of protection provided to human health or the environment in the United States.

Rather, this final rule is intended to improve regulatory efficiency and increase accountability among all parties associated with the export of used CRTs, whether for recycling or reuse.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective December 26, 2014.

List of Subjects

40 CFR Part 260

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: June 18, 2014.

Gina McCarthy,
Administrator.

For the reasons set out in the preamble, Parts 260 and 261 of title 40, Chapter I of the Code of Federal Regulations are amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

■ 1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

Subpart B—Definitions

■ 2. Section 260.10 is amended by adding in alphabetical order the definition of “CRT exporter” to read as follows:

§ 260.10 Definitions.

* * * * *

CRT exporter means any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.

* * * * *

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 3. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6838.

Subpart A—General

■ 4. Section 261.39 is amended by revising paragraph (a)(5)(i)(F) and adding paragraphs (a)(5)(x) and (a)(5)(xi) to read as follows:

§ 261.39 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

* * * * *

- (a) * * *
(5) * * *
(i) * * *

(F) The name and address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the names of any alternate recyclers.

* * * * *

(x) CRT exporters must file with EPA no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) (*i.e.*, the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. Such reports must also include the following:

(A) The name, EPA ID number (if applicable), and mailing and site address of the exporter;

(B) The calendar year covered by the report;

(C) A certification signed by the CRT exporter that states:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

(xi) Annual reports must be submitted to the office specified in paragraph

(a)(5)(ii) of this section. Exporters must keep copies of each annual report for a period of at least three years from the due date of the report.

* * * * *

■ 5. Section 261.41 is revised to read as follows:

§ 261.41 Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse.

(a) CRT exporters who export used, intact CRTs for reuse must send a notification to EPA. This notification may cover export activities extending over a twelve (12) month or lesser period.

(1) The notification must be in writing, signed by the exporter, and include the following information:

(i) Name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the used, intact CRTs;

(ii) The estimated frequency or rate at which the used, intact CRTs are to be exported for reuse and the period of time over which they are to be exported;

(iii) The estimated total quantity of used, intact CRTs specified in kilograms;

(iv) All points of entry to and departure from each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in such country, and the nature of their handling while there;

(v) A description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));

(vi) The name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;

(vii) A description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and

(viii) A certification signed by the CRT exporter that states:

“I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar

with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

(2) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, William Jefferson Clinton Building, Room 6144, 1200 Pennsylvania Ave. NW., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: “Attention: Notification of Intent to Export CRTs.”

(b) CRT exporters of used, intact CRTs sent for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, CRT exporters of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records as well as a third-party translation of the normal business records into English within 30 days upon request by EPA.

[FR Doc. 2014–14996 Filed 6–25–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 43

[WC Docket No. 11–10; FCC 13–87]

Modernizing the FCC Form 477 Data Program

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document the Federal Communications Commission (Commission) released a *Report and Order* which revised the Commission's Form 477 collection to include data on deployment of fixed and mobile broadband networks and mobile voice networks, as well as company identification and emergency contact information. The Report and Order also made a number of targeted changes to the collection of subscription data to reduce reporting burdens and improve the quality and usefulness of data collected through the Form 477.

DATES: Sections 1.7001, 1.7002, 43.01 and 43.11, published at 78 FR 49126, were approved by the OMB on June 4, 2014 (OMB Control Number 3060-0816). Accordingly, the amendments to those sections published at 78 FR 49126, Aug. 13, 2013, are effective June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Chelsea Fallon, Wireline Competition Bureau, (202) 418-7991 or chelsea.fallon@fcc.gov.

SUPPLEMENTARY INFORMATION: The Report and Order stated that the changes to §§ 1.7001, 1.7002, 43.01 and 43.11 of the Commission's rules, which contain information collection requirements, would be effective upon announcement in the **Federal Register** of OMB approval. On June 4, 2014, OMB approved the information collection requirement contained in the Report and Order pursuant to OMB Control Number: 3060-0816, Local Telephone Competition and Broadband Reporting, FCC Form 477. Accordingly, the information collection requirements contained in the Report and Order are effective June 26, 2014. The expiration date for the information collection is June 30, 2017. The Commission will announce, in a separate notice, the due date by which respondents must submit the required data.

Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520, an agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with the collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Questions concerning this information collection, 3060-1196, should be directed to Leslie F. Smith, Federal Communications Commission at (202) 418-0217 or leslie.smith@fcc.gov.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060-0816.

OMB Approval Date: June 4, 2014.

OMB Expiration Date: June 30, 2017.

Title: Local Telephone Competition and Broadband Reporting, FCC Form 477.

Form Number: FCC Form 477.

Respondents: Business or other for-profit entities; not-for-profit institutions; and State, local or tribal governments.

Number of Respondents and Responses: 2,002 respondents; 4,004 responses.

Estimated Time Per Response: 387 hours.

Frequency of Response: Semi-annual reporting requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 4(i), 201, 218-220, 251-252, 271, 303(r), 332, and 403 of the Communications Act of 1934, as amended and section 706 of the Telecommunications Act of 1996, as amended, codified in section 1302 of the Broadband Data Improvement Act, 47 U.S.C. 1302.

Total Annual Burden: 1,549,548 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: The Commission will continue to allow respondents to certify on the submission interface that some subscribership data contained in that submission are privileged or confidential commercial or financial information and that disclosure of such information would likely cause substantial harm to the competitive position of the entity making the submission. If the Commission receives a request for, or proposes to disclose such information, the respondent would be required to show, pursuant to Commission rules for withholding from public inspection information submitted to the Commission, that the information in question is entitled to confidential treatment. We will retain our current policies and procedures regarding the protection of submitted FCC Form 477 data subject to confidential treatment, including the use of only non-company specific aggregates of subscribership data in our published reports. Most of the broadband deployment data to be collected on Form 477 as a result of modifications will be made publicly available. NTIA currently publishes similar data on the National Broadband Map Web site at www.broadbandmap.gov. The Commission will coordinate with NTIA to continue the publication of the National Broadband Map using the data

to be collected through modifications to Form 477. The one exception is that mobile broadband and voice providers can request confidential treatment of their deployment data by spectrum band.

Needs and Uses: FCC Form 477 gathers information on the development of local telephone competition, including telephone services and interconnected Voice over Internet Protocol (VoIP) services, and on the deployment of broadband Internet access services. FCC staff use the information to advise the Commission about the efficacy of its rules and policies adopted to implement the Telecommunications Act of 1996. The data are necessary to evaluate the status of local telecommunications competition and broadband deployment.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014-15005 Filed 6-25-14; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80-286; FCC 14-91]

Jurisdictional Separations Process

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) extends the freeze of jurisdictional separations category relationships and cost allocation factors in the Commission's rules for three years, through June 30, 2017.

DATES: This final rule is effective on June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Greg Haledjian, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520 or gregory.haledjian@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in CC Docket No. 80-286, adopted on June 12, 2014 and released on June 13, 2014. The full text of this document is available for public inspection during regular business hours in the Commission's Reference Center, 445 12th Street SW., Room CY-A257, Washington, DC, 20554. The full text of this document may be downloaded at the following Internet address: <http://www.fcc.gov/documents>. The complete text may be purchased

from Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington DC, 20554. To request alternative formats for persons with disabilities (e.g., accessible format documents, sign language, interpreters, CARTS, etc.), send an email to fcc504@fcc.gov or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

I. Introduction

1. This Report and Order (Order) extends, through June 30, 2017, the existing freeze of the Federal Communications Commission's (Commission) rules regarding jurisdictional separations. Specifically, the Commission extends the existing freeze of Part 36 category relationships and jurisdictional cost allocation factors.

II. Background

2. Jurisdictional separations is the process by which incumbent LECs apportion regulated costs between the intrastate and interstate jurisdictions. Incumbent LECs record their costs pursuant to part 32 of the Commission's regulations. These costs are then divided between regulated and unregulated costs pursuant to Part 64 of the Commission's regulations. Incumbent LECs then perform the jurisdictional separations process pursuant to part 36 of the Commission's rules.

3. The jurisdictional separations process itself has two parts. First, incumbent LECs assign regulated costs to various categories of plant and expenses. In certain instances, costs are further disaggregated among service categories. Second, the costs in each category are apportioned between the intrastate and interstate jurisdictions. These jurisdictional apportionments of categorized costs are based upon either a relative use factor, a fixed allocator, or, when specifically allowed in the part 36 rules, by direct assignment.

4. The statute requires the Commission to refer to the Federal-State Joint Board on Jurisdictional Separations (Joint Board) any proceeding regarding "the jurisdictional separations of common carrier property and expenses between interstate and intrastate operations" that the Commission institutes pursuant to a notice of proposed rulemaking. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative, technological, and market changes warranted comprehensive reform of the separations process. The Commission also invited the State

Members of the Joint Board to develop a report that would identify additional issues that should be addressed by the Commission in its comprehensive separations reform effort. The State Members filed a report setting forth additional issues that they believed should be addressed by the Joint Board and proposing an interim freeze, among other things, to reduce the impact of changes in telephone usage patterns and resulting cost shifts from year to year. The Commission noted that the current network infrastructure was vastly different from the network and services used to define the cost categories appearing in the Commission's Part 36 rules.

5. On July 21, 2000, the Joint Board issued its 2000 Separations Recommended Decision, recommending that, until comprehensive reform could be achieved, the Commission: (i) freeze Part 36 category relationships and jurisdictional allocation factors for incumbent LECs subject to price cap regulation (price cap incumbent LECs); and (ii) freeze the allocation factors for incumbent LECs subject to rate-of-return regulation (rate-of-return incumbent LECs). In the 2001 Separations Freeze Order, the Commission generally adopted the Joint Board's recommendation. The Commission concluded that the freeze would provide stability and regulatory certainty for incumbent LECs by minimizing any impacts on separations results that might occur due to circumstances not contemplated by the Commission's Part 36 rules, such as growth in local competition and new technologies. Further, the Commission found that a freeze of the separations process would reduce regulatory burdens on incumbent LECs during the transition from a regulated monopoly to a deregulated, competitive environment in the local telecommunications marketplace. Under the freeze, price cap incumbent LECs calculate: (1) The relationships between categories of investment and expenses within part 32 accounts; and (2) the jurisdictional allocation factors, as of a specific point in time, and then lock or "freeze" those category relationships and allocation factors in place for a set period of time. The carriers use the "frozen" category relationships and allocation factors for their calculations of separations results and therefore are not required to conduct separations studies for the duration of the freeze. Rate-of-return incumbent LECs are only required to freeze their allocation factors, but were given the option of also freezing their

category relationships at the outset of the freeze.

6. The Commission ordered that the freeze would be in effect for a five-year period beginning July 1, 2001, or until the Commission completed comprehensive separations reform, whichever came first. In addition, the Commission stated that, prior to the expiration of the separations freeze, the Commission would, in consultation with the Joint Board, determine whether the freeze period should be extended. The Commission further stated that any decision to extend the freeze beyond the five-year period in the 2001 Separations Freeze Order would be based "upon whether, and to what extent, comprehensive reform of separations has been undertaken by that time."

7. On May 16, 2006, in the 2006 Separations Freeze Extension and Further Notice, 71 FR 29882, the Commission extended the freeze for three years or until comprehensive reform could be completed, whichever came first. The Commission concluded that extending the freeze would provide stability to LECs that must comply with the Commission's jurisdictional separations rules pending further Commission action to reform the part 36 rules, and that more time was needed to study comprehensive reform. The freeze was subsequently extended by one year in 2009, 2010, and 2011 and by two years in 2012.

8. When it extended the freeze in 2009, the Commission referred a number of issues to the Joint Board and asked the Joint Board to prepare a recommended decision. The Commission asked the Joint Board to consider comprehensive jurisdictional separations reform, as well as an interim adjustment of the current jurisdictional separations freeze, and whether, how, and when the Commission's jurisdictional separations rules should be modified. On March 30, 2010, the State Members of the Joint Board released a proposal for interim and comprehensive separations reform. The Joint Board sought comment on the proposal. On September 24, 2010, the Joint Board held a roundtable meeting with consumer groups, industry representatives, and state regulators to discuss interim and comprehensive jurisdictional separations reform. The Joint Board staff conducted an extensive analysis of various approaches to separations reform, and the Joint Board is evaluating that analysis.

9. In addition, in 2011, the Commission comprehensively reformed the universal service and intercarrier compensation systems and proposed additional reforms. The Joint Board is

considering the impact of the reforms proposed by the USF/ICC Transformation Order and any subsequent changes on its analysis of the various approaches to separations reform. On March 27, 2014, the Commission sought comment on extending the freeze once more.

III. Extending the Freeze

10. We extend through June 30, 2017, the freeze on part 36 category relationships and jurisdictional cost allocation factors that the Commission adopted in the 2001 Separations Freeze Order. As a result, price cap carriers will use the same relationships between categories of investment and expenses within Part 32 accounts and the same jurisdictional allocation factors that have been in place since the inception of the current freeze on July 1, 2001; rate-of-return carriers will use the same frozen jurisdictional allocation factors, and will (absent a waiver) use the same frozen category relationships if they had opted in 2001 to freeze those.

11. We conclude that extending the freeze will provide stability to carriers that must comply with the Commission's jurisdictional separations rules while the Joint Board continues its analysis of the jurisdictional separations process. The majority of commenters support extending the freeze for at least three years. Significantly, the State Members of the Federal-State Board on Jurisdictional Separations agree with the proposed extension, "based upon our understanding that under the Commission's orders on various forbearance petitions, the States retain the ability to adopt any reasonable allocation of costs between the intrastate and interstate jurisdictions for State ratemaking and other purposes."

12. NASUCA asserts that extending the freeze, rather than substantively reforming the separations rules, is not in the public interest. Although NASUCA does not support the freeze, per se, it does not advocate for returning to pre-freeze regulations, which would be the consequence of permitting the freeze to expire before new separations rules are in effect. The Joint Board is considering comprehensive separations reform. We find that an extension of the freeze is necessary in the interim to avoid regulatory instability and substantial administrative burdens on carriers. If the Commission allowed the earlier separations rules to return to force, carriers would be required to reinstitute their former separations processes even though many carriers no longer have the necessary employees and systems in place to comply with the old jurisdictional separations process and

likely would have to hire or reassign and train employees and redevelop systems for collecting and analyzing the data necessary to perform separations in the prior manner. To require carriers to reinstitute their separations systems "would be unduly burdensome when there is a significant likelihood that there would be no lasting benefit to doing so." Therefore, we find that a three-year extension is appropriate.

13. The Small Company Coalition recommends a longer extension, until the transition to bill and keep for terminating access is complete, in July 2020. USTelecom recommends an indefinite extension of the freeze, arguing that separations requirements are increasingly irrelevant, and GVNW argues for an unspecified longer extension. We decline to extend the freeze for more than three years, because the Joint Board may recommend specific reforms and the Commission may be able to substantively address separations rule reform well before the bill and keep transition is complete.

14. Pioneer Telephone Cooperative, which has requested a waiver of its cost category relationship freeze, expresses concern that the grant of the freeze extension without simultaneously granting Pioneer's waiver will only perpetuate the misallocation of its expenses and investment. As explained above, we conclude that allowing the freeze to expire would create unnecessary burdens and disruption for carriers. The decision to extend the freeze does not affect the Commission's ability to address pending or future waiver petitions.

15. In the 2014 Separations Freeze Extension FNPRM, we also sought comment on whether to open a filing "window" for rate-of-return incumbent LECs to file waiver requests to unfreeze their jurisdictional separations category relationships. We do not address that in this Order.

IV. Severability

16. All of the rules that are adopted in this Order are designed to work in unison to ensure just, reasonable, and fair regulation of jurisdictional separations. However, each of the reforms we undertake in this order serves a particular function toward this goal. Therefore, it is our intent that each of the rules adopted herein shall be severable. If any of the rules are declared invalid or unenforceable for any reason, it is our intent that the remaining rules shall remain in full force and effect.

V. Procedural Matters

A. Final Regulatory Flexibility Certification

17. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

18. As discussed above, in 2001 the Commission adopted a Joint Board recommendation to impose an interim freeze of the part 36 category relationships and jurisdictional cost allocation factors, pending comprehensive reform of the part 36 separations rules. The Commission ordered that the freeze would be in effect for a five-year period beginning July 1, 2001, or until the Commission completed comprehensive separations reform, whichever came first. On May 16, 2006, concluding that more time was needed to implement comprehensive separations reform, the Commission extended the freeze for three years or until such comprehensive reform could be completed, whichever came first. On May 15, 2009, the Commission extended the freeze through June 30, 2010, on May 24, 2010, extended the freeze through June 30, 2011, on May 3, 2011, extended the freeze through June 30, 2012, and on May 8, 2012, extended the freeze through June 30, 2104.

19. The purpose of the current extension of the freeze is to allow the Commission and the Joint Board additional time to consider changes that may need to be made to the separations process in light of changes in the law, technology, and market structure of the telecommunications industry without creating the undue instability and administrative burdens that would occur were the Commission to eliminate the freeze.

20. Implementation of the freeze extension will ease the administrative burden of regulatory compliance for LECs, including small incumbent LECs.

The freeze has eliminated the need for all incumbent LECs, including incumbent LECs with 1500 employees or fewer, to complete certain annual studies formerly required by the Commission's rules. The effect of the freeze extension is to reduce a regulatory compliance burden for small incumbent LECs, by abating the aforementioned separations studies and providing these carriers with greater regulatory certainty. Therefore, we certify that the requirement of the report and order will not have a significant economic impact on a substantial number of small entities.

21. The Commission will send a copy of the report and order, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Congressional Review Act. In addition, the report and order and this final certification will be sent to the Chief Counsel for Advocacy of the SBA, and will be published in the **Federal Register**.

B. Paperwork Reduction Act Analysis

22. This Report and Order does not contain new, modified, or proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new, modified, or proposed information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

C. Congressional Review Act

23. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

D. Effective Date

24. We find good cause to make these rule changes effective immediately upon publication in the **Federal Register**. As explained above, the current freeze is scheduled to expire on June 30, 2014. To avoid unnecessary disruption to carriers subject to these rules, we preserve the status quo by making the extension of the freeze effective before the scheduled expiration date.

E. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

25. None.

VI. Ordering Clauses

26. Accordingly, *it is ordered*, pursuant to sections 1, 2, 4(i), 201-05, 215, 218, 220, and 410 of the

Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201-205, 215, 218, 220, and 410, that this Report and Order is *adopted*.

27. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Report and Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

28. *It is further ordered*, pursuant to section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. 553(d)(3), and sections 1.4(b)(1) and 1.427(b) of the Commission's rules, 47 CFR 1.4(b)(1), 1.427(b), that this Report and Order *shall be effective* on the date of publication in the **Federal Register**.

List of Subjects in 47 CFR Part 36

Jurisdictional separations procedures, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 36 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 47 U.S.C. Secs. 151, 154(i) and (j), 205, 221(c), 254, 403, —, 410, and 1302 unless otherwise noted.

Subpart A—General

■ 2. Amend § 36.3 by revising paragraphs (a), (b), (c), (d) introductory text, and (e) to read as follows:

§ 36.3 Freezing of jurisdictional separations category relationships and/or allocation factors.

(a) Effective July 1, 2001, through June 30, 2017, all local exchange carriers subject to part 36 rules shall apportion costs to the jurisdictions using their study area and/or exchange specific jurisdictional allocation factors calculated during the twelve month period ending December 31, 2000, for each of the categories/sub-categories as specified herein. Direct assignment of private line service costs between jurisdictions shall be updated annually.

Other direct assignment of investment, expenses, revenues or taxes between jurisdictions shall be updated annually. Local exchange carriers that invest in telecommunications plant categories during the period July 1, 2001, through June 30, 2017, for which it had no separations allocation factors for the twelve month period ending December 31, 2000, shall apportion that investment among the jurisdictions in accordance with the separations procedures in effect as of December 31, 2000 for the duration of the freeze.

(b) Effective July 1, 2001, through June 30, 2017, local exchange carriers subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign costs from the part 32 accounts to the separations categories/sub-categories, as specified herein, based on the percentage relationships of the categorized/sub-categorized costs to their associated part 32 accounts for the twelve month period ending December 31, 2000. If a part 32 account for separations purposes is categorized into more than one category, the percentage relationship among the categories shall be utilized as well. Local exchange carriers that invest in types of telecommunications plant during the period July 1, 2001, through June 30, 2017, for which it had no separations category investment for the twelve month period ending December 31, 2000, shall assign such investment to separations categories in accordance with the separations procedures in effect as of December 31, 2000. Local exchange carriers not subject to price cap regulation, pursuant to § 61.41 of this chapter, may elect to be subject to the provisions of paragraph (b) of this section. Such election must be made prior to July 1, 2001. Local exchange carriers electing to become subject to paragraph (b) shall not be eligible to withdraw from such regulation for the duration of the freeze. Local exchange carriers participating in Association tariffs, pursuant to § 69.601 et seq., shall notify the Association prior to July 1, 2001, of such intent to be subject to the provisions of paragraph (b). Local exchange carriers not participating in Association tariffs shall notify the Commission prior to July 1, 2001, of such intent to be subject to the provisions of paragraph (b).

(c) Effective July 1, 2001, through June 30, 2017, any local exchange carrier that sells or otherwise transfers exchanges, or parts thereof, to another carrier's study area shall continue to utilize the factors and, if applicable, category relationships as specified in paragraphs (a) and (b) of this section.

(d) Effective July 1, 2001, through June 30, 2017, any local exchange carrier that buys or otherwise acquires exchanges or part thereof, shall calculate new, composite factors and, if applicable, category relationships based on a weighted average of both the seller's and purchaser's factors and category relationships calculated pursuant to paragraphs (a) and (b) of this section. This weighted average should be based on the number of access lines currently being served by the acquiring carrier and the number of access lines in the acquired exchanges.

(e) Any local exchange carrier study area converting from average schedule company status, as defined in § 69.605(c) of this chapter, to cost company status during the period July 1, 2001, through June 30, 2017, shall, for the first twelve months subsequent to conversion categorize the telecommunications plant and expenses and develop separations allocation factors in accordance with the separations procedures in effect as of December 31, 2000. Effective July 1, 2001 through June 30, 2017, such companies shall utilize the separations allocation factors and account categorization subject to the requirements of paragraphs (a) and (b) of this section based on the category relationships and allocation factors for the twelve months subsequent to the conversion to cost company status.

Subpart B—Telecommunications Property

Central Office Equipment

■ 3. Amend § 36.123 by revising paragraphs (a)(5) and (6) to read as follows:

§ 36.123 Operator systems equipment—Category 1.

(a) * * *
(5) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balance of Account 2220, Operator Systems, to the categories/subcategories, as specified in paragraph (a)(1) of this section, based on the relative percentage assignment of the average balance of Account 2220 to these categories/subcategories during the twelve month period ending December 31, 2000.

(6) Effective July 1, 2001 through June 30, 2017, all study areas shall apportion the costs assigned to the categories/subcategories, as specified in paragraph (a)(1) of this section, among the jurisdictions using the relative use measurements for the twelve month

period ending December 31, 2000 for each of the categories/subcategories specified in paragraphs (b) through (e) of this section.

* * * * *

■ 4. Amend § 36.124 by revising paragraphs (c) and (d) to read as follows:

§ 36.124 Tandem switching equipment—Category 2.

* * * * *

(c) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balances of Accounts 2210, 2211, and 2212 to Category 2, Tandem Switching Equipment based on the relative percentage assignment of the average balances of Account 2210, 2211, 2212, and 2215 to Category 2, Tandem Switching Equipment during the twelve month period ending December 31, 2000.

(d) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion costs in Category 2, Tandem Switching Equipment, among the jurisdictions using the relative number of study area minutes of use, as specified in paragraph (b) of this section, for the twelve month period ending December 31, 2000. Direct assignment of any subcategory of Category 2 Tandem Switching Equipment between jurisdictions shall be updated annually.

■ 5. Amend § 36.125 by revising paragraphs (h), (i), and (j) to read as follows:

§ 36.125 Local switching equipment—Category 3.

* * * * *

(h) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balances of Accounts 2210, 2211, and 2212 to Category 3, Local Switching Equipment, based on the relative percentage assignment of the average balances of Account 2210, 2211, 2212 and 2215 to Category 3, during the twelve month period ending December 31, 2000.

(i) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion costs in Category 3, Local Switching Equipment, among the jurisdictions using relative dial equipment minutes of use for the twelve month period ending December 31, 2000.

(j) If the number of a study area's access lines increases such that, under paragraph (f) of this section, the weighted interstate DEM factor for 1997 or any successive year would be reduced, that lowered weighted

interstate DEM factor shall be applied to the study area's 1996 unweighted interstate DEM factor to derive a new local switching support factor. If the number of a study area's access lines decreases or has decreased such that, under paragraph (f) of this section, the weighted interstate DEM factor for 2010 or any successive year would be raised, that higher weighted interstate DEM factor shall be applied to the study area's 1996 unweighted interstate DEM factor to derive a new local switching support factor.

■ 6. Amend § 36.126 by adding paragraph (b)(6) and revising paragraphs (c)(4), (e)(4), and (f)(2) to read as follows:

§ 36.126 Circuit equipment—Category 4.

* * * * *

(b) * * *

(6) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balances of Accounts 2230 through 2232 to the categories/subcategories as specified in paragraphs (b)(1) through (4) of this section based on the relative percentage assignment of the average balances of Accounts 2230 through 2232 costs to these categories/subcategories during the twelve month period ending December 31, 2000.

(c) * * *

(4) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion costs in the categories/subcategories, as specified in paragraphs (b)(1) through (4) of this section, among the jurisdictions using the relative use measurements or factors, as specified in paragraphs (c)(1) through (3) of this section for the twelve month period ending December 31, 2000. Direct assignment of any subcategory of Category 4.1 Exchange Circuit Equipment to the jurisdictions shall be updated annually.

* * * * *

(e) * * *

(4) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion costs in the categories/subcategories specified in paragraphs (e)(1) through (3) of this section among the jurisdictions using relative use measurements or factors, as specified in paragraphs (e)(1) through (3) for the twelve month period ending December 31, 2000. Direct assignment of any subcategory of Category 4.2 Interexchange Circuit Equipment to the jurisdictions shall be updated annually.

(f) * * *

(2) Effective July 1, 2001, through June 30, 2017, all study areas shall

apportion costs in the subcategory specified in paragraph (f)(1) of this section among the jurisdictions using the allocation factor, as specified in paragraph (f)(1)(i) of this section, for this subcategory for the twelve month period ending December 31, 2000. Direct assignment of any Category 4.3 Host/Remote Message Circuit Equipment to the jurisdictions shall be updated annually.

Information Origination/Termination Expenses

■ 7. Amend § 36.141 by revising paragraph (c) to read as follows:

§ 36.141 General.

* * * * *

(c) Effective July 1, 2001, through June 30, 2017, local exchange carriers subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balance of Account 2310 to the categories, as specified in paragraph (b) of this section, based on the relative percentage assignment of the average balance of Account 2310 to these categories during the twelve month period ending December 31, 2000.

■ 8. Amend § 36.142 by revising paragraph (c) to read as follows:

§ 36.142 Categories and apportionment procedures.

* * * * *

(c) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion costs in the categories, as specified in § 36.141(b), among the jurisdictions using the relative use measurements or factors, as specified in paragraph (a) of this section, for the twelve month period ending December 31, 2000. Direct assignment of any category of Information Origination/Termination Equipment to the jurisdictions shall be updated annually.

Cable and Wire Facilities

■ 9. Amend § 36.152 by revising paragraph (d) to read as follows:

§ 36.152 Categories of Cable and Wire Facilities (C&WF).

* * * * *

(d) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the average balance of Account 2410 to the categories/subcategories, as specified in paragraph (a) through (c) of this section based on the relative percentage assignment of the average balance of Account 2410 to these categories/subcategories during the twelve month period ending December 31, 2000.

■ 10. Amend § 36.154 by revising paragraph (g) to read as follows:

§ 36.154 Exchange Line Cable and Wire Facilities (C&WF)—Category 1—apportionment procedures.

(g) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Subcategory 1.3 Exchange Line C&WF among the jurisdictions as specified in paragraph (c) of this section. Direct assignment of subcategory Categories 1.1 and 1.2 Exchange Line C&WF to the jurisdictions shall be updated annually as specified in paragraph (b) of this section.

■ 11. Amend § 36.155 by revising paragraph (b) to read as follows:

§ 36.155 Wideband and exchange trunk (C&WF)—Category 2—apportionment procedures.

* * * * *

(b) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Category 2 Wideband and exchange trunk C&WF among the jurisdictions using the relative number of minutes of use, as specified in paragraph (a) of this section, for the twelve-month period ending December 31, 2000. Direct assignment of any Category 2 equipment to the jurisdictions shall be updated annually.

■ 12. Amend § 36.156 by revising paragraph (c) to read as follows:

§ 36.156 Interexchange Cable and Wire Facilities (C&WF)—Category 3—apportionment procedures.

* * * * *

(c) Effective July 1, 2001, through June 30, 2017, all study areas shall directly assign Category 3 Interexchange Cable and Wire Facilities C&WF where feasible. All study areas shall apportion the non-directly assigned costs in Category 3 equipment to the jurisdictions using the relative use measurements, as specified in paragraph (b) of this section, during the twelve-month period ending December 31, 2000.

■ 13. Amend § 36.157 by revising paragraph (b) to read as follows:

§ 36.157 Host/remote message Cable and Wire Facilities (C&WF)—Category 4—apportionment procedures.

* * * * *

(b) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Category 4 Host/Remote message Cable and Wire Facilities C&WF among the jurisdictions using the relative number of study area minutes-of-use kilometers applicable to such facilities, as specified in paragraph (a)(1) of this section, for the twelve month period ending December 31, 2000.

Direct assignment of any Category 4 equipment to the jurisdictions shall be updated annually.

Equal Access Equipment

■ 14. Amend § 36.191 by revising paragraph (d) to read as follows:

§ 36.191 Equal access equipment.

* * * * *

(d) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Equal Access Equipment, as specified in paragraph (a) of this section, among the jurisdictions using the relative state and interstate equal access traffic, as specified in paragraph (c) of this section, for the twelve month period ending December 31, 2000.

Subpart C—Operating Revenues and Certain Income Accounts Operating Revenues

■ 15. Amend § 36.212 by revising paragraph (c) to read as follows:

§ 36.212 Basic local services revenue—Account 5000 (Class B telephone companies); Basic area revenue—Account 5001 (Class A telephone companies).

* * * * *

(c) Wideband Message Service revenues from monthly and miscellaneous charges, service connections, move and change charges, are apportioned between state and interstate operations on the basis of the relative number of minutes-of-use in the study area. Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Wideband Message Service revenues among the jurisdictions using the relative number of minutes of use for the twelve-month period ending December 31, 2000.

* * * * *

■ 16. Amend § 36.214 by revising paragraph (a) to read as follows:

§ 36.214 Long distance message revenue—Account 5100.

(a) Wideband message service revenues from monthly and miscellaneous charges, service connections, move and change charges, are apportioned between state and interstate operations on the basis of the relative number of minutes-of-use in the study area. Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Wideband Message Service revenues among the jurisdictions using the relative number of minutes of use for the twelve-month period ending December 31, 2000.

* * * * *

Subpart D—Operating Expenses and Taxes

Customer Operations Expenses

- 17. Revise § 36.372 to read as follows:

§ 36.372 Marketing—Account 6610 (Class B telephone companies); Accounts 6611 and 6613 (Class A telephone companies).

The expenses in this account are apportioned among the operations on the basis of an analysis of current billing for a representative period, excluding current billing on behalf of others and billing in connection with intercompany settlements. Effective July 1, 2001, through June 30, 2017, all study areas shall apportion expenses in this account among the jurisdictions using the analysis during the twelve-month period ending December 31, 2000.

- 18. Amend § 36.374 by revising paragraphs (b) and (d) to read as follows:

§ 36.374 Telephone-operator-services.

* * * * *

(b) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the Telephone operator expense classification based on the relative percentage assignment of the balance of Account 6620 to this classification during the twelve month period ending December 31, 2000.

* * * * *

(d) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Telephone operator expenses among the jurisdictions using the relative number of weighted standard work seconds, as specified in paragraph (c) of this section, during the twelve-month period ending December 31, 2000.

- 19. Amend § 36.375 by revising paragraphs (b)(4) and (5) to read as follows:

§ 36.375 Published directory listing.

* * * * *

(b) * * *

(4) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the classifications, as specified in paragraphs (b)(1) through (4) of this section, based on the relative percentage assignment of the balance of Account 6620 to these classifications during the twelve month period ending December 31, 2000.

(5) Effective July 1, 2001, through June 30, 2017, all study areas shall

apportion Published directory listing expenses using the underlying relative use measurements, as specified in paragraphs (b)(1) through (4) of this section, during the twelve-month period ending December 31, 2000. Direct assignment of any Publishing directory listing expense to the jurisdictions shall be updated annually.

- 20. Amend § 36.377 by revising paragraphs (a) introductory text, (a)(1)(ix), (a)(2)(vii), (a)(3)(vii), (a)(4)(vii), (a)(5)(vii), and (a)(6)(vii) to read as follows:

§ 36.377 Category 1—Local business office expense.

(a) The expense in this category for the area under study is first segregated on the basis of an analysis of job functions into the following subcategories: End user service order processing; end user payment and collection; end user billing inquiry; interexchange carrier service order processing; interexchange carrier payment and collection; interexchange carrier billing inquiry; and coin collection and administration. Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in this paragraph (a), based on the relative percentage assignment of the balance of Account 6620 to these categories/subcategories during the twelve month period ending December 31, 2000.

(1) * * *

(ix) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the categories/subcategories, as specified in paragraphs (a)(1)(i) through (viii) of this section, based on the relative percentage assignment of the balance of Account 6620 to these categories/subcategories during the twelve month period ending December 31, 2000. Effective July 1, 2001, through June 30, 2017, all study areas shall apportion TWX service order processing expense, as specified in paragraph (a)(1)(viii) of this section among the jurisdictions using relative billed TWX revenues for the twelve-month period ending December 31, 2000. All other subcategories of End-user service order processing expense, as specified in paragraphs (a)(1)(i) through (viii) shall be directly assigned.

(2) * * *

(vii) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance

of Account 6620-Services to the subcategories, as specified in paragraphs (a)(2)(i) through (vi) of this section, based on the relative percentage assignment of the balance of Account 6620 to these categories/subcategories during the twelve month period ending December 31, 2000. All other subcategories of End User payment and collection expense, as specified in paragraphs (a)(2)(i) through (v) of this section, shall be directly assigned.

(3) * * *

(vi) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in paragraphs (a)(3)(i) through (vi) of this section, based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All other subcategories of End user billing inquiry expense, as specified in paragraphs (a)(2)(i) through (vi) shall be directly assigned.

(4) * * *

(vii) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in paragraphs (a)(4)(i) through (vi) of this section, based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All subcategories of Interexchange carrier service order processing expense, as specified in paragraphs (a)(2)(i) through (vi), shall be directly assigned.

(5) * * *

(vii) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in paragraphs (a)(5)(i) through (vi) of this section, based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All subcategories of Interexchange carrier payment expense, as specified in paragraphs (a)(2)(i) through (vi) shall be directly assigned.

(6) * * *

(vii) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in paragraphs (a)(6)(i) through (vi) of this section,

based on the relative percentage assignment of the balance of Account 6620 to these subcategories during the twelve month period ending December 31, 2000. All subcategories of Interexchange carrier billing inquiry expense, as specified in paragraphs (a)(2)(i) through (vi), shall be directly assigned.

* * * * *

■ 21. Amend § 36.378 by revising paragraph (b)(1) to read as follows:

§ 36.378 Category 2—Customer services (revenue accounting).

* * * * *

(b) * * *

(1) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the classifications, as specified in paragraph (b) of this section, based on the relative percentage assignment of the balance of Account 6620 to those classifications during the twelve month period ending December 31, 2000.

* * * * *

■ 22. Amend § 36.379 by revising paragraphs (b)(1) and (2) to read as follows:

§ 36.379 Message processing expense.

* * * * *

(b) * * *

(1) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the subcategories, as specified in this paragraph (b), based on the relative percentage assignment of the balance of Account 6620 to those subcategories during the twelve month period ending December 31, 2000.

(2) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Toll Ticketing Processing Expense among the jurisdictions using the relative number of toll messages for the twelve-month period ending December 31, 2000. Local Message Process Expense is assigned to the state jurisdiction.

■ 23. Amend § 36.380 by revising paragraphs (d) and (e) to read as follows:

§ 36.380 Other billing and collecting expense.

* * * * *

(d) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the Other billing and collecting expense

classification based on the relative percentage assignment of the balance of Account 6620 to those subcategory during the twelve month period ending December 31, 2000.

(e) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Other billing and collecting expense among the jurisdictions using the allocation factor utilized, pursuant to paragraph (b) or (c) of this section, for the twelve month period ending December 31, 2000.

■ 24. Amend § 36.381 by revising paragraphs (c) and (d) to read as follows:

§ 36.381 Carrier access charge billing and collecting expense.

* * * * *

(c) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to the Carrier access charge billing and collecting expense classification based on the relative percentage assignment of the balance of Account 6620 to that classification during the twelve month period ending December 31, 2000.

(d) Effective July 1, 2001, through June 30, 2017, all study areas shall apportion Carrier access charge billing and collecting expense among the jurisdictions using the allocation factor, pursuant to paragraph (b) of this section, for the twelve-month period ending December 31, 2000.

* * * * *

■ 25. Amend § 36.382 by revising paragraph (a) to read as follows:

§ 36.382 Category 3—All other customer services expense.

(a) Effective July 1, 2001, through June 30, 2017, study areas subject to price cap regulation, pursuant to § 61.41 of this chapter, shall assign the balance of Account 6620-Services to this category based on the relative percentage assignment of the balance of Account 6620 to this category during the twelve month period ending December 31, 2000.

* * * * *

[FR Doc. 2014-14864 Filed 6-25-14; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 121210694-3514-02]

RIN 0648-XD238

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure

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

ACTION: Temporary rule; closure.

SUMMARY: Through this action NMFS is prohibiting directed fishing for Pacific sardine off the coasts of Washington, Oregon and California. This action is necessary because the non-tribal directed harvest allocation total of 5,446 mt for the interim harvest period of January 1, 2014, through June 30, 2014, has been projected to have been reached. From the effective date of this rule until July 1, 2014, Pacific sardine may be harvested only as part of either the live bait or tribal fishery or incidental to other fisheries; the incidental harvest of Pacific sardine is limited to 40-percent by weight of all fish per trip. Fishing vessels must cease fishing [be at shore and in the process of offloading] at or before the effective date of this closure.

DATES: Effective 12:01 a.m. Pacific Daylight Time (PDT) June 25, 2014 through 11:59 p.m., June 30, 2014.

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980-4034.

SUPPLEMENTARY INFORMATION: This document announces that based on the best available information recently obtained from the fishery and information on past fishing effort, the non-tribal directed fishing harvest allocation for the interim 2014 harvest period of January 1, 2014, through June 30, 2014, will be reached and therefore directed fishing for Pacific sardine is being closed until the new fishing season starts on July 1, 2014. Fishing vessels must cease fishing [be at shore and in the process of offloading] at or before the effective date of this closure. From the effectiveness of this closure, through June 30, 2014, Pacific sardine may be harvested only as part of either the live bait or tribal fishery or incidental to other fisheries, with the incidental harvest of Pacific sardine limited to 40-percent by weight of all fish caught during a trip.

NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (California, Oregon, and Washington) in accordance with the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). Annual specifications published in the **Federal Register** establish the allowable harvest levels (i.e. annual catch limit/harvest guideline (HG)) for each Pacific sardine fishing season. If during any of the seasonal allocation periods the applicable adjusted directed harvest allocation is projected to be taken, and the fishery is closed, only incidental harvest is allowed. For the remainder of the period, any incidental Pacific sardine landings will be counted against that period's incidental set aside. In the event that an incidental set-aside is projected to be attained, all fisheries will be closed to the retention of Pacific sardine for the remainder of the period via appropriate rulemaking.

Under 50 CFR 660.509, if the total HG or these apportionment levels for Pacific sardine are reached at any time, NMFS is required to close the Pacific sardine fishery via appropriate rulemaking and

the fishery remains closed until it re-opens either per the allocation scheme or the beginning of the next fishing season. In accordance with § 660.509 the Regional Administrator shall publish a notice in the **Federal Register** announcing the date of the closure of the directed fishery for Pacific sardine.

The above in-season harvest restrictions are not intended to affect the prosecution of the live bait or tribal portions of the Pacific sardine fishery.

Classification

This action is required by 50 CFR 660.509 and is exempt from Office of Management and Budget review under Executive Order 12866.

NMFS finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) for the closure of the directed harvest of Pacific sardine. For the reasons set forth below, notice and comment procedures are impracticable and contrary to the public interest. For the same reasons, NMFS also finds good cause under 5 U.S.C. 553(d)(3) to waive

the 30-day delay in effectiveness for this action. This measure responds to the best available information and is necessary for the conservation and management of the Pacific sardine resource. A delay in effectiveness would cause the fishery to exceed the in-season harvest level. These seasonal harvest levels are important mechanisms in preventing overfishing and managing the fishery at optimum yield. The established directed and incidental harvest allocations are designed to allow fair and equitable opportunity to the resource by all sectors of the Pacific sardine fishery and to allow access to other profitable CPS fisheries, such as squid and Pacific mackerel. Many of the same fishermen who harvest Pacific sardine rely on these other fisheries for a significant portion of their income.

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

Dated: June 20, 2014.

Emily H. Menashes,

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

[FR Doc. 2014-14892 Filed 6-25-14; 8:45 am]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 79, No. 123

Thursday, June 26, 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

Agricultural Marketing Service

7 CFR Part 1205

[Doc. No. AMS–CN–13–0101]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2014 Amendment)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule is a companion document to the Agricultural Marketing Service's (AMS) direct final rule (published today in the "Rules and Regulations" section of the **Federal Register**), amending the Cotton Board Rules and Regulations by decreasing the value assigned to imported cotton for calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. An amendment is required to adjust the value assigned to imported cotton and the cotton content of imported products so that it is the same as those paid on domestically produced cotton.

AMS is publishing this amendment as a direct final rule without prior proposal because the agency is contemplated by statute and required by regulation in 7 CFR 1205.510 and anticipates no significant adverse comment. AMS has explained its reasons in the preamble of the direct final rule. If AMS receives no significant adverse comment during the comment period, no further action on this proposed rule will be taken. If, however, AMS receives significant adverse comment, AMS will withdraw the direct final rule and it will not take effect. In that case, AMS will address all public comments in a subsequent final rule based on this proposed rule. AMS will not institute a second comment period on this rule. Any parties interested in commenting must do so during this comment period.

DATES: Comments must be received on or before July 28, 2014.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–13–0101, may be submitted electronically through the *Federal eRulemaking Portal* at <http://www.regulations.gov>. Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery* to Cotton Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this notice may be found at: www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Chief, Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at Shethir.Riva@ams.usda.gov.

SUPPLEMENTARY INFORMATION: As noted above, in the "Rules and Regulations" section of today's **Federal Register**, the direct final rule being published would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products.

The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of \$1 per bale of cotton, which is equivalent to 500 pounds, or \$1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the

supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices*, a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2013 in the **Federal Register** (78 FR 39551) for the purpose of calculating assessments on imported cotton is \$0.012876 per kilogram. Using the Average Weighted Priced received by U.S. farmers for Upland cotton for the calendar year 2013, the direct final rule would amend the new value of imported cotton to \$0.012728 per kilogram to reflect the price paid by U.S. farmers for Upland cotton during 2013.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.
One kilogram equals 2.2046 pounds.
One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500 x 0.453597).

\$1 per bale assessment equals \$0.002000 per pound or \$0.2000 cents per pound (1/500) or \$0.004409 per kg or \$0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2013 calendar year weighted average price received by producers for

Upland cotton is \$0.755 per pound or \$1.664 per kg. (0.755 x 2.2046).

Five tenths of one percent of the average price equals \$0.008319 per kg. (1.664 x 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the \$1 per bale equivalent assessment of \$0.004409 per kg. and the supplemental assessment \$0.008319 per kg., which equals \$0.012728 per kg.

The current assessment on imported cotton is \$0.012876 per kilogram of imported cotton. The revised assessment in this direct final rule is \$0.012728, a decrease of \$0.000148 per kilogram. This decrease reflects the decrease in the average weighted price of Upland cotton received by U.S. Farmers during the period January through December 2013.

Import Assessment Table in section 1205.510(b)(3) indicates the total assessment rate (\$ per kilogram) due for each Harmonized Tariff Schedule number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to assure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

The amendment proposed by this notice is the same as the amendment contained in the direct final rule. Please refer to the preamble and regulatory text of the direct final rule for further information and the actual text of the amendment. Statutory review and Executive Orders for this proposed rule can be found in the **SUPPLEMENTARY INFORMATION** section of the direct final rule.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because this rule would decrease the assessments paid by importers under the Cotton Research and Promotion Order. An amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton. Accordingly, the change in this rule, if adopted, should be implemented as soon as possible.

Authority: 7 U.S.C. 2101–2118.

Dated: June 23, 2014.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2014–14991 Filed 6–25–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2011–BT–TP–0071]

RIN 1904–AC67

Energy Conservation Program: Test Procedures for Integrated Light-Emitting Diode Lamps

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

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On June 3, 2014, the U.S. Department of Energy (DOE) published a supplemental notice of proposed rulemaking (SNOPR) (hereafter the June 2014 SNOPR) in which DOE proposed test procedures for light-emitting diode (LED) lamps. The June 2014 SNOPR defined methods for measuring the lumen output, input power, and relative spectral distribution (to determine correlated color temperature, or CCT). Further, the June 2014 SNOPR proposed a method for calculating the lifetime of LED lamps, and defined the lifetime as the time required for the LED lamp to reach a lumen maintenance of 70 percent (that is, 70 percent of initial light output). Additionally, the June 2014 SNOPR added calculations for lamp efficacy as well as the color rendering index (CRI) of LED lamps. This SNOPR revises DOE's proposed definition for lifetime in the June 2014 SNOPR. The definition of lifetime contained in this document better aligns with the statutory definition of lifetime in the Energy Policy and Conservation Act of 1975, as amended. DOE also proposes a new definition for time to failure to support the revised definition of lifetime. Finally, this SNOPR discusses other necessary changes to the regulations to support the new and revised definitions.

DATES: DOE will accept comments, data, and information regarding this SNOPR until August 4, 2014. See section V, “Public Participation,” for details.

ADDRESSES: Any comments submitted must identify the SNOPR for Test Procedures for LED lamps, and provide docket number EE–2011–BT–TP–0071 and/or regulatory information number (RIN) number 1904–AC67. Comments

may be submitted using any of the following methods:

1. *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.

2. *Email:* LEDLamps-2011-TP-0071@ee.doe.gov. Include the docket number and/or RIN in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC, 20585–0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD. It is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

Docket: The docket is available for review at regulations.gov, including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/18. This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section V for information on how to submit comments through regulations.gov.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: Brenda.Edwards@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: light_emitting_diodes@ee.doe.gov.

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC-71, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 287-6122. Email: Celia.Sher@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

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I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, et seq.; “EPCA”) sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112-210 (Dec. 18, 2012)). Part B of title III, which for editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291-6309, as codified), establishes the “Energy Conservation Program for Consumer Products Other Than Automobiles.”

Under EPCA, this program consists of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. This rulemaking proposes test procedures that manufacturers of integrated LED lamps (hereafter referred to as “LED lamps”) would use to meet two requirements, namely, to: (1) Satisfy any future energy conservation standards for general service LED lamps, and (2) meet obligations under labeling requirements for LED lamps promulgated by the Federal Trade Commission (FTC).

First, test procedures in this rulemaking would be used to assess the performance of LED lamps relative to any potential energy conservation standards in a future rulemaking that includes general service LED lamps. DOE is currently developing energy conservation standards for general service lamps (GSLs), a category of lamps that includes general service LED lamps. 78 FR 73737 (Dec. 9, 2013).

Second, this rulemaking supports obligations under labeling requirements

promulgated by FTC under section 324(a)(6) of EPCA (42 U.S.C. 6294(a)(6)). The Energy Independence and Security Act of 2007 (EISA 2007) section 321(b) amended EPCA (42 U.S.C. 6294(a)(2)(D)) to direct FTC to consider the effectiveness of lamp labeling for power levels or watts, light output or lumens, and lamp lifetime. This rulemaking supports FTC’s determination that LED lamps, which had previously not been labeled, require labels under EISA section 321(b) and 42 U.S.C. 6294(a)(6) in order to assist consumers in making purchasing decisions. 75 FR 41696, 41698 (July 19, 2010).

DOE previously published two **Federal Register** documents pertaining to the test procedure for LED lamps. On April 9, 2012, DOE published a test procedure NOPR. 77 FR 21038. Following the publication of the NOPR, DOE held a public meeting on May 3, 2012 to receive feedback from interested parties. Then, on June 3, 2014, DOE published a test procedure SNOPIR (the June 2014 SNOPIR). 79 FR 32020. The June 2014 SNOPIR revised the method of measuring lifetime and added directions for calculating and measuring lamp efficacy, CRI, and standby mode power.

For a more complete discussion of authority and background, see the June 2014 SNOPIR. 79 FR 32020.

II. Summary of the Supplemental Notice of Proposed Rulemaking

This SNOPIR (hereafter the lifetime SNOPIR) builds upon the June 2014 SNOPIR, which DOE hereby affirms, except for those provisions that are modified by this supplemental proposal. The lifetime SNOPIR proposes to revise the definition of lifetime as it relates to LED lamps. The definition of lifetime contained in this notice better aligns with the EPCA definition of lifetime in 42 U.S.C. 6291(30)(P). DOE also proposes a new definition for time to failure to support the revised definition of lifetime. The lifetime SNOPIR describes these new definitions and discusses other necessary changes to 10 CFR parts 429 and 430 to support the new and revised definitions.

III. Discussion

A. Definition of Lifetime of Integrated Light-Emitting Diode Lamps

In the June 2014 SNOPIR, DOE proposed to define lifetime of LED lamps as the time at which the lumen output is equal to 70 percent of the initial lumen output. 79 FR at 32029. This definition was to appear in Appendix BB to subpart B of 10 CFR part 430, and was to be measured and calculated for each individual sample

unit. 79 FR at 32047. DOE also proposed a mechanism to determine the upper limit for the represented value of lifetime for a basic model based on the mean or lower confidence limit of the sample at 10 CFR 429.56(a)(1)(i)(B)(1). See 79 FR at 32045.

Upon further review, DOE concludes the proposed definition of lifetime should be revised to better align with the EPCA definition of lifetime in 42 U.S.C. 6291(30)(P). This statutory definition states that lifetime means the length of operating time of a statistically large group of lamps between first use and failure of 50 percent of the group in accordance with test procedures described in the Illuminating Engineering Society (IES) Lighting Handbook-Reference Volume. In addition, DOE proposes to name this metric with a term specific to LED lamps to clarify that this definition only applies to LED lamps.

DOE proposes revising the name of the metric from “lifetime,” to “lifetime of integrated light-emitting diode lamps.” DOE proposes defining the lifetime of integrated light-emitting diode lamps to be as follows: “the length of operating time between first use and failure of 50 percent of the sample units (as defined in § 429.56(a)(1)(i)), in accordance with the test procedures described in section 4.5 of Appendix BB to subpart B of part 430 of this chapter.” DOE’s proposed definition is consistent with the statutory definition of lifetime in EPCA. First, DOE specifies a statistically large group of lamps by referring to the represented value requirements in section 429.56(a)(1)(i). Second, the test procedure in section 4.5 of appendix BB to subpart B of part 430 refers to IES LM-79-2008 for test conditions, setup, and measurements. The references to IES LM-79-2008 are consistent with EPCA’s lifetime definition, which requires use of the test procedures described by the IES. DOE seeks comment on the proposed definition of lifetime of integrated light-emitting diode lamps.

B. Definition of Time to Failure

To support the revised definition of lifetime as applied to LED lamps, DOE also proposes to define time to failure for LED lamps in Appendix BB to subpart B of 10 CFR part 430. The revised definition of lifetime refers to the “failure” of a lamp. Failure in the context of compact fluorescent lamps (CFLs), for example, is the time at which the lamp fully extinguishes and no longer creates light. However, LED lamps typically exhibit gradual degradation of light output over a long

period of time, rather than a sudden loss of light output. While other criteria may also apply, lumen maintenance of 70 percent is generally accepted as a criterion of reaching the end of useful LED lamp lifetime. 79 FR at 32029. DOE proposes to treat the point in time where an individual LED lamp reaches 70 percent lumen maintenance as the point of “failure.”

In order to calculate the lifetime of integrated light-emitting diode lamps for a particular basic model, the tester must determine the length of time between first use and failure for each unit in the sample. Therefore, DOE proposes to define time to failure, in section 2.2 of Appendix BB to subpart B of 10 CFR part 430, as “the time elapsed between first use and the point at which the lamp reaches 70 percent lumen maintenance as measured in section 4.5 of appendix BB of this subpart.” DOE seeks comment on the proposed definition of time to failure.

C. Other Revisions to 10 CFR Parts 429 and 430

To support the revised definition of lifetime and the newly added definition of time to failure, DOE also proposes other modifications to 10 CFR parts 429 and 430. These revisions clarify that the metric “time to failure” would be measured for an individual lamp, while “lifetime of integrated light-emitting diode lamps” is a metric calculated for all sample units collectively. For example, DOE modifies the scope and content of Appendix BB to subpart B of 10 CFR part 430 (See Appendix BB at sections 1, 2.2, 4, 4.2.1, 4.5, 4.5.2, 4.5.3, 4.5.4), 10 CFR 430.23 (See section 430.23(dd)(6), and (7)), and 10 CFR 430.25 (See section 430.25(b)) to specify measurement of time to failure, rather than directly measuring lifetime. Then, in proposed 10 CFR 429.56, DOE specifies the calculation of lifetime of integrated light-emitting diode lamps, the metric used for representations based on all sample units collectively (See 429.56(a)(1)(i)(B)(1), (a)(1)(i)(B)(1)(ii), (a)(1)(i)(B)(4), (c), and (c)(6)).

IV. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the June 2014 SNO PR remain unchanged for this lifetime SNO PR. These determinations are set forth in the June 2014 SNO PR. 79 FR 32020, 32040–32044. The additional changes proposed in this lifetime SNO PR (a revised definition of lifetime, a new definition of time to failure, and

other supporting modifications) would not be expected to increase testing burden beyond what is specified in the June 2014 SNO PR.

V. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this proposed rule.

Submitting comments via regulations.gov. The regulations.gov Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through regulations.gov cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for

up to several weeks. Please keep the comment tracking number that regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are written in English, free of any defects or viruses, and not secured. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1)

A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

B. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. DOE seeks comment on the proposed definition of lifetime of integrated light-emitting diode lamps.
2. DOE seeks comment on the proposed definition of time to failure.

VI. Approval of the Office of the Secretary

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

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on June 18, 2014.

Kathleen B. Hogan,

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

For the reasons stated in the preamble, DOE is proposing to amend parts 429 and 430 of Chapter II of Title 10, Subchapter D of the Code of Federal Regulations to read as set forth below:

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

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

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.56 is added to read as follows:

§ 429.56 Integrated light-emitting diode lamps.

(a) *Determination of Represented Value.* (1) Manufacturers must determine the represented value, which includes the certified rating, for each basic model of integrated light-emitting diode lamps by testing, in conjunction with the following sampling provisions:

- (i) *Units to be tested.* (A) The general requirements of § 429.11(a) are applicable except that the sample must be comprised of production units; and (B) For each basic model of integrated light-emitting diode lamp, the minimum number of units tested shall be no less than 10 and the same units must be used for testing all metrics. If more than 10 units are tested as part of the sample, the total number of units must be a multiple of two. For each basic model, a sample of sufficient size shall be randomly selected and tested to ensure that:

(1) Represented values of initial lumen output, lamp efficacy, and color rendering index (CRI) of a basic model for which consumers would favor higher values must be less than or equal to the lower of:

- (i) The mean of the sample, where:

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

and, \bar{x} is the sample mean; n is the number of units; and x_i is the ith unit;

Or,

(ii) The lower 99 percent confidence limit (LCL) of the true mean divided by 0.97 for initial lumen output; the lower 99 percent confidence limit (LCL) of the true mean divided by 0.98 for lamp efficacy; and the lower 99 percent confidence limit (LCL) of the true mean divided by 0.99 for CRI, where:

$$LCL = \bar{x} - t_{0.99} \left(\frac{s}{\sqrt{n}} \right)$$

and, \bar{x} is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.99}$ is the t statistic for a 99 percent one-tailed confidence interval with n-1 degrees of freedom (from Appendix A of this part).

(2) Represented values of input power and standby mode power of a basic model for which consumers would favor lower values must be greater than or equal to the higher of:

- (i) The mean of the sample, where:

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

and, \bar{x} is the sample mean; n is the number of units; and x_i is the ith unit;

Or,

(ii) The upper 99 percent confidence limit (UCL) of the true mean divided by 1.01, where:

$$UCL = \bar{x} + t_{0.99} \left(\frac{s}{\sqrt{n}} \right)$$

and, \bar{x} is the sample mean; s is the sample standard deviation; n is the number of samples; and $t_{0.99}$ is the t statistic for a 99 percent one-tailed confidence interval with n-1 degrees of freedom (from Appendix A of this part);

(3) Represented values of correlated color temperature (CCT) of a basic model must be equal to the mean of the sample, where:

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

and, \bar{x} is the sample mean; n is the number of units; and x_i is the ith unit.

(4) The lifetime of integrated light-emitting diode lamps is calculated by determining the median time to failure of the sample (calculated as the arithmetic mean of the time to failure of the two middle sample units when the numbers are sorted in value order) rounded to the nearest hour.

Represented values of lifetime cannot exceed the lifetime of integrated light-emitting diode lamps.

- (b) [Reserved]

(c) *Rounding requirements for representative values, including certified and rated values, of lumen output, input power, efficacy, CCT, CRI, lifetime of integrated light-emitting diode lamps, standby mode power, and estimated annual energy cost.*

(1) The represented value of input power must be rounded to the nearest tenth of a watt.

(2) The represented value of lumen output must be rounded to three significant digits.

(3) The represented value of lamp efficacy must be rounded to the nearest tenths place.

(4) The represented value of correlated color temperature must be rounded to the nearest 100 Kelvin.

(5) The represented value of color rendering index must be rounded to the nearest whole number.

(6) The represented value of lifetime of integrated light-emitting diode lamps must be rounded to the nearest whole hour.

(7) The represented value of standby mode power must be rounded to the nearest tenth of a watt.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 3. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 4. Section 430.2 is amended by revising the definition of “basic model” and adding in alphabetical order the definitions of “integrated light-emitting diode lamp” and “lifetime of integrated light-emitting diode lamps” to read as follows:

§ 430.2 Definitions.

* * * * *

Basic model means all units of a given type of covered product (or class thereof) manufactured by one manufacturer, having the same primary energy source, and which have essentially identical electrical, physical, and functional (or hydraulic) characteristics that affect energy consumption, energy efficiency, water consumption, or water efficiency; and

(1) With respect to general service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps: Lamps that have essentially identical light output and electrical characteristics—including lumens per watt (lm/W) and color rendering index (CRI).

(2) With respect to integrated light-emitting diode lamps: Lamps that have essentially identical light output and electrical characteristics—including lumens per watt (lm/W), color rendering index (CRI), correlated color temperature (CCT), and lifetime of integrated light-emitting diode lamps.

(3) With respect to faucets and showerheads: Have the identical flow control mechanism attached to or installed within the fixture fittings, or the identical water-passage design features that use the same path of water in the highest flow mode.

(4) With respect to furnace fans: Are marketed and/or designed to be installed in the same type of installation.

* * * * *

Integrated light-emitting diode lamp means an integrated LED lamp as

defined in ANSI/IESNA RP–16 (incorporated by reference; see § 430.3).

* * * * *

Lifetime of integrated light-emitting diode lamps means the length of operating time between first use and failure of 50 percent of the sample units (as defined in § 429.56(a)(1)(i)), in accordance with the test procedures described in section 4.5 of Appendix BB to subpart B of part 430 of this chapter.

* * * * *

■ 5. Section 430.23 is amended by adding paragraph (dd) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(dd) *Integrated light-emitting diode lamp.* (1) The input power of an integrated light-emitting diode lamp must be measured in accordance with section 3 of Appendix BB of this subpart. Individual unit input power must be rounded to the nearest tenth of a watt.

(2) The lumen output of an integrated light-emitting diode lamp must be measured in accordance with section 3 of Appendix BB of this subpart. Individual unit lumen output must be rounded to three significant digits.

(3) The lamp efficacy of an integrated light-emitting diode lamp must be calculated in accordance with section 3 of Appendix BB of this subpart. Individual unit lamp efficacy must be rounded to the nearest tenths place.

(4) The correlated color temperature of an integrated light-emitting diode lamp must be measured in accordance with section 3 of Appendix BB of this subpart. Individual unit correlated color temperature must be rounded to the nearest 10 Kelvin.

(5) The color rendering index of an integrated light-emitting diode lamp must be measured in accordance with section 3 of Appendix BB of this subpart. Individual unit color rendering index must be rounded to the nearest whole number.

(6) The time to failure of an integrated light-emitting diode lamp must be measured in accordance with section 5 of Appendix BB of this subpart. Individual unit time to failure must be rounded to the nearest hour.

(7) The life (in years) of an integrated light-emitting diode lamp must be calculated by dividing the lifetime of integrated light-emitting diode lamps (see 10 CFR 429.56) by the estimated annual operating hours as specified in 16 CFR 305.15(b)(3)(iii). The life must be rounded to the nearest tenth of a year.

(8) The estimated annual energy cost for an integrated light-emitting diode lamp, expressed in dollars per year, must be the product of the average input power in kilowatts as determined in accordance with appendix BB to this subpart, an electricity cost rate as specified in 16 CFR 305.15(b)(1)(ii), and an estimated average annual use as specified in 16 CFR 305.15(b)(1)(ii). The resulting estimated annual energy cost for an individual unit must be rounded to the nearest cent per year.

(9) The standby mode power must be measured in accordance with section 5 of appendix BB of this subpart. Individual unit standby mode power must be rounded to the nearest tenth of a watt.

■ 6. Section 430.25 is revised to read as follows:

§ 430.25 Laboratory Accreditation Program.

(a) Testing for general service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps must be performed in accordance with appendix R to this subpart. Testing for medium base compact fluorescent lamps must be performed in accordance with appendix W to this subpart. Testing for fluorescent lamp ballasts must be performed in accordance with appendix Q1 to this subpart. This testing, with the exception of lifetime testing of general service incandescent lamps, must be conducted by test laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) or an accrediting organization recognized by International Laboratory Accreditation Cooperation (ILAC). NVLAP is a program of the National Institute of Standards and Technology, U.S. Department of Commerce. NVLAP standards for accreditation of laboratories that test are set forth in 15 CFR part 285. The following metrics should be measured by test laboratories accredited by NVLAP or an accrediting organization recognized by International Laboratory Accreditation Cooperation (ILAC):

(1) Fluorescent lamp ballasts: ballast luminous efficiency (BLE);

(2) General service fluorescent lamps: Lamp efficacy, color rendering index;

(3) General service incandescent reflector lamps: Lamp efficacy;

(4) General service incandescent lamps: Lamp efficacy; and

(5) Medium base compact fluorescent lamps: Initial efficacy, lamp life. Testing for BLE may also be conducted by laboratories accredited by Underwriters Laboratories or Council of Canada. Testing for fluorescent lamp ballasts

performed in accordance with appendix Q to this subpart is not required to be conducted by test laboratories accredited by NVLAP or an accrediting organization recognized by NVLAP.

(b) Testing of integrated light-emitting diode lamps must be performed in accordance with appendix BB of this subpart. Testing must be conducted in test laboratories accredited by NVLAP or an accrediting organization recognized by International Laboratory Accreditation Cooperation (ILAC) for the following metrics: Input power, lumen output, lamp efficacy, correlated color temperature, color rendering index, time to failure, and standby mode power. A manufacturer's own laboratory, if accredited, may conduct the testing.

■ 7. Appendix BB to subpart B of part 430 is added to read as follows:

Appendix BB to Subpart B of Part 430—Uniform Test Method for Measuring the Input Power, Lumen Output, Lamp Efficacy, Correlated Color Temperature (CCT), Color Rendering Index (CRI), Time to Failure, and Standby Mode Power of Integrated Light-Emitting Diode (LED) Lamps

Note: After [Date 180 Days after Publication of Final Rule in the **Federal Register**], any representations made with respect to the energy use or efficiency of light-emitting diode lamps must be made in accordance with the results of testing pursuant to this appendix. Given that after [Date 180 Days after Publication of Final Rule in the **Federal Register**] representations with respect to the energy use or efficiency of light-emitting diode lamps must be made in accordance with tests conducted pursuant to this appendix, manufacturers may wish to begin using this test procedure as soon as possible.

1. *Scope:* This appendix specifies how to measure input power, lumen output, lamp efficacy, CCT, CRI, time to failure, and standby mode power for integrated LED lamps.

2. *Definitions*

2.1. The definitions specified in section 1.3 of IES LM-79 except section 1.3(f) (incorporated by reference; see § 430.3) apply.

2.2. *Time to failure* means the time elapsed between first use and the point at which the lamp reaches 70 percent lumen maintenance as measured in section 4.5 of appendix BB of this subpart.

2.3. *Initial lumen output* means the measured lumen output after the lamp is initially energized and stabilized using the stabilization procedures in section 3 of appendix BB of this subpart.

2.4. *Rated input voltage* means the voltage(s) marked on the lamp as the

intended operating voltage. If not marked on the lamp, assume 120 V.

2.5. *Lamp efficacy* means the ratio of measured initial lumen output in lumens to the measured lamp input power in watts, in units of lumens per watt.

2.6. *CRI* means color rendering index as defined in § 430.2.

2.7. *Test duration* means the operating time of the LED lamp after the initial lumen output measurement and before, during, and including the final lumen output measurement.

3. *Active Mode Test Method for Determining Lumen Output, Input Power, CCT, CRI, and Lamp Efficacy*

In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over IES LM-79 (incorporated by reference; see § 430.3).

3.1. *Test Conditions and Setup*

3.1.1. The ambient conditions, power supply, electrical settings, and instrumentation must be established in accordance with the specifications in sections 2.0, 3.0, 7.0, and 8.0 of IES LM-79 (incorporated by reference; see § 430.3), respectively.

3.1.2. An equal number of integrated LED lamps must be positioned in the base up and base down orientations throughout testing.

3.1.3. The integrated LED lamp must be operated at the rated voltage throughout testing. For an integrated LED lamp with multiple rated voltages including 120 volts, the integrated LED lamp must be operated at 120 volts. If an integrated LED lamp with multiple rated voltages is not rated for 120 volts, the integrated LED lamp must be operated at the highest rated input voltage. Additional tests may be conducted at other rated voltages.

3.1.4. The integrated LED lamp must be operated at maximum input power. If multiple modes occur at the same maximum input power (such as variable CCT or CRI), the manufacturer can select any of these modes for testing; however, all measurements described in section 3 and section 4 must be taken at the same selected mode.

3.2. *Test Method, Measurements, and Calculations*

3.2.1. The integrated LED lamp must be stabilized prior to measurement as specified in section 5.0 of IES LM-79 (incorporated by reference; see § 430.3). The stabilization variation is calculated as [maximum – minimum]/minimum] of at least three readings of the input power and lumen output over a period of 30 minutes, taken 15 minutes apart.

3.2.2. The input power in watts must be measured as specified in section 8.0 of IES LM-79 (incorporated by reference; see § 430.3).

3.2.3. Lumen output must be measured as specified in section 9.1 and 9.2 of IES LM-79 (incorporated by reference; see § 430.3). Goniometers must not be used.

3.2.4. CCT must be determined according to the method specified in section 12.0 of IES LM-79 (incorporated by reference; see § 430.3) with the exclusion of section 12.2 of IES LM-79. Goniometers must not be used.

3.2.5. CRI must be determined according to the method specified in section 12.0 of IES LM-79 (incorporated by reference; see § 430.3) with the exclusion of section 12.2 of IES LM-79. Goniometers must not be used.

3.2.6. Lamp efficacy must be determined by dividing measured initial lumen output by the measured input power.

4. *Active Mode Test Method To Measure Time to Failure*

In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over IES LM-79 (incorporated by reference; see § 430.3).

4.1. *Measure Initial Lumen Output.* Measure the initial lumen output according to section 3 of this appendix.

4.2. *Test Duration.* Operate the integrated LED lamp for a period of time (the test duration) after the initial lumen output measurement and before, during, and including the final lumen output measurement.

4.2.1. There is no minimum test duration requirement for the integrated LED lamp. The test duration is selected by the manufacturer. See section 4.5.3 for instruction on the maximum time to failure.

4.2.2. The test duration only includes time when the integrated LED lamp is energized and operating.

4.2.3. Operating conditions and setup during the test duration other than time during which lumen output measurements are being conducted are specified in section 4.3 of this appendix.

4.3. *Operating Conditions and Setup Between Lumen Output Measurements*

4.3.1. Ambient temperature must be controlled between 15 °C and 40 °C.

4.3.2. The integrated LED lamps must be spaced to allow airflow around each lamp.

4.3.3. The integrated LED lamps must not be subjected to excessive vibration or shock during lamp operation.

4.3.4. Line voltage waveshape must be as described in section 3.1 of IES LM-

79 (incorporated by reference; see § 430.3).

4.3.5. Input voltage must be monitored and regulated to within ± 2 percent of the voltage required in section 3.1.3 for the duration of the test.

4.3.6. Electrical settings must be as described in section 7.0 IES LM-79 (incorporated by reference; see § 430.3).

4.3.7. An equal number of integrated LED lamps must be positioned in the base up and base down orientations throughout testing.

4.3.8. The integrated LED lamp must be operated at maximum input power. If multiple modes occur at the same maximum input power (such as variable CCT and CRI), the manufacturer can select any of these modes for testing. Measurements of all quantities described in sections 3 and 4 of this appendix must be taken at the same selected mode.

4.4. *Measure Final Lumen Output.* Measure the lumen output at the end of the test duration according to section 3.

4.5. *Calculate Lumen Maintenance and Time to Failure*

4.5.1. Calculate the lumen maintenance of the lamp after the test duration “t” by dividing the final lumen output “ x_t ” by the initial lumen output “ x_0 ”. Initial and final lumen output must be measured in accordance with sections 4.1 and 4.4 of this appendix, respectively.

4.5.2. For lumen maintenance values greater than 1, the time to failure (in hours) is limited to a value less than or equal to four times the test duration.

4.5.3. For lumen maintenance values less than 1 but greater than or equal to 0.7, the time to failure (in hours) is calculated using the following equation:

$$\text{Time to Failure} = t * \frac{\ln(0.7)}{\ln\left(\frac{x_t}{x_0}\right)}$$

Where: t is the test duration in hours; x_0 is the initial lumen output; x_t is the final lumen output at time t, and ln is the natural logarithm function.

The maximum time to failure is limited to four times the test duration t.

4.5.4. For lumen maintenance values less than 0.7, including lamp failures that result in complete loss of light output, time to failure is equal to the previously recorded lumen output measurement at a shorter test duration where the lumen maintenance is greater than or equal to 70 percent, and time to failure shall not be calculated in accordance with section 4.5.3 of this appendix.

5. *Standby Mode Test Method for Determining Standby Mode Power*

In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over IES LM-79 (incorporated by reference; see § 430.3) and IEC 62301 (incorporated by reference; see § 430.3).

5.1. *Test Conditions and Setup*

5.1.1. The ambient conditions, power supply, electrical settings, and instrumentation must be established in accordance with the specifications in sections 2.0, 3.0, 7.0, and 8.0 of IES LM-79 (incorporated by reference; see § 430.3), respectively.

5.1.2. An equal number of integrated LED lamps must be positioned in the base up and base down orientations throughout testing.

5.1.3. The integrated LED lamp must be operated at the rated voltage throughout testing. For an integrated LED lamp with multiple rated voltages, the integrated LED lamp must be operated at 120 volts. If an integrated LED lamp with multiple rated voltages is not rated for 120 volts, the integrated LED lamp must be operated at the highest rated input voltage.

5.2. *Test Method, Measurements, and Calculations*

5.2.1. Standby mode power consumption must be measured for integrated LED lamps if applicable.

5.2.2. The integrated LED lamp must be stabilized prior to measurement as specified in section 5.0 of IES LM-79 (incorporated by reference; see § 430.3). The stabilization variation is calculated as [maximum—minimum]/minimum] of at least three readings of the input power and lumen output over a period of 30 minutes, taken 15 minutes apart.

5.2.3. The integrated LED must be configured in standby mode by sending a signal to the integrated LED lamp instructing it to have zero light output.

5.2.4. The standby mode power in watts must be measured as specified in section 5 of IEC 62301 (incorporated by reference; see § 430.3).

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 722

RIN 3133-AE36

Appraisals—Availability to Applicants and Requirements for Transactions Involving an Existing Extension of Credit

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: As part of NCUA’s Regulatory Modernization Initiative, the NCUA Board (Board) is proposing to revise two of NCUA’s regulations regarding appraisals. Firstly, the Board is proposing to amend NCUA’s regulations to eliminate the now duplicative requirement that federal credit unions (FCUs) make available, to any requesting member/applicant, a copy of the appraisal used in connection with that member’s application for a loan secured by a first lien on a dwelling. A recent amendment to the Consumer Financial Protection Bureau’s (CFPB) Regulation B requires that all creditors, including FCUs, now automatically provide applicants with free copies of all appraisals and other written valuations developed in connection with an application for a loan to be secured by a first lien on a dwelling. Secondly, the proposed rule would amend NCUA’s appraisal regulations by expanding the current exemption for certain transactions involving an existing extension of credit. Under the expanded exemption, federally insured credit unions (FICUs) would be able to refinance or modify a real estate-related loan held by the FICU, without having to obtain an appraisal, if there is no advancement of new monies or if there is adequate collateral protection, even with the advancement of new monies.

The proposal would also make a minor technical amendment to the definition of the term “application.” These changes will modernize NCUA’s regulations by better aligning them with the modern marketplace, while also reducing costs for FICUs and their members, and removing outdated regulatory requirements.

DATES: Comments must be received on or before August 25, 2014.

ADDRESSES: You may submit comments, identified by RIN 3133-AE36, by any of the following methods (Please send comments by one method only):

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• NCUA Web site: <http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx>. Follow the instructions for submitting comments.

• Email: Address to regcomments@ncua.gov. Include “[Your name]—Comments on Proposed Rule: Appraisals” in the email subject line.

• Fax: (703) 518–6319. Use the subject line described above for email.

• Mail: Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

• Hand Delivery/Courier: Same as mail address.

You can view all public comments on NCUA’s Web site at <http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx> as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA’s law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518–6546 or send an email to OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: John H. Brolin, Staff Attorney, Office of General Counsel, at 1775 Duke Street, Alexandria, VA 22314 or telephone: (703) 518–6438.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Proposed Rule
- III. Regulatory Procedures

I. Background

NCUA is committed to regulatory modernization, including modifying, streamlining, refining, or repealing outdated rules that are not required by statute and would not jeopardize the safety and soundness of the credit union industry. Each year, NCUA reviews one-third of its regulations for substance and clarity, and provides notice to the public of those regulations under review so that the public may have an opportunity to provide comments. In 2013, NCUA reviewed part 722, along with several other parts of NCUA’s regulations.¹ Part 722 sets forth the appraisal requirements for federally-related real estate transactions. The appraisal requirements in part 722 are generally equivalent to the appraisal requirements of the other federal

financial regulatory agencies (Other Banking Agencies).² However, NCUA received numerous responses during the public comment period requesting a specific change to § 722.3(a)(5) to better align NCUA’s appraisal requirements with those of the Other Banking Agencies. Specifically, commenters requested that NCUA expand the current appraisal exemption for existing extensions of credit to allow FICUs to refinance or modify a real estate-related loan held by the credit union in a declining housing market without having to obtain an additional appraisal.

In addition, a number of commenters requested that NCUA eliminate the duplicative portion of the requirements in § 701.31(c)(5) that mandate that FCUs make available, to any requesting member/applicant, a copy of the appraisal used in connection with that member’s application for a loan secured by a first lien on a dwelling. A recent amendment to § 1002.14 of Regulation B by the CFPB requires that all creditors, including FCUs, now automatically provide applicants free copies of all appraisals and other written valuations developed in connection with an application for a loan to be secured by a first lien on a dwelling. As a result of this recent amendment to Regulation B, the requirements of § 701.31(c)(5) in NCUA’s regulations and § 1002.14 in Regulation B now overlap with respect to providing copies of appraisals used in connection with an application for a loan secured by a first lien on a dwelling.

In response to the comments received and NCUA’s regulatory review, the Board proposes to broaden the scope of § 722.3(a)(5), which exempts certain transactions involving an existing extension of credit from the section’s requirement to obtain appraisals, and to narrow the scope of its requirements to provide copies of appraisals under § 701.31(c)(5). In addition, the Board is proposing to make a technical amendment to correct and bring up to date the definition of the term “application” in § 701.31(a)(1).

* * * * *

II. Proposed Rule

A. What changes are being proposed to the requirement in § 701.31(c)(5) to provide copies of appraisals to any requesting member/applicants?

The Board is proposing to amend § 701.31(c)(5), which requires an FCU to retain the appraisal used in connection

with a real estate-related loan application for a period of 25 months and to make a copy of the appraisal available to the applicant upon request. The proposed amendment is in response to recent changes by the CFPB to § 1002.14 of Regulation B.³ Under revised § 1002.14, all creditors,⁴ including FCUs, are now required to automatically provide applicants free copies of all appraisals and other written valuations developed in connection with an application for a loan to be secured by a first lien on a dwelling. In amending the requirements of § 1002.14, the CFPB eliminated a longstanding provision that exempted FCUs from the requirements of the section.⁵ As a result of that change, FCUs are now required to comply with the requirements of revised § 1002.14, to automatically provide a free copy of appraisals to applicants, and § 701.31(c)(5), to retain real estate-related appraisals and make a copy available to applicants upon request.

While the two sections differ slightly in scope and mechanism,⁶ the requirements in § 701.31(c)(5) relating to loans secured by a first lien on a

³ See 12 CFR 1002.14; and 78 FR 7216 (Jan. 31, 2013) (Amending Regulation B to implement an ECOA amendment concerning appraisals and other valuations that was enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act.); see also Public Law 111–203, 124 Stat. 1376, section 1474 (2010).

⁴ See 12 CFR 1002.2(l), providing in relevant part: *Creditor* means a person who, in the ordinary course of business, regularly participates in a credit decision, including setting the terms of the credit. The term creditor includes a creditor’s assignee, transferee, or subrogee who so participates. For purposes of §§ 1002.4(a) and (b), the term creditor also includes a person who, in the ordinary course of business, regularly refers applicants or prospective applicants to creditors, or selects or offers to select creditors to whom requests for credit may be made.

⁵ See 78 FR 7216, 7234–7235 (Jan. 31, 2013) (Explaining that the amendments to the appraisal requirements in section 701(e) of ECOA made by section 1474 of the Dodd-Frank Wall Street Reform and Consumer Protection Act broadened the scope of the original appraisal requirement and eliminated the prior justification for exempting credit unions from the requirements of the provision.); compare with 12 CFR 1002.14(b) (2013) (which previously provided: “A creditor that is subject to the regulations of the National Credit Union Administration on making copies of appraisal reports available is not subject to this section.”).

⁶ Under § 701.31(c)(5) FCUs are only required to provide a copy of an appraisal to the application if the applicant requests a copy, while § 1002.14 requires that the creditor provide a copy of the appraisal regardless of whether or not a copy is requested by the applicant. In addition, § 701.31(c)(5) only requires FCUs to provide copies of the appraisal, while § 1002.14 requires that applicants provide free copies of all appraisals and other written valuations developed. Finally, § 701.31(c)(5) applies to all real estate-related loan applications, while § 1002.14 of Regulation B applies only to applications for loans to be secured by a first lien on a dwelling.

¹ As part of the 2013 Regulatory Review process, NCUA also reviewed parts 711, 712, 713, 714, 715, 716, 717, 721, 723, 724, 725, 740, 741, 745, and 747 of NCUA’s regulations.

² The Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), and Office of the Comptroller of Currency (OCC).

dwelling are largely duplicative of the requirements of revised § 1002.14. Section 701.31 of NCUA's regulations sets forth nondiscrimination requirements that, among other things, assist FCUs in distinguishing legitimate reasons for denying a loan from those that are prohibited by the Fair Housing Act.⁷ NCUA amended its regulations in 1979 to add § 701.31(c), including the current version of paragraph (c)(5), to specifically prohibit an FCU from relying on an appraisal that the FCU knew or should have known was discriminatory.⁸ Although not expressly stated in the rulemaking, NCUA intended this requirement to provide the member/applicant with an opportunity to see whether the appraisal on which the FCU relied to approve or deny the loan application is discriminatory. The protections provided by current § 701.31(c)(5), with respect to applications for loans secured by a first lien on a dwelling, appear to be the same protections that are now also provided by the requirement to automatically provide a copy of appraisals in revised § 1002.14. Under both sections, FCU members applying for a loan secured by a first lien on a dwelling are provided an opportunity to see whether the appraisal relied on by the credit union to approve or deny their loan application is discriminatory. Moreover, the requirements of § 1002.14 of Regulation B, which require FCUs to provide copies of appraisals and other written valuations to the applicant without the member/applicant having to request a copy, go well beyond the limited requirement of § 701.31(c)(5) to provide a copy of only the appraisal and only upon the applicant's request.

The consumer protections provided by the two sections do not, however, overlap entirely. Under current § 701.31(c)(5), FCUs are required to provide copies of appraisals used in connection with an application for a real estate-related loan, which includes any loan to be secured by a first lien or a subordinate lien on a dwelling.⁹ The protections provided in revised § 1002.14 of Regulation B extend only to appraisals developed in connection with an application for a loan secured by a first lien on a dwelling. To avoid reducing protections for FCU members, the requirements of § 701.31(c)(5) relating to appraisals used in connection with an application for a loan to be

secured by a subordinate lien on a dwelling must be retained. Accordingly, the Board proposes to amend current § 701.31(c)(5) to narrow the scope of the current requirement to cover only loans secured by a subordinate lien on a dwelling.

Proposed § 701.31(c)(5) would require FCUs to make available, to any requesting member/applicant, a copy of the appraisal used in connection with the member's application for a loan to be secured by a subordinate lien on a dwelling. Consistent with the amendment to the first sentence of that section, the second sentence in proposed § 701.31(c)(5) would also be amended to require that the appraisal be available for a period of 25 months after the applicant has received notice from the FCU of the action taken by the credit union on the application for a loan secured by a subordinate lien on a dwelling.

By limiting the requirements to apply only to applications for loans secured by a subordinate lien on a dwelling, NCUA believes the proposed rule would eliminate the duplicative portion of the current requirement while maintaining the current protections provided under § 701.31(c)(5) for FCU member/applicants not covered by new § 1002.14 of Regulation B. The Board requests comment on if there are other real estate-related loan transactions that are covered under current § 1002.14 or current § 701.31(c)(5) that would not be covered if the amendments being made in this proposed rule were finalized. If there are such transactions, the Board requests comment on if those types of transactions should continue to be covered under § 701.31(c)(5). Similarly, the Board requests comment on if there are additional real estate-related loan transactions that would be covered under current § 1002.14 and current § 701.31(c)(5) and that would continue to impose duplicative requirements on credit unions if the amendments being made in this proposed rule are finalized.

B. What changes are being proposed to the exemption in § 722.3(a)(5) for transactions involving an existing extension of credit?

Part 722 of NCUA's regulations implements Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA),¹⁰ setting forth, among other things, minimum requirements for real estate-related appraisals used in connection with "federally related transactions."¹¹

Section 722.3(a) requires FICUs to obtain an appraisal for all real estate-related financial transactions unless the transaction meets one of nine specifically enumerated exemptions. Current § 722.3(a)(5) exempts from the appraisal requirement transactions that involve an existing extension of credit at the FCU, provided that: (i) There is no advancement of new monies, other than funds necessary to cover reasonable closing costs, and (ii) there has been no obvious and material change in market conditions or physical aspects of the property that threatens the adequacy of the credit union's real estate collateral protection after the transaction. Under NCUA's current regulation, for a transaction involving an existing extension of credit to be exempt from the general requirement to obtain an appraisal, the transaction must satisfy both the criteria in paragraph (i) and the criteria in paragraph (ii) of current § 722.3(a)(5).

Although much of the language is identical, the exemption in § 722.3(a)(5) differs significantly from the analogous appraisal exemption in the Other Banking Agencies' regulations.¹² The Other Banking Agencies' regulations provide an appraisal exemption for an existing extension of credit at a lending institution, provided that: (1) There is no advancement of new monies, other than funds necessary to cover reasonable closing costs, or (2) there has been no obvious and material change in market conditions or physical aspects of the property that threatens the adequacy of the institution's real estate collateral protection after the transaction, even with the advancement of new monies.¹³ Under the Other Banking Agencies' exemptions for existing extensions of credit, a creditor is exempt from the general requirement to obtain an appraisal in a transaction involving an existing extension of credit if the transaction satisfies only one of the two criteria listed above.

NCUA has received a number of comments regarding the lack of parity between NCUA's and the Other Banking Agencies' appraisal exemptions and the added burden of § 722.3(a)(5) on credit unions. Most of the commenters recommend amending § 722.3(a)(5) to match the Other Banking Agencies' appraisal regulations, which they argue would help reduce costs and processing times for members seeking to refinance or modify loans already held by a FCU.

¹² OCC: 12 CFR part 34, subpart C; FRB: 12 CFR part 208, subpart E and 12 CFR part 225, subpart G; and FDIC: 12 CFR part 323.

¹³ OCC: 12 CFR 34.43(a)(7); FRB: 12 CFR 225.63(a)(7); and FDIC: 12 CFR 323.3(a)(7).

⁷ 42 U.S.C. 3601 *et seq.*

⁸ 44 FR 51191.

⁹ See 12 CFR 701.31(a)(3) ("Real estate-related loan means any loan for which application is made to finance or refinance the purchase, construction, improvement, repair, or maintenance of a dwelling.").

¹⁰ Public Law 101-73, Title XI, 103 Stat. 511 (1989); 12 U.S.C. 3331 *et seq.*

¹¹ 12 U.S.C. 3339.

Commenters have also suggested that amending current § 722.3(a)(5) to match the Other Banking Agencies' regulations will give FICUs the ability to address appropriate residential mortgage loan modifications on a more timely basis, and help prevent potential credit union losses without increasing risks to the credit union or the National Credit Union Share Insurance Fund (NCUSIF).

Section 722.3(a)(5) was originally issued in its current form in 1995 as part of a larger final rule making several amendments to NCUA's appraisal regulations.¹⁴ In the preamble to that final rule, the Board specifically explained that it did not adopt an exemption in § 722.3(a)(5) that matched the exemption provided by the Other Banking Agencies' appraisal regulations, citing general safety and soundness concerns.¹⁵ However, after reviewing the public comments received, comparing current § 722.3(a)(5) to the corresponding provisions of the Other Banking Agencies' appraisal rules, and considering relevant loan performance data, the Board believes that amending the requirements of § 722.3(a)(5) to match the Other Banking Agencies' appraisal regulations is appropriate.

The financial crisis that began in 2008 left large numbers of financially distressed homeowners owing more on their mortgages than their homes were worth. During this same period, financial institutions across the nation experienced high levels of mortgage loan defaults and foreclosures. Many borrowers were unable to make their mortgage payments because of unemployment or a reduction in income. Others were unable to afford significant payment increases when their adjustable rate mortgages reset, and they were unable to refinance their loans because of declines in their properties' values. Some borrowers who owed more on their mortgages than their homes were worth simply walked away from their homes because they lacked the incentive to keep their mortgage payments current.

In response to the levels of mortgage loan defaults and foreclosures that occurred in the wake of the financial crisis, NCUA issued guidance to credit unions in 2009 regarding providing loan modifications to residential mortgage borrowers who were unable to meet

their contractual payment obligations by offering them loan modification options.¹⁶ The letter encouraged credit unions to take action to identify and potentially assist borrowers whose financial stress may lead to future impairment in mortgage loan performance. By proactively identifying "at risk" loans, credit unions could measure the potential impacts of borrower defaults on net worth, assess internal liquidity available to help borrowers through loan modifications, and closely monitor the performance of these loans. Moreover, by identifying and assisting "at risk" members before delinquency occurs, a credit union could improve chances for successful modifications and reduce potential losses.

Consistent with the positions noted above, the Board believes that extending the appraisal exemption in § 722.3(a)(5) to cover loan modifications and refinancings in distressed housing markets will improve the timeliness and chances for successful modifications and refinancings that could reduce potential losses to FICUs in the future. Obtaining an appraisal can take a significant amount of time, weeks or months depending on demand and the location of the home. Further, the cost of the appraisal itself, which is almost always paid for by the borrower, can stand as a significant impediment to a distressed borrower being able to refinance or obtain a loan modification. Moreover, obtaining a new appraisal is of little value to a credit union when it was the originating lender and the "at risk" loan is still held by the credit union. Accordingly, the Board proposes to amend § 722.3(a)(5).

Proposed § 722.3(a)(5) would exempt a transaction from the appraisal requirement in § 722.3(a), a transaction that involves an existing extension of credit at the lending FICU, provided that: (i) There is no advancement of new monies, other than funds necessary to cover reasonable closing costs; or (ii) there has been no obvious and material change in market conditions or physical aspects of the property that threatens the adequacy of the credit union's real estate collateral protection after the transaction, even with the advancement of new monies. The amendments would provide parity between NCUA and the Other Banking Agencies' exemptions from the requirement to obtain an appraisal for certain transactions involving existing extensions of credit. Current § 722.3(d) would continue to require that transactions exempted from the appraisal requirement under

proposed § 722.3(a)(5) be supported by a written estimate of market value.¹⁷ The Board believes these changes will reduce regulatory burdens on credit unions, and pose no increase in risk to the NCUSIF.

C. What other changes would the proposed rule make?

For clarity, the proposed rule would also make a technical amendment to the definition of the term "application" in § 701.31(a)(1). Current § 701.31(a)(1) defines the term "application" for purposes of part 701 as carrying the same "meaning of that term as defined in 12 CFR 1002.2(f) (Regulation B)" and then provides a parenthetical quoting the text of the Regulation B definition of application, which has since been revised.¹⁸ As a result, the definition of application in § 1002.2(f) no longer matches the quote in § 701.31(a)(1).¹⁹ Accordingly, the Board is now proposing to make a technical amendment to § 701.31(a)(1) to update the definition.

To avoid the possibility of a similar situation arising in the future, NCUA proposes to remove the parenthetical quote in § 701.31(a)(1) and maintain just the cross citation to the definition of "application" in Regulation B. Proposed § 701.31(a)(1) would provide that for purposes of part 701 the term "application" carries the meaning of that term as defined in 12 CFR 1002.2(f)

¹⁷ § 722.3(d) providing:

Valuation requirement. Secured transactions exempted from appraisal requirements pursuant to paragraphs (a)(1) and (a)(5) of this section and not otherwise exempted from this regulation or fully insured shall be supported by a written estimate of market value, as defined in this regulation, performed by an individual having no direct or indirect interest in the property, and qualified and experienced to perform such estimates of value for the type and amount of credit being considered.

¹⁸ See § 701.31(a)(1) (Quoting regulation B as follows: "Application means an oral or written request for an extension of credit that is made in accordance with procedures established by a creditor for the type of credit requested." (emphasis added)).

¹⁹ See § 1002.2(f) (Defining the term "application" as follows: Application means an oral or written request for an extension of credit that is made in accordance with procedures used by a creditor for the type of credit requested. *The term application does not include the use of an account or line of credit to obtain an amount of credit that is within a previously established credit limit.* A completed application means an application in connection with which a creditor has received all the information that the creditor regularly obtains and considers in evaluating applications for the amount and type of credit requested (including, but not limited to, credit reports, any additional information requested from the applicant, and any approvals or reports by governmental agencies or other persons that are necessary to guarantee, insure, or provide security for the credit or collateral). The creditor shall exercise reasonable diligence in obtaining such information. (emphasis added)).

¹⁴ 60 FR 51889 (Oct. 4, 1995).

¹⁵ See, *id.* at 51891 (Providing in relevant part: One "commenter stated that banks . . . have this exemption and credit unions would be at a competitive disadvantage without it. The Board believes that an appraisal is necessary if new funds are advanced. The Board believes that safety and soundness concerns outweigh the possible minimal effects on competition.").

¹⁶ 09-CU-19 (Sept. 2009).

(Regulation B). This amendment would avoid the possibility, in the case of future amendments to the text of § 1002.2(f), of discrepancies between the text of the definition of “application” in Regulation B and the parenthetical in § 701.31(a)(1) which simply quotes the text of the Regulation B definition. This revision would not make any substantive changes to the requirements of NCUA’s regulations.

III. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)²⁰ requires NCUA to provide an initial regulatory flexibility analysis with a proposed rule to certify that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA to include credit unions with assets less than or equal to \$50 million) and publish its certification and a short explanatory statement in the **Federal Register** also with the proposed rule.²¹ The proposed amendments to parts 701 and 722 will only reduce regulatory impacts on credit unions by exempting credit unions from current regulatory requirements. Accordingly, the Board certifies the proposed rule will not have a significant economic impact on a substantial number of small credit unions.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or increases an existing burden.²² For purposes of the PRA, a paperwork burden may take the form of a reporting or recordkeeping requirement, both referred to as information collections. This proposed rule would not impose or expand upon any existing reporting or recordkeeping requirements. Accordingly, this proposed rule would not create new paperwork burdens or increase any existing paperwork burdens.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency, as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposed rule would not have substantial direct effects on the

states, on the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. NCUA has, therefore, determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

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

List of Subjects

12 CFR Part 701

Advertising, Aged, Civil rights, Credit, Credit unions, Fair housing, Individuals with disabilities, Insurance, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

12 CFR Part 722

Appraisals, Credit unions, Mortgages, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on June 19, 2014.

Gerard Poliquin,
Secretary of the Board.

For the reasons discussed above, the NCUA Board proposes to amend 12 CFR parts 701 and 722 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1758, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1786, 1787, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

■ 2. Amend § 701.31 as follows:

§ 701.31 [Amended]

- a. In paragraph (a)(1) delete the words “, which is as follows:” and delete the parenthetical “an oral or written request for an extension of credit that is made in accordance with procedures established by a creditor for the type of credit requested”;
- b. In paragraph (c)(5) in the first sentence, remove the words “a copy of

the appraisal used in connection with that member’s real estate related loan application” and add in their place the words “a copy of the appraisal used in connection with that member’s application for a loan to be secured by a subordinate lien on a dwelling”, and, in the second sentence, remove the words “real estate-related loan application” and add in their place the words “application for a loan to be secured by a subordinate lien on a dwelling”.

PART 722—APPRAISALS

■ 4. The authority citation for part 722 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789 and 3339. Section 722.3(f) is also issued under 15 U.S.C. 1639h.

■ 5. Amend § 722.3 as follows:

§ 722.3 [Amended]

- a. In paragraph (a)(5) add the word “lending” before the words “credit union”;
- b. In paragraph (a)(5)(i) remove the word “and” and add in its place the word “or”; and
- c. In paragraph (a)(5)(ii) add the words “, even with the advancement of new monies” to the end of the paragraph.

[FR Doc. 2014–14889 Filed 6–25–14; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 709

RIN 3133–AE41

Safe Harbor

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (“Board”) proposes to amend its regulations regarding the treatment by the Board, as liquidating agent or conservator (the “liquidating agent” or “conservator,” respectively) of a federally insured credit union (“FICU”) of financial assets transferred by the credit union in connection with a securitization or a participation. The proposed rule continues the safe harbor for financial assets transferred in connection with securitizations and participations in which the financial assets were transferred in compliance with the existing regulation and defines the conditions for safe harbor protection for securitizations and participations for which transfers of financial assets would be made after the effective date of this proposed rule.

²⁰ 5 U.S.C. 601 *et seq.*

²¹ 78 FR 4032 (Jan. 18, 2013).

²² 44 U.S.C. 3507(d); 5 CFR part 1320.

DATES: Comments must be received on or before August 25, 2014.

ADDRESSES: You may submit comments by any of the following methods (please send comments by one method only):

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- NCUA Web site: <http://www.ncua.gov/>

- *RegulationsOpinionsLaws/proposed_regs/proposed_regs.html*. Follow the instructions for submitting comments.

- Email: Address to regcomments@ncua.gov. Include “[Your name]—Comments on Proposed Rule—Safe Harbor” in the email subject line.

- Fax: (703) 518–6319. Use the subject line described above for email.

- Mail: Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

- Hand Delivery/Courier: Same as mail address.

FOR FURTHER INFORMATION CONTACT: Dale Klein, Senior Capital Markets Specialist, Office of Examination and Insurance, at the above address or telephone (703) 518–6360; or Lisa Henderson, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

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I. Background

1. 2000 Rule

In 2000, the Board clarified the scope of its statutory authority as conservator or liquidating agent to disaffirm or repudiate contracts of a FICU with respect to transfers of financial assets by a FICU in connection with a

securitization or participation when it adopted a regulation codified at 12 CFR 709.10 (the “2000 Rule”). The 2000 Rule provides that a conservator or liquidating agent will not use its statutory authority to disaffirm or repudiate contracts to reclaim, recover, or recharacterize as property of a FICU or the liquidation estate any financial assets transferred by the FICU in connection with a securitization or in the form of a participation, provided that such transfer meets all conditions for sale accounting treatment under generally accepted accounting principles (“GAAP”).¹ The rule was a clarification, rather than a limitation, of the repudiation power. Such power authorizes the conservator or liquidating agent to disaffirm a contract or lease entered into by a FICU and be legally excused from further performance, but it is not an avoiding power enabling the conservator or liquidating agent to recover assets that were previously sold and no longer reflected on the books and records of a FICU.

The 2000 Rule provided a “safe harbor” by confirming “legal isolation” if all other standards for off balance sheet accounting treatment, along with some additional conditions focusing on the enforceability of the transaction, were met by the transfer in connection with a securitization or a participation. Satisfaction of “legal isolation” was vital to securitization transactions because of the risk that the pool of financial assets transferred into the securitization trust could be recovered in bankruptcy or in a credit union liquidation. Generally, to satisfy the legal isolation condition, the transferred financial assets must have been presumptively placed beyond the reach of the transferor, its creditors, a bankruptcy trustee, or in the case of a FICU, NCUA as conservator or liquidating agent. The 2000 Rule, thus, addressed only purported sales which met the conditions for off balance sheet accounting treatment under GAAP. However, in recent years, the implementation of new accounting rules

¹ NCUA has not previously stated that federal credit unions (“FCUs”) have the authority to issue asset-backed securities (“ABS”) and does not believe that any FCUs have done so. NCUA also does not believe that any state-chartered, federally insured credit unions (“FISCU”) have issued ABS. Therefore, the securitization aspect of the 2000 Rule has not been applied. In connection with this proposed update to the 2000 Rule, the Board has issued a companion proposal, published elsewhere in today’s *Federal Register*, which adds new § 721.3(n) to clarify the authority of FCUs to securitize assets. If the Board ultimately adopts that rule, and an FCU (or a FISCU if permitted by state law) issues ABS, these proposed amendments to § 709.10 are necessary to preserve the safe harbor established by the current rule.

has created uncertainty for potential securitization participants.

2. Modifications to GAAP Accounting Standards

In 2009, the Financial Accounting Standards Board (“FASB”) finalized modifications to GAAP through Statement of Financial Accounting Standards No. 166, (now codified in FASB Accounting Standards Codification (ASC) Topic 860, Transfers and Servicing) and Statement of Financial Accounting Standards No. 167 (now codified in FASB ASC Topic 810, Consolidation) (together, the “2009 GAAP Modifications”). The 2009 GAAP Modifications made changes that affect whether a special purpose entity (“SPE”) must be consolidated for financial reporting purposes, thereby subjecting many SPEs to GAAP consolidation requirements. These accounting changes may require a FICU to consolidate an issuing entity to which financial assets have been transferred for securitization on to its balance sheet for financial reporting purposes primarily because an affiliate of the FICU retains control over the financial assets. Given the 2009 GAAP Modifications, legal and accounting treatment of a transaction may no longer be aligned. As a result, the safe harbor provision of the 2000 Rule may not apply to a transfer in connection with a securitization that does not qualify for off balance sheet accounting treatment.

FASB ASC Topic 860 also affects the treatment of participation interests transferred by a FICU, in that it defines participating interests as *pari-passu* *pro-rata* interests in financial assets, and subjects the sale of a participation interest to the same conditions as the sale of financial assets. FASB ASC Topic 860 provides that transfers of participation interests that do not qualify for sale treatment will be viewed as secured borrowings. While the GAAP modifications have some effect on participations, most participations are likely to continue to meet the conditions for sale accounting treatment under GAAP.

3. FCU Act Changes

In 2005, Congress enacted Section 207(c)(13)(C)² of the Federal Credit Union Act (the “FCU Act”).³ In relevant part, this paragraph provides that generally no person may exercise any right or power to terminate, accelerate, or declare a default under a contract to which the FCU is a party, or obtain possession of or exercise control over

² 12 U.S.C. 1787(c)(13)(C).

³ 12 U.S.C. 1751 et. seq.

any property of the FCU, or affect any contractual rights of the FCU, without the consent of the conservator or liquidating agent, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator or the 90-day period beginning on the date of the appointment of the liquidating agent. If a securitization is treated as a secured borrowing, section 207(c)(13)(C) could prevent the investors from recovering monies due to them for up to 90 days. Consequently, securitized assets that remain property of the FCU (but subject to a security interest) would be subject to the stay, raising concerns that any attempt by securitization investors to exercise remedies with respect to the FCU's assets would be delayed. During the stay, interest and principal on the securitized debt could remain unpaid. This 90-day delay could cause substantial downgrades in the ratings provided on existing securitizations and could prevent planned securitizations for multiple asset classes, such as credit cards, automobile loans, and other credits, from being brought to market.

4. Why is NCUA proposing this rule?

The Federal Deposit Insurance Corporation (FDIC) has issued proposed and final rules to resolve the issues raised by the 2009 GAAP modifications and parallel 2005 changes to the Federal Deposit Insurance Act.⁴ This preamble and proposed rule track the language of the FDIC's final rule, codified at 12 CFR 360.6.

The Board believes that several of the issues of concern for securitization investors and loan participants regarding the impact of the 2009 GAAP Modifications on the eligibility of transfers of financial assets for safe harbor protection can be addressed by clarifying the position of the conservator or liquidating agent under established law. Under Section 207(c)(12) of the FCU Act,⁵ the conservator or liquidating agent cannot use its statutory power to repudiate or disaffirm contracts to avoid a legally enforceable and perfected security interest in transferred financial assets. This provision applies whether or not a securitization or participation transaction meets the conditions for sale accounting. The proposed rule would clarify that, prior to any monetary default or repudiation, the conservator or liquidating agent would consent to the making of required payments of principal and interest and other amounts due on the securitized

obligations during the statutory stay period. In addition, the proposed rule states that, if the conservator or liquidating agent decides to repudiate the securitization transaction, the payment of repudiation damages in an amount equal to the par value of the outstanding obligations on the date of liquidation will discharge the lien on the securitization assets. This clarification in paragraphs (d)(3) and (e) of the proposed rule addresses the scope of the stay codified in 12 U.S.C. 1787(c)(13)(C).

A conservator or liquidating agent generally makes a determination of what constitutes the property of a FICU based on the books and records of the FICU. If a securitization is reflected on the books and records of a FICU for accounting purposes, the conservator or liquidating agent would evaluate all facts and circumstances existing at the time of conservatorship or liquidation, as applicable, to determine whether a transaction is a sale under applicable state law or a secured borrowing. Given the 2009 GAAP Modifications, there may be circumstances in which a sale transaction will continue to be reflected on the books and records of the FICU because the FICU or a credit union service organization controlled by the FICU continues to exercise control over the assets either directly or indirectly. The proposed rule would provide comfort that conforming securitizations which do not qualify for off balance sheet treatment would have access to the assets in a timely manner irrespective of whether a transaction is viewed as a legal sale.

If a transfer of financial assets by a FICU to an issuing entity in connection with a securitization is not characterized as a sale, the securitized assets would be viewed as subject to a perfected security interest. This is significant because the conservator or liquidating agent is prohibited by statute from avoiding a legally enforceable or perfected security interest, except where such an interest is taken in contemplation of insolvency or with the intent to hinder, delay, or defraud the institution or the creditors of such institution.⁶ Consequently, the ability of the conservator or liquidating agent to reach financial assets transferred by a FICU to an issuing entity in connection with a securitization, if such transfer is characterized as a transfer for security, is limited by the combination of the status of the entity as a secured party with a perfected security interest in the transferred assets and the statutory provision that prohibits the conservator

or liquidating agent from avoiding a legally enforceable or perfected security interest.

Thus, for securitizations that are consolidated on the books of a FICU, the proposed rule would provide a meaningful safe harbor irrespective of the legal characterization of the transfer. There are two situations in which consent to expedited access to transferred assets would be given—(i) monetary default under a securitization by the conservator or liquidating agent or (ii) repudiation of the securitization agreements by the conservator or liquidating agent. The proposed rule provides that in the event of a monetary default under the securitization documents and the default continues for a period of ten business days after written notice of the default, the conservator or liquidating agent will be deemed to consent pursuant to 12 U.S.C. 1787(c)(13)(C) to the exercise of contractual rights under the documents on account of such monetary default, and such consent shall constitute satisfaction in full of obligations of the FICU and the conservator or liquidating agent to the holders of the securitization obligations.

The proposed rule also provides that, in the event the conservator or liquidating agent repudiates the securitization asset transfer agreement, the conservator or liquidating agent shall have the right to discharge the lien on the financial assets included in the securitization by paying damages in an amount equal to the par value of the obligations in the securitization on the date of the appointment of the conservator or liquidating agent, less any principal payments made to the date of repudiation. If such damages are not paid within ten business days of repudiation, NCUA will be deemed to consent pursuant to 12 U.S.C. 1787(c)(13)(C) to the exercise of contractual rights under the securitization agreements.

The proposed rule would also confirm that, if the transfer of the assets is viewed as a sale for accounting purposes (and thus the assets are not reflected on the books of a FICU), as the conservator or liquidating agent would not reclaim, recover, or recharacterize as property of the FICU or the liquidation estate assets of a securitization through repudiation or otherwise, but only if the transactions comply with the requirements set forth in paragraphs (b) and (c) of the proposed rule. The treatment of off balance sheet transfers of the proposed rule is consistent with the safe harbor under the 2000 Rule.

Pursuant to 12 U.S.C. 1787(c)(13)(C), no person may exercise any right or

⁴ 75 FR 60287 (Sept. 30, 2010) (Final Rule); 75 FR 27471 (May 17, 2010) (Proposed Rule).

⁵ 12 U.S.C. 1787(c)(12).

⁶ 12 U.S.C. 1787(c)(12).

power to terminate, accelerate, or declare a default under a contract to which the FICU is a party, or to obtain possession of or exercise control over any property of the FICU, or affect any contractual rights of the FICU, without the consent of the conservator or liquidating agent, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator or the 90-day period beginning on the date of the appointment of the liquidating agent. In order to address concerns that the statutory stay could delay repayment of investors in a securitization or delay a secured party from exercising its rights with respect to securitized financial assets, the proposed rule provides for the consent by the conservator or liquidating agent, subject to certain conditions, to the continued making of required payments under the securitization documents and continued servicing of the assets, as well as the ability to exercise self-help remedies after a payment default by NCUA or the repudiation of a securitization asset transfer agreement during the stay period of 12 U.S.C. 1787(c)(13)(C).

II. Proposed Rule

1. Generally

The proposed rule would replace the 2000 Rule. Paragraph (a) of the proposed rule sets forth definitions of terms used in the proposed rule. It retains many of the definitions used in the 2000 Rule but modifies or adds definitions to the extent necessary to accurately reflect current industry practice in securitizations. Pursuant to these definitions, the safe harbor does not apply to certain government sponsored enterprises (“Specified GSEs”), affiliates of certain such enterprises, or any entity established or guaranteed by those GSEs. In addition, the proposed rule is not intended to apply to the Government National Mortgage Association (“Ginnie Mae”) or Ginnie Mae-guaranteed securitizations. When Ginnie Mae guarantees a security, the mortgages backing the security are assigned to Ginnie Mae, an entity owned entirely by the United States government. Ginnie Mae’s statute contains broad authority to enforce its contract with the lender/issuer and its ownership rights in the mortgages backing Ginnie Mae-guaranteed securities. In the event that an entity otherwise subject to the proposed rule issues both guaranteed and non-guaranteed securitizations, the securitizations guaranteed by a Specified GSE are not subject to the proposed rule.

Paragraph (b) of the proposed rule imposes conditions to the availability of the safe harbor for transfers of financial assets to an issuing entity in connection with a securitization. These conditions make a clear distinction between the conditions imposed on residential mortgage-backed securities (“RMBS”) from those imposed on securitizations for other asset classes. In the context of a conservatorship or liquidation, the conditions applicable to all securitizations will improve overall transparency and clarity through disclosure and documentation requirements along with ensuring effective incentives for prudent lending by requiring that the payment of principal and interest be based primarily on the performance of the financial assets and by requiring retention of a share of the credit risk in the securitized loans.

The conditions applicable to RMBS are more detailed and include additional capital structure, disclosure, documentation and compensation requirements as well as a requirement for the establishment of a reserve fund. These requirements are intended to address the factors that caused significant losses in RMBS securitization structures as demonstrated in the recent crisis. Confidence can be restored in RMBS markets only through greater transparency and other structures that support sustainable mortgage origination practices and require increased disclosures. These standards respond to investor demands for greater transparency and alignment of the interests of parties to the securitization. In addition, they are generally consistent with industry efforts while taking into account legislative and regulatory initiatives.

2. Capital Structure and Financial Assets

For all securitizations, the benefits of the proposed rule should be available only to securitizations that are readily understood by the market, increase liquidity of the financial assets, and reduce consumer costs. Consistent with the Security and Exchange Commission’s (“SEC’s”) new Regulation AB, the documents governing the securitization will be required to provide that there be financial asset level disclosure as appropriate to the securitized financial assets for any re-securitizations (securitizations supported by other securitization obligations). These disclosures must include full disclosure of the obligations, including the structure and the assets supporting each of the

underlying securitization obligations, and not just the obligations that are transferred in the re-securitization. This requirement applies to all re-securitizations, including static re-securitizations as well as managed collateralized debt obligations.

The proposed rule provides that securitizations that are unfunded or synthetic transactions are not eligible for expedited consent. To support sound lending, the documents governing all securitizations must require that payments of principal and interest on the obligations be primarily dependent on the performance of the financial assets supporting the securitization and that such payments not be contingent on market or credit events that are independent of the assets supporting the securitization, except for interest rate or currency mismatches between the financial assets and the obligations to investors.

For RMBS only, the proposed rule limits the capital structure of the securitization to six tranches or fewer to discourage complex and opaque structures. The most senior tranche could include time-based sequential pay or planned amortization and companion sub-tranches, which are not viewed as separate tranches for the purpose of the six tranche requirement. This condition will not prevent an issuer from creating the economic equivalent of multiple tranches by re-securitizing one or more tranches, so long as they meet the conditions set forth in the rule, including adequate disclosure in connection with the re-securitization. In addition, RMBS cannot include leveraged tranches that introduce market risks (such as leveraged super senior tranches). Although the financial assets transferred into an RMBS will be permitted to benefit from asset level credit support, such as guarantees (including guarantees provided by governmental agencies, private companies, or government-sponsored enterprises), co-signers, or insurance, the RMBS cannot benefit from external credit support at the issuing entity or pool level. It is intended that guarantees permitted at the asset level include guarantees of payment or collection, but not credit default swaps or similar items. The temporary payment of principal and interest, however, can be supported by liquidity facilities. These conditions are designed to limit both the complexity and the leverage of an RMBS and therefore the systemic risks introduced by them in the market. In addition, the proposed rule provides that the securitization obligations can be enhanced by credit support or guarantees provided by Specified GSEs.

However, as noted in the discussion of the definitions above, a securitization that is wholly guaranteed by a Specified GSE is not subject to the proposed rule and thus not eligible for the safe harbor.

In formulating the proposed rule, NCUA was mindful of the need to permit innovation and accommodate financing needs, and thus attempted to strike a balance between permitting multi-tranche structures for RMBS transactions, on the one hand, and promoting readily understandable securitization structures and limiting overleveraging of residential mortgage assets, on the other hand.

NCUA is of the view that permitting pool level, external credit support in an RMBS can lead to overleveraging of assets, as investors might focus on the credit quality of the credit support provider as opposed to the sufficiency of the financial asset pool to service the securitization obligations. However, the proposed rule permits pool level credit support by Specified GSEs.

Finally, although the proposed rule excludes unfunded and synthetic securitizations from the safe harbor, NCUA does not view the inclusion of existing credit lines that are not fully drawn in a securitization as causing such securitization to be an “unfunded securitization.” The provision is intended to emphasize that the proposed rule applies only where there is an actual transfer of financial assets. In addition, to the extent an unfunded or synthetic transaction qualifies for treatment as a qualified financial contract under Section 207(c) of the FCU Act, it would not need the benefits of the safe harbor provided in the proposed rule in an NCUA liquidation.⁷

3. Disclosure

For all securitizations, disclosure serves as an effective tool for increasing the demand for high quality financial assets and thereby establishing incentives for robust financial asset underwriting and origination practices. By increasing transparency in securitizations, the proposed rule would enable investors to decide whether to invest in a securitization based on full information with respect to the quality of the asset pool and thereby provide additional liquidity only for sustainable origination practices.

The data must enable investors to analyze the credit quality for the specific asset classes that are being securitized. The documents governing securitizations must, at a minimum, require disclosure for all issuances to include the types of information

required under current Regulation AB or any successor disclosure requirements with the level of specificity that applies to public issuances, even if the obligations are issued in a private placement or are not otherwise required to be registered.

The documents governing securitizations that will qualify under the proposed rule must require disclosure of the structure of the securitization and the credit and payment performance of the obligations, including the relevant capital or tranche structure and any liquidity facilities and credit enhancements. The disclosure must be required to include the priority of payments and any specific subordination features, as well as any waterfall triggers or priority of payment reversal features. The disclosure at issuance will also be required to include the representations and warranties made with respect to the financial assets and the remedies for breach of such representations and warranties, including any relevant timeline for cure or repurchase of financial assets, and policies governing delinquencies, servicer advances, loss mitigation and write offs of financial assets. The documents must also require that periodic reports provided to investors include the credit performance of the obligations and financial assets, including periodic and cumulative financial asset performance data, modification data, substitution and removal of financial assets, servicer advances, losses that were allocated to each tranche and remaining balance of financial assets supporting each tranche as well as the percentage coverage for each tranche in relation to the securitization as a whole. Where appropriate for the type of financial assets included in the pool, reports must also include asset level information that may be relevant to investors (e.g. changes in occupancy, loan delinquencies, defaults, etc.). NCUA recognizes that for certain asset classes, such as credit card receivables, the disclosure of asset level information is less informative and, thus, will not be required.

The securitization documents must also require disclosure to investors of the nature and amount of compensation paid to any mortgage or other broker, the servicer(s), rating agency or third-party advisor, and the originator or sponsor, and the extent to which any risk of loss on the underlying financial assets is retained by any of them for such securitization. The documents must also require disclosure of changes to this information while obligations are outstanding. This disclosure should

enable investors to assess potential conflicts of interests and how the compensation structure affects the quality of the assets securitized or the securitization as a whole.

For RMBS, loan level data as to the financial assets securing the mortgage loans, such as loan type, loan structure, maturity, interest rate and location of property, will also be required to be disclosed by the sponsor. Sponsors of securitizations of residential mortgages will be required to affirm compliance in all material respects with applicable statutory and regulatory standards for origination of mortgage loans. None of the disclosure conditions should be construed as requiring the disclosure of personally identifiable information of obligors or information that would violate applicable privacy laws. The proposed rule also requires sponsors to disclose a third party due diligence report on compliance with such standards and the representations and warranties made with respect to the financial assets.

Finally, the proposed rule requires that the securitization documents require the disclosure by servicers of any ownership interest of the servicer or any affiliate of the servicer in other whole loans secured by the same real property that secures a loan included in the financial asset pool. This provision does not require disclosure of interests held by servicers or their affiliates in the securitization securities. This provision is intended to give investors information to evaluate potential servicer conflicts of interest that might impede the servicer's actions to maximize value for the benefit of investors.

4. Documentation and Recordkeeping

For all securitizations, the operative agreements are required to use as appropriate available standardized documentation for each available asset class. It is not possible to define in advance when use of standardized documentation will be appropriate, but certainly when there is general market use of a form of documentation for a particular asset class, or where a trade group has formulated standardized documentation generally accepted by the industry, such documentation must be used.

The proposed rule also requires that the securitization documents define the contractual rights and responsibilities of the parties, including but not limited to representations and warranties, ongoing disclosure requirements and any measures to avoid conflicts of interest. The documents are also required to provide authority for the parties to

⁷ 12 U.S.C. 1787(c)(10).

fulfill their rights and responsibilities under the securitization contracts.

Additional conditions apply to RMBS to address a significant issue that has been demonstrated in the mortgage crisis by requiring that servicers have the authority to mitigate losses on mortgage loans consistent with maximizing the net present value of the mortgages. Therefore, for RMBS, contractual provisions in the servicing agreement must provide servicers with the authority to modify loans to address reasonably foreseeable defaults and to take other action to maximize the value and minimize losses on the securitized financial assets. The documents must require servicers to apply industry best practices related to asset management and servicing.

The RMBS documents may not give control of servicing discretion to a particular class of investors. The documents must require that the servicer act for the benefit of all investors rather than for the benefit of any particular class of investors. Consistent with the forgoing, the documents must require the servicer to commence action to mitigate losses no later than ninety days after an asset first becomes delinquent unless all delinquencies on such asset have been cured. A servicer must also be required to maintain sufficient records of its actions to permit appropriate review of its actions.

NCUA believes that a prolonged period of servicer advances in a market downturn misaligns servicer incentives with those of the RMBS investors. Servicing advances also serve to aggravate liquidity concerns, exposing the market to greater systemic risk. Occasional advances for late payments, however, are beneficial to ensure that investors are paid in a timely manner. To that end, the servicing agreement for RMBS must not require the primary servicer to advance delinquent payments of principal and interest by borrowers for more than three payment periods unless financing or reimbursement facilities to fund or reimburse the primary servicers are available. However, such facilities shall not be dependent for repayment on foreclosure proceeds.

5. Compensation

The compensation requirements of the proposed rule apply only to RMBS. Due to the demonstrated issues in the compensation incentives in RMBS, in this asset class the proposed rule seeks to realign compensation to parties involved in the rating and servicing of residential mortgage securitizations.

The securitization documents are required to provide that any fees

payable credit rating agencies or similar third-party evaluation companies must be payable in part over the five year period after the initial issuance of the obligations based on the performance of surveillance services and the performance of the financial assets, with no more than sixty percent of the total estimated compensation due at closing. Thus payments to rating agencies must be based on the actual performance of the financial assets, not their ratings.

A second area of concern is aligning incentives for proper servicing of the mortgage loans. Therefore, the documents must require that compensation to servicers must include incentives for servicing, including payment for loan restructuring or other loss mitigation activities, which maximizes the net present value of the financial assets in the RMBS.

6. Origination and Retention Requirements

To provide further incentives for quality origination practices, several conditions address origination and retention requirements for all securitizations. For all securitizations, the sponsor must retain an economic interest in a material portion, defined as not less than five percent, of the credit risk of the financial assets.⁸ The retained interest may be either in the form of an interest of not less than five percent in each credit tranche or in a representative sample of the securitized financial assets equal to not less than five percent of the principal amount of the financial assets at transfer. This retained interest cannot be sold, pledged or hedged during the life of the transaction, except for the hedging of interest rate. If required to retain an economic interest in the asset pool without hedging the credit risk of such portion, the sponsor will be less likely to originate low quality financial assets. The proposed rule provides that upon the effective date of final regulations required by Section 941(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, such final regulations shall exclusively govern the requirement to retain an economic interest in a portion of the credit risk of the financial assets under the proposed rule.

The proposed rule requires that RMBS securitization documents require that a

⁸ For loan participations, an originating lender that is an FCU must retain an interest of at least 10 percent of the outstanding balance of the loan. 12 U.S.C. 1757(5)(E); 12 CFR 701.22(b)(3). An originating lender that is a FISCU must retain an interest of at least 5 percent of the outstanding balance of the loan, unless a higher percentage is required by state law. 12 CFR 701.22(b)(3).

reserve fund be established in an amount equal to at least five percent of the cash proceeds due to the sponsor and that this reserve be held for twelve months to cover any repurchases required for breaches of representations and warranties. This reserve fund will ensure that the sponsor bears a significant risk for poorly underwritten loans during the first year of the securitization. In addition, the securitization documents must include a representation that residential mortgage loans in an RMBS have been originated in all material respects in compliance with statutory, regulatory and originator underwriting standards in effect at the time of origination.

NCUA believes that requiring the sponsor to retain an economic interest in the credit risk relating to each credit tranche or in a representative sample of financial assets will help ensure quality origination practices. A risk retention requirement that did not cover all types of exposure would not be sufficient to create an incentive for quality underwriting at all levels of the securitization. The recent economic crisis made clear that, if quality underwriting is to be assured, it will require true risk retention by sponsors, and that the existence of representations and warranties or regulatory standards for underwriting will not alone be sufficient.

7. Additional Conditions

Paragraph (c) of the proposed rule includes general conditions for securitizations and the transfer of financial assets. These conditions also include requirements that are consistent with good financial institution practices.

The transaction should be an arms-length, bona fide securitization transaction and the documents must limit sales to credit union service organizations in which the sponsor credit union has an interest (other than a wholly-owned credit union service organization consolidated for accounting and capital purposes with the credit union), and insiders of the sponsor. The securitization agreements must be in writing, approved by the board of directors of the credit union or its loan committee (as reflected in the minutes of a meeting of the board of directors or committee), and have been, continuously, from the time of execution, in the official record of the credit union. The securitization also must have been entered into in the ordinary course of business, not in contemplation of insolvency and with no intent to hinder, delay or defraud the credit union or its creditors.

The proposed rule applies only to transfers made for adequate consideration. The transfer and/or security interest need to be properly perfected under the UCC or applicable state law. NCUA anticipates that it will be difficult to determine whether a transfer complying with the proposed rule is a sale or a security interest, and therefore expects that a security interest will be properly perfected under the UCC, either directly or as a backup.

The governing documents must require that the sponsor separately identify in its financial asset data bases the financial assets transferred into a securitization and maintain an electronic or paper copy of the closing documents in a readily accessible form, and that the sponsor maintain a current list of all of its outstanding securitizations and issuing entities, and the most recent SEC Form 10-K or other periodic financial report for each securitization and issuing entity. The documents must also provide that if acting as servicer, custodian or paying agent, the sponsor is not permitted to commingle amounts received with respect to the financial assets with its own assets except for the time necessary to clear payments received, and in event for more than two business days. The documents must require the sponsor to make these records available to NCUA promptly upon request. This requirement will facilitate the timely fulfillment of the conservator's or liquidating agent's responsibilities upon appointment and will expedite the conservator's or liquidating agent's analysis of securitization assets. This will also facilitate the conservator's or liquidating agent's analysis of the credit union's assets and determination of which assets have been securitized and are therefore potentially eligible for expedited access by investors.

In addition, the proposed rule requires that the transfer of financial assets and the duties of the sponsor as transferor be evidenced by an agreement separate from the agreement governing the sponsor's duties, if any, as servicer, custodian, paying agent, credit support provider or in any capacity other than transferor.

8. *The Safe Harbor*

Paragraph (d)(1) of the proposed rule continues the safe harbor provision that was provided by the 2000 Rule with respect to participations so long as the participation satisfies the conditions for sale accounting treatment set forth by generally accepted accounting principles. In addition, last-in first-out participations are specifically included in the safe harbor, provided that they

satisfy requirements for sale accounting treatment other than the *pari-passu*, proportionate interest requirement that is not satisfied solely as a result of the last-in first-out structure.

Paragraph (d)(2) of the Rule addresses transfers of financial assets made in connection with a securitization for which transfers of financial assets are made after the effective date of this rule or securitizations from a master trust or revolving trust established after the date of adoption of this rule, that (in each case) satisfy the conditions for sale accounting treatment under GAAP in effect for reporting periods after November 15, 2009. For such securitizations, NCUA as conservator or liquidating agent will not, in the exercise of its statutory authority to disaffirm or repudiate contracts, reclaim, recover, or recharacterize as property of the institution or the liquidation estate any such transferred financial assets, provided that such securitizations comply with the conditions set forth in paragraphs (b) and (c) of the proposed rule.

Paragraph (d)(3) of the Rule addresses transfers of financial assets in connection with a securitization for which transfers of financial assets were made after the effective date of this rule or securitizations from a master trust or revolving trust established after the date of adoption of the rule, that (in each case) satisfy the conditions set forth in paragraphs (b) and (c), but where the transfer does not satisfy the conditions for sale accounting treatment under GAAP in effect for reporting periods after November 15, 2009.

Paragraph (d)(3)(i) provides that if the conservator or liquidating agent is in monetary default due to its failure to pay or apply collections from the financial assets received by it in accordance with the securitization documents, and remains in monetary default for ten business days after actual delivery of a written notice to the conservator or liquidating agent requesting exercise of contractual rights because of such default, the conservator or liquidating agent consents to the exercise of such contractual rights, including any rights to obtain possession of the financial assets or the exercise of self-help remedies as a secured creditor, provided that no involvement of the conservator or liquidating agent is required, other than consents, waivers or the execution of transfer documents reasonably requested in the ordinary course of business in order to facilitate the exercise of such contractual rights. This paragraph also provides that the consent to the exercise of such contractual rights

shall serve as full satisfaction for all amounts due.

Paragraph (d)(3)(ii) provides that, if the conservator or liquidating agent gives a written notice of repudiation of the securitization agreement pursuant to which assets were transferred and does not pay the damages due by reason of such repudiation within ten business days following the effective date of the notice, the conservator or liquidating agent consents to the exercise of any contractual rights, including any rights to obtain possession of the financial assets or the exercise of self-help remedies as a secured creditor, provided that no involvement of the conservator or liquidating agent is required other than consents, waivers or the execution of transfer documents reasonably requested in the ordinary course of business in order to facilitate the exercise of such contractual rights. Paragraph 3(d)(ii) also provides that the damages due for these purposes shall be an amount equal to the par value of the obligations outstanding on the date of liquidation less any payments of principal received by the investors through the date of repudiation, plus unpaid, accrued interest through the date of repudiation to the extent actually received through payments on the financial assets received through the date of repudiation, and that upon receipt of such payment all liens on the financial assets created pursuant to the securitization documents shall be released.

In computing amounts payable as repudiation damages, consistent with the FCU Act, the conservator or liquidating agent will not give effect to any provisions of the securitization documents increasing the amount payable based on the appointment of as the conservator or liquidating agent.⁹ The proposed rule clarifies that repudiation damages will be equal to the par value of the obligations as of the date of liquidation, less payments of principal received by the investors to the date of repudiation, plus unpaid, accrued interest through the date of repudiation to the extent actually received through payments on the financial assets received through the date of repudiation. The proposed rule also provides that the conservator or liquidating agent consents to the exercise of remedies by investors, including self-help remedies as secured creditors, in the event that NCUA repudiates a securitization transfer agreement and does not pay damages in such amount within ten business days following the effective date of notice of

⁹ 12 U.S.C. 1787(c)(13).

repudiation. Thus, if NCUA repudiates and the investors are not paid the par value of the securitization obligations, plus unpaid, accrued interest through the date of repudiation to the extent actually received through payments on the financial assets received through the date of repudiation, they will be permitted to obtain the asset pool. Accordingly, exercise by the conservator or the liquidating agent of its repudiation rights will not expose investors to market value risks relating to the asset pool.

9. Consent to Certain Payments and Servicing

Paragraph (e) provides that prior to repudiation or, in the case of monetary default, prior to the effectiveness of the consent referred to in paragraph (d)(3)(i), the conservator or liquidating agent consents to the making of, or if acting as servicer agrees to make, required payments to the investors during the stay period imposed by 12 U.S.C. 1787(c)(13)(C). The proposed rule also provides that the conservator or liquidating agent consents to any servicing activity required in furtherance of the securitization (subject to its rights to repudiate the servicing agreements), in connection with securitizations that meet the conditions set forth in paragraphs (b) and (c) of the proposed rule.

10. Miscellaneous

Paragraph (f) requires that any party requesting consent pursuant to paragraph (d)(3), provide notice to the conservator or liquidating agent, together with a statement of the basis upon which the request is made, together with copies of all documentation supporting the request. This includes a copy of the applicable agreements (such as the transfer agreement and the security agreement) and of any applicable notices under the agreements.

Paragraph (g) provides that the conservator or liquidating agent will not seek to avoid an otherwise legally enforceable agreement that is executed by a FICU in connection with a securitization solely because the agreement does not meet the "contemporaneous" requirement of 12 U.S.C. 1787(b)(9) and 1788(a)(3).

Paragraph (h) of the proposed rule provides that the consents set forth in the proposed rule will not act to waive or relinquish any rights granted to NCUA, the conservator, or the liquidating agent, in any capacity, pursuant to any other applicable law or any agreement or contract except as specifically set forth in the proposed

rule, and nothing contained in the section will alter the claims priority of the securitized obligations.

Paragraph (i) provides that except as specifically set forth in the proposed rule, the proposed rule does not authorize, and shall not be construed as authorizing the attachment of any involuntary lien upon the property of the conservator or liquidating agent. The proposed rule should not be construed as waiving, limiting or otherwise affecting the rights or powers of NCUA, the conservator, or the liquidating agent to take any action or to exercise any power not specifically mentioned, including but not limited to any rights, powers or remedies of the conservator or the liquidating agent regarding transfers taken in contemplation of the FICU's insolvency or with the intent to hinder, delay or defraud the FICU, or the creditors of such FICU, or that is a fraudulent transfer under applicable law.

The right to consent under 12 U.S.C. 1787(c)(13)(C) may not be assigned or transferred to any purchaser of property from a conservator or liquidating agent, other than to a conservator or bridge credit union. The rule can be repealed by NCUA upon 30 days notice provided in the **Federal Register**, but any repeal will not apply to any issuance that complied with the rule before such repeal.

III. Regulatory Procedures

1. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis of any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under \$50 million in assets).¹⁰ The proposed rule will only apply to the largest credit unions, as they are the only ones with the infrastructure and resources to securitize assets. Accordingly, it will not have an economic impact on small credit unions.

2. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or increases an existing burden.¹¹ For purposes of the PRA, a paperwork burden may take the form of a reporting or recordkeeping requirement, both referred to as information collections. The proposed changes to part 709 impose new information collection requirements. As required by the PRA,

NCUA is submitting a copy of this proposal to OMB for its review and approval. Persons interested in submitting comments with respect to the information collection aspects of the proposed rule should submit them to OMB at the address noted below.

a. Estimated PRA Burden

The information collection requirements are related to federal security filings, which NCUA estimates will take a total of 83.5 hours per year to complete. As NCUA further estimates that only one FCU will undertake asset securitization activities, the annual paperwork burden is 83.5 hours.

b. Submission of Comments

NCUA considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of NCUA, including whether the information will have a practical use;
- evaluating the accuracy of NCUA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhancing the quality, usefulness, and clarity of the information to be collected; and
- minimizing the burden of 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.

The PRA requires OMB to make a decision concerning the collection of information contained in the proposed regulation between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to NCUA on the substantive aspects of the proposed regulation.

Comments on the proposed information collection requirements should be sent to: Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Washington, DC 20503; Attention: NCUA Desk Officer, with a copy to Tracy Crews at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

¹⁰ 5 U.S.C. 603(a); 12 U.S.C. 1787(c)(1).

¹¹ 44 U.S.C. 3507(d); 5 CFR part 1320.

3. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposed rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has, therefore, determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

4. Assessment of Federal Regulations and Policies on Families

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

List of Subjects

12 CFR Part 709

Credit unions, Liquidations.

By the National Credit Union Administration Board, on June 19, 2014.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the National Credit Union Administration proposes to amend part 709 as follows:

PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY INSURED CREDIT UNIONS IN LIQUIDATION

■ 1. The authority citation for part 709 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766, 1767, 1786(h), 1787, 1789, 1789a.

■ 2. Revise § 709.10 to read as follows:

§ 709.10 Treatment of financial assets transferred in connection with a securitization or participation.

(a) Definitions.

Financial asset means cash or a contract or instrument that conveys to one entity a contractual right to receive cash or another financial instrument from another entity.

Investor means a person or entity that owns an obligation issued by an issuing entity.

Issuing entity means an entity that owns a financial asset or financial assets transferred by the sponsor and issues obligations supported by such asset or assets. Issuing entities may include, but are not limited to, corporations, partnerships, trusts, and limited liability companies and are commonly referred to as special purpose vehicles or special purpose entities. To the extent a securitization is structured as a multi-step transfer, the term issuing entity would include both the issuer of the obligations and any intermediate entities that may be a transferee. Notwithstanding the foregoing, a Specified GSE or an entity established or guaranteed by a Specified GSE does not constitute an issuing entity.

Monetary default means a default in the payment of principal or interest when due following the expiration of any cure period.

Obligation means a debt or equity (or mixed) beneficial interest or security that is primarily serviced by the cash flows of one or more financial assets or financial asset pools, either fixed or revolving, that by their terms convert into cash within a finite time period, or upon the disposition of the underlying financial assets, and by any rights or other assets designed to assure the servicing or timely distributions of proceeds to the security holders issued by an issuing entity. The term may include beneficial interests in a grantor trust, common law trust or similar issuing entity to the extent that such interests satisfy the criteria set forth in the preceding sentence, but does not include LLC interests, partnership interests, common or preferred equity, or similar instruments evidencing ownership of the issuing entity.

Participation means the transfer or assignment of an undivided interest in all or part of a financial asset, that has all of the characteristics of a “participating interest,” from a seller, known as the “lead,” to a buyer, known as the “participant,” without recourse to the lead, pursuant to an agreement between the lead and the participant. “Without recourse” means that the participation is not subject to any agreement that requires the lead to repurchase the participant’s interest or to otherwise compensate the participant upon the borrower’s default on the underlying obligation.

Securitization means the issuance by an issuing entity of obligations for which the investors are relying on the cash flow or market value characteristics and the credit quality of transferred financial assets (together with any external credit support

permitted by this section) to repay the obligations.

Servicer means any entity responsible for the management or collection of some or all of the financial assets on behalf of the issuing entity or making allocations or distributions to holders of the obligations, including reporting on the overall cash flow and credit characteristics of the financial assets supporting the securitization to enable the issuing entity to make payments to investors on the obligations. The term “servicer” does not include a trustee for the issuing entity or the holders of obligations that makes allocations or distributions to holders of the obligations if the trustee receives such allocations or distributions from a servicer and the trustee does not otherwise perform the functions of a servicer.

Specified GSE means each of the following: (i) The Federal National Mortgage Association and any affiliate thereof; (ii) Federal Home Loan Mortgage Corporation and any affiliate thereof; (iii) the Government National Mortgage Association; and (iv) any federal or state sponsored mortgage finance agency.

Sponsor means a person or entity that organizes and initiates a securitization by transferring financial assets, either directly or indirectly, including through an affiliate, to an issuing entity, whether or not such person owns an interest in the issuing entity or owns any of the obligations issued by the issuing entity.

Transfer means: (i) The conveyance of a financial asset or financial assets to an issuing entity; or (ii) the creation of a security interest in such asset or assets for the benefit of the issuing entity.

(b) *Coverage.* This section applies to securitizations that meet the following criteria:

(1) *Capital structure and financial assets.* The documents creating the securitization must define the payment structure and capital structure of the transaction.

(i) *Requirements applicable to all securitizations:*

(A) The securitization may not consist of re-securitizations of obligations or collateralized debt obligations unless the documents creating the securitization require that disclosures required in paragraph (b)(2) of this section are made available to investors for the underlying assets supporting the securitization at initiation and while obligations are outstanding; and

(B) The documents creating the securitization must require that payment of principal and interest on the securitization obligation will be primarily based on the performance of

financial assets that are transferred to the issuing entity and, except for interest rate or currency mismatches between the financial assets and the obligations, will not be contingent on market or credit events that are independent of such financial assets. The securitization may not be an unfunded securitization or a synthetic transaction.

(ii) *Requirements applicable only to securitizations in which the financial assets include any residential mortgage loans:*

(A) The capital structure of the securitization must be limited to no more than six credit tranches and cannot include "sub-tranches," grantor trusts or other structures. Notwithstanding the foregoing, the most senior credit tranche may include time-based sequential pay or planned amortization and companion sub-tranches; and

(B) The credit quality of the obligations cannot be enhanced at the issuing entity or pool level through external credit support or guarantees. However, the credit quality of the obligations may be enhanced by credit support or guarantees provided by Specified GSEs and the temporary payment of principal and/or interest may be supported by liquidity facilities, including facilities designed to permit the temporary payment of interest following appointment of the NCUA Board as conservator or liquidating agent. Individual financial assets transferred into a securitization may be guaranteed, insured, or otherwise benefit from credit support at the loan level through mortgage and similar insurance or guarantees, including by private companies, agencies or other governmental entities, or government-sponsored enterprises, and/or through co-signers or other guarantees.

(2) *Disclosures.* The documents must require that the sponsor, issuing entity, and/or servicer, as appropriate, will make available to investors, information describing the financial assets, obligations, capital structure, compensation of relevant parties, and relevant historical performance data set forth in paragraph (b)(2) of this section.

(i) *Requirements applicable to all securitizations:*

(A) The documents must require that, on or prior to issuance of obligations and at the time of delivery of any periodic distribution report and, in any event, at least once per calendar quarter, while obligations are outstanding, information about the obligations and the securitized financial assets will be disclosed to all potential investors at the financial asset or pool level and security

level, as appropriate for the financial assets, to enable evaluation and analysis of the credit risk and performance of the obligations and financial assets. The documents must require that such information and its disclosure, at a minimum, complies with the requirements of Securities and Exchange Commission Regulation AB, or any successor disclosure requirements for public issuances, even if the obligations are issued in a private placement or are not otherwise required to be registered. Information that is unknown or not available to the sponsor or the issuer after reasonable investigation may be omitted if the issuer includes a statement in the offering documents disclosing that the specific information is otherwise unavailable.

(B) The documents must require that, on or prior to issuance of obligations, the structure of the securitization and the credit and payment performance of the obligations will be disclosed, including the capital or tranche structure, the priority of payments, and specific subordination features; representations and warranties made with respect to the financial assets, the remedies for, and the time permitted for cure of any breach of representations and warranties, including the repurchase of financial assets, if applicable; liquidity facilities and any credit enhancements permitted by this rule, any waterfall triggers, or priority of payment reversal features; and policies governing delinquencies, servicer advances, loss mitigation, and write-offs of financial assets.

(C) The documents must require that while obligations are outstanding, the issuing entity will provide to investors information with respect to the credit performance of the obligations and the financial assets, including periodic and cumulative financial asset performance data, delinquency and modification data for the financial assets, substitutions and removal of financial assets, servicer advances, as well as losses that were allocated to such tranche and remaining balance of financial assets supporting such tranche, if applicable, and the percentage of each tranche in relation to the securitization as a whole.

(D) In connection with the issuance of obligations, the documents must disclose the nature and amount of compensation paid to the originator, sponsor, rating agency or third-party advisor, any mortgage or other broker, and the servicer(s), and the extent to which any risk of loss on the underlying assets is retained by any of them for such securitization be disclosed. The securitization documents must require

the issuer to provide to investors while obligations are outstanding any changes to such information and the amount and nature of payments of any deferred compensation or similar arrangements to any of the parties.

(ii) *Requirements applicable only to securitizations in which the financial assets include any residential mortgage loans:*

(A) Prior to issuance of obligations, sponsors must disclose loan level information about the financial assets including, but not limited to, loan type, loan structure (for example, fixed or adjustable, resets, interest rate caps, balloon payments, etc.), maturity, interest rate and/or Annual Percentage Rate, and location of the property.

(B) Prior to issuance of obligations, sponsors must affirm compliance in all material respects with applicable statutory and regulatory standards for the underwriting and origination of residential mortgage loans. Sponsors must disclose a third party due diligence report on compliance with such standards and the representations and warranties made with respect to the financial assets.

(C) The documents must require that prior to issuance of obligations and while obligations are outstanding, servicers will disclose any ownership interest by the servicer or an affiliate of the servicer in other whole loans secured by the same real property that secures a loan included in the financial asset pool. The ownership of an obligation, as defined in this regulation, does not constitute an ownership interest requiring disclosure.

(3) *Documentation and recordkeeping.* The documents creating the securitization must specify the respective contractual rights and responsibilities of all parties and include the requirements described in paragraph (b)(3) of this section and use as appropriate any available standardized documentation for each different asset class.

(i) *Requirements applicable to all securitizations.* The documents must define the contractual rights and responsibilities of the parties, including but not limited to representations and warranties and ongoing disclosure requirements, and any measures to avoid conflicts of interest; and provide authority for the parties, including but not limited to the originator, sponsor, servicer, and investors, to fulfill their respective duties and exercise their rights under the contracts and clearly distinguish between any multiple roles performed by any party.

(ii) *Requirements applicable only to securitizations in which the financial*

assets include any residential mortgage loans:

(A) Servicing and other agreements must provide servicers with authority, subject to contractual oversight by any master servicer or oversight advisor, if any, to mitigate losses on financial assets consistent with maximizing the net present value of the financial asset. Servicers must have the authority to modify assets to address reasonably foreseeable default, and to take other action to maximize the value and minimize losses on the securitized financial assets. The documents must require that the servicers apply industry best practices for asset management and servicing. The documents must require the servicer to act for the benefit of all investors, and not for the benefit of any particular class of investors, that the servicer must commence action to mitigate losses no later than ninety days after an asset first becomes delinquent unless all delinquencies on such asset have been cured, and that the servicer maintains records of its actions to permit full review by the trustee or other representative of the investors.

(B) The servicing agreement may not require a primary servicer to advance delinquent payments of principal and interest for more than three payment periods, unless financing or reimbursement facilities are available, which may include, but are not limited to, the obligations of the master servicer or issuing entity to fund or reimburse the primary servicer, or alternative reimbursement facilities. Such "financing or reimbursement facilities" under this paragraph may not be dependent for repayment on foreclosure proceeds.

(4) *Compensation.* The following requirements apply only to securitizations in which the financial assets include any residential mortgage loans. Compensation to parties involved in the securitization of such financial assets must be structured to provide incentives for sustainable credit and the long-term performance of the financial assets and securitization as follows:

(i) The documents must require that any fees or other compensation for services payable to credit rating agencies or similar third-party evaluation companies are payable, in part, over the five-year period after the first issuance of the obligations based on the performance of surveillance services and the performance of the financial assets, with no more than sixty percent of the total estimated compensation due at closing; and

(ii) The documents must provide that compensation to servicers will include incentives for servicing, including

payment for loan restructuring or other loss mitigation activities, which maximizes the net present value of the financial assets. Such incentives may include payments for specific services, and actual expenses, to maximize the net present value or a structure of incentive fees to maximize the net present value, or any combination of the foregoing that provides such incentives.

(5) *Origination and retention requirements—(i) Requirements applicable to all securitizations.* (A) Prior to the effective date of regulations required under new Section 15G of the Securities Exchange Act, 15 U.S.C. 78a *et seq.*, added by Section 941(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the documents must require that the sponsor retain an economic interest in a material portion, defined as not less than five percent, of the credit risk of the financial assets. This retained interest may be either in the form of an interest of not less than five percent in each of the credit tranches sold or transferred to the investors or in a representative sample of the securitized financial assets equal to not less than five percent of the principal amount of the financial assets at transfer. This retained interest may not be sold or pledged or hedged, except for the hedging of interest rate risk, during the term of the securitization.

(B) Upon the effective date of regulations required under new Section 15G of the Securities Exchange Act, 15 U.S.C. 78a *et seq.*, added by Section 941(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, such final regulations will exclusively govern the requirement to retain an economic interest in a portion of the credit risk of the financial assets under this rule.

(ii) *Requirements applicable only to securitizations in which the financial assets include any residential mortgage loans:*

(A) The documents must require the establishment of a reserve fund equal to at least five (5) percent of the cash proceeds of the securitization payable to the sponsor to cover the repurchase of any financial assets required for breach of representations and warranties. The balance of such fund, if any, must be released to the sponsor one year after the date of issuance.

(B) The documents must include a representation that the assets were originated in all material respects in compliance with statutory, regulatory, and originator underwriting standards in effect at the time of origination. The documents must include a representation that the mortgages

included in the securitization were underwritten at the fully indexed rate, based upon the borrowers' ability to repay the mortgage according to its terms, and rely on documented income and comply with all existing all laws, rules, regulations, and guidance governing the underwriting of residential mortgages by federally insured credit unions.

(c) *Other requirements.* (1) The transaction should be an arms length, bona fide securitization transaction. The documents must require that the obligations issued in a securitization shall not be predominantly sold to a credit union service organization in which the sponsor credit union has an interest (other than a wholly-owned credit union service organization consolidated for accounting and capital purposes with the credit union) or insider of the sponsor;

(2) The securitization agreements are in writing, approved by the board of directors of the credit union or its loan committee (as reflected in the minutes of a meeting of the board of directors or committee), and have been, continuously, from the time of execution in the official record of the credit union;

(3) The securitization was entered into in the ordinary course of business, not in contemplation of insolvency and with no intent to hinder, delay, or defraud the credit union or its creditors;

(4) The transfer was made for adequate consideration;

(5) The transfer and/or security interest was properly perfected under the UCC or applicable state law;

(6) The transfer and duties of the sponsor as transferor must be evidenced in a separate agreement from its duties, if any, as servicer, custodian, paying agent, credit support provider, or in any capacity other than the transferor; and

(7) The documents must require that the sponsor separately identify in its financial asset data bases the financial assets transferred into any securitization and maintain (i) an electronic or paper copy of the closing documents for each securitization in a readily accessible form, (ii) a current list of all of its outstanding securitizations and the respective issuing entities, and (iii) the most recent Securities and Exchange Commission Form 10-K, if applicable, or other periodic financial report for each securitization and issuing entity. The documents must provide that to the extent serving as servicer, custodian, or paying agent for the securitization, the sponsor may not commingle amounts received with respect to the financial assets with its own assets except for the time, not to exceed two business days,

necessary to clear any payments received. The documents must require that the sponsor will make these records readily available for review by NCUA promptly upon written request.

(d) *Safe harbor*—(1) *Participations*. With respect to transfers of financial assets made in connection with participations, the NCUA Board as conservator or liquidating agent will not, in the exercise of its statutory authority to disaffirm or repudiate contracts, reclaim, recover, or recharacterize as property of the credit union or the liquidation estate any such transferred financial assets, provided that such transfer satisfies the conditions for sale accounting treatment under generally accepted accounting principles, except for the “legal isolation” condition that is addressed by this section. The foregoing sentence applies to a last-in, first-out participation, provided that the transfer of a portion of the financial asset satisfies the conditions for sale accounting treatment under generally accepted accounting principles that would have applied to such portion if it had met the definition of a “participating interest,” except for the “legal isolation” condition that is addressed by this section.

(2) *For securitizations meeting sale accounting requirements*. With respect to any securitization for which transfers of financial assets were made after adoption of this rule, or from a master trust or revolving trust established after adoption of this rule, and which complies with the requirements applicable to that securitization as set forth in paragraphs (b) and (c) of this section, the NCUA Board as conservator or liquidating agent will not, in the exercise of its statutory authority to disaffirm or repudiate contracts, reclaim, recover, or recharacterize as property of the credit union or the liquidation estate such transferred financial assets, provided that such transfer satisfies the conditions for sale accounting treatment under generally accepted accounting principles in effect for reporting periods after November 15, 2009, except for the “legal isolation” condition that is addressed by this paragraph (d)(2).

(3) *For securitizations not meeting sale accounting requirements*. With respect to any securitization for which transfers of financial assets were made after adoption of this rule, or from a master trust or revolving trust established after adoption of this rule, and which complies with the requirements applicable to that securitization as set forth in paragraphs (b) and (c) of this section, but where the

transfer does not satisfy the conditions for sale accounting treatment set forth by generally accepted accounting principles in effect for reporting periods after November 15, 2009, the following conditions apply:

(i) *Monetary default*. If, at any time after appointment, the NCUA Board as conservator or liquidating agent is in a monetary default under a securitization due to its failure to pay or apply collections from the financial assets received by it in accordance with the securitization documents, whether as servicer or otherwise, and remains in monetary default for ten business days after actual delivery of a written notice to the NCUA Board as conservator or liquidating agent pursuant to paragraph (f) of this section requesting the exercise of contractual rights because of such monetary default, the NCUA Board as conservator or liquidating agent hereby consents pursuant to 12 U.S.C. 1787(c)(13)(C) to the exercise of any contractual rights in accordance with the documents governing such securitization, including but not limited to taking possession of the financial assets and exercising self-help remedies as a secured creditor under the transfer agreements, provided no involvement of the conservator or liquidating agent is required other than such consents, waivers, or execution of transfer documents as may be reasonably requested in the ordinary course of business in order to facilitate the exercise of such contractual rights. Such consent does not waive or otherwise deprive the NCUA Board as conservator or liquidating agent or its assignees of any seller's interest or other obligation or interest issued by the issuing entity and held by the conservator or liquidating agent or its assignees, but shall serve as full satisfaction of the obligations of the insured credit union in conservatorship or liquidation and the NCUA Board as conservator or liquidating agent for all amounts due.

(ii) *Repudiation*. If the NCUA Board as conservator or liquidating agent provides a written notice of repudiation of the securitization agreement pursuant to which the financial assets were transferred, and does not pay damages, defined in this paragraph, within ten business days following the effective date of the notice, the NCUA Board as conservator or liquidating agent hereby consents pursuant to 12 U.S.C. 1787(c)(13)(C) to the exercise of any contractual rights in accordance with the documents governing such securitization, including but not limited to taking possession of the financial assets and exercising self-help remedies as a secured creditor under the transfer

agreements, provided no involvement of the conservator or liquidating agent is required other than such consents, waivers, or execution of transfer documents as may be reasonably requested in the ordinary course of business in order to facilitate the exercise of such contractual rights. For purposes of this paragraph, the damages due will be in an amount equal to the par value of the obligations outstanding on the date of appointment of the conservator or liquidating agent, less any payments of principal received by the investors through the date of repudiation, plus unpaid, accrued interest through the date of repudiation in accordance with the contract documents to the extent actually received through payments on the financial assets received through the date of repudiation. Upon payment of such repudiation damages, all liens or claims on the financial assets created pursuant to the securitization documents shall be released. Such consent does not waive or otherwise deprive the NCUA Board as conservator or liquidating agent or its assignees of any seller's interest or other obligation or interest issued by the issuing entity and held by the conservator or liquidating agent or its assignees, but serves as full satisfaction of the obligations of the insured credit union in conservatorship or liquidation and the NCUA Board as conservator or liquidating agent for all amounts due.

(iii) *Effect of repudiation*. If the NCUA Board as conservator or liquidating agent repudiates or disaffirms a securitization agreement, it will not assert that any interest payments made to investors in accordance with the securitization documents before any such repudiation or disaffirmance remain the property of the conservatorship or liquidation.

(e) *Consent to certain actions*. Prior to repudiation or, in the case of a monetary default referred to in paragraph (d)(3)(i) of this section, prior to the effectiveness of the consent referred to therein, the NCUA Board as conservator or liquidating agent consents pursuant to 12 U.S.C. 1787(c)(13)(C) to the making of, or if serving as servicer, does make, the payments to the investors to the extent actually received through payments on the financial assets (but in the case of repudiation, only to the extent supported by payments on the financial assets received through the date of the giving of notice of repudiation) in accordance with the securitization documents, and, subject to the conservator's or liquidating agent's rights to repudiate such agreements, consents to any servicing

activity required in furtherance of the securitization or, if acting as servicer, the conservator or liquidating agent performs such servicing activities in accordance with the terms of the applicable servicing agreements, with respect to the financial assets included in securitizations that meet the requirements applicable to that securitization as set forth in paragraphs (b) and (c) of this section.

(f) *Notice for consent.* Any party requesting the NCUA Board's consent as conservator or liquidating agent under 12 U.S.C. 1787(c)(13)(C) pursuant to paragraph (d)(3)(i) of this section must provide notice to the President, NCUA Asset Management & Assistance Center, 4807 Spicewood Springs Road, Suite 5100, Austin, TX 78759-8490, and a statement of the basis upon which such request is made, and copies of all documentation supporting such request, including without limitation a copy of the applicable agreements and of any applicable notices under the contract.

(g) *Contemporaneous requirement.* The NCUA Board as conservator or liquidating agent will not seek to avoid an otherwise legally enforceable agreement that is executed by an insured credit union in connection with a securitization or in the form of a participation solely because the agreement does not meet the "contemporaneous" requirement of 12 U.S.C. 1787(b)(9) and 1788(a)(3).

(h) *Limitations.* The consents set forth in this section do not act to waive or relinquish any rights granted to NCUA in any capacity, including the NCUA Board as conservator or liquidating agent, pursuant to any other applicable law or any agreement or contract except as specifically set forth herein. Nothing contained in this section alters the claims priority of the securitized obligations.

(i) *No waiver.* This section does not authorize the attachment of any involuntary lien upon the property of the NCUA Board as conservator or liquidating agent. Nor does this section waive, limit, or otherwise affect the rights or powers of NCUA in any capacity, including the NCUA Board as conservator or liquidating agent, to take any action or to exercise any power not specifically mentioned, including but not limited to any rights, powers or remedies of the NCUA Board as conservator or liquidating agent regarding transfers or other conveyances taken in contemplation of the credit union's insolvency or with the intent to hinder, delay or defraud the credit union or the creditors of such credit union, or that is a fraudulent transfer under applicable law.

(j) *No assignment.* The right to consent under 12 U.S.C. 1787(c)(13)(C) may not be assigned or transferred to any purchaser of property from the NCUA Board as conservator or liquidating agent, other than to a conservator or bridge credit union.

(k) *Repeal.* This section may be repealed by NCUA upon 30 days' notice provided in the **Federal Register**, but any repeal does not apply to any issuance made in accordance with this section before such repeal.

[FR Doc. 2014-14919 Filed 6-25-14; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 721 and 741

RIN 3133-AE29

Asset Securitization

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The NCUA Board (Board) proposes to amend its regulations to clarify that a natural person federal credit union (FCU) is authorized to securitize loans that it has originated, as an activity incidental to the business for which an FCU is chartered, provided the transaction meets certain requirements. The proposed rule would also apply those requirements to federally insured, state-chartered credit unions (FISCU) that are permitted by state law to securitize their assets.

DATES: Comments must be received on or before August 25, 2014.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- NCUA Web site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html. Follow the instructions for submitting comments.
- Email: Address to regcomments@ncua.gov. Include "[Your name]—Comments on Proposed Rule—Asset Securitization" in the email subject line.
- Fax: (703) 518-6319. Use the subject line described above for email.
- Mail: Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.
- Hand Delivery/Courier: Same as mail address.

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

SUPPLEMENTARY INFORMATION:

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I. Background

1. Federal Credit Union Authority To Securitiz Assets

For purposes of this rule, "securitizing assets" means acting as a sponsor of a securitization, *i.e.*, organizing and initiating a securitization transaction by transferring financial assets to an entity that will issue obligations supported by such assets. While the Federal Credit Union Act (the Act) explicitly authorizes an FCU to sell its loans,¹ it provides no express authority to securitize them. The Act does, however, authorize an FCU to "exercise such incidental powers as shall be necessary or requisite to enable it to carry on effectively the business for which it is incorporated."² Under NCUA regulations, an activity meets the definition of an incidental power activity if it meets a three-part test.³ As discussed below, the Board has determined that securitizing assets meets that test as long as the assets being securitized are in the form of loans originated by the sponsoring FCU to its members.

Under the first prong of the test, an activity must be convenient or useful in

¹ 12 U.S.C. 1757(13).

² 12 U.S.C. 1757(17).

³ 12 CFR 721.2.

carrying out the mission or business of credit unions consistent with the Act. One of the fundamental purposes of credit unions is making loans to members.⁴ Credit unions must have sufficient liquidity to make loans, and the Act provides a number of means for FCUs to obtain cash to fund lending, including receiving shares, investing excess funds, borrowing, and selling eligible obligations.⁵ Securitizing assets is another means of obtaining cash to fund lending. As such, it is convenient and useful in carrying out a credit union's central mission.

Under the second part of the test, the activity must be the functional equivalent or logical outgrowth of activities that are part of the mission or business of credit unions. FCUs already make loans and either hold them on their books or sell them, or sell a participation interest in them, into the secondary market. Selling loans by repackaging them as securities is a logical outgrowth of an FCU's mission and business.

Finally, the activity must involve risks similar in nature to those already assumed as part of the business of credit unions. Risk is fundamental to the operation of a credit union, and credit unions must balance risk and reward responsibly. Making and selling loans present FCUs with, at a minimum, reputation risk, strategic risk, credit risk, transaction risk, liquidity risk, and compliance risk. While securitizing loans introduces more complex legal and operational risks, these risk types are inherent in other credit union activities and are thus similar in nature to those already assumed as part of the business of credit unions. Accordingly, NCUA has concluded that FCUs have the incidental power to securitize assets.

2. Why is NCUA proposing this rule?

The Board proposes to amend its regulations to clarify that, under certain circumstances, an FCU has the incidental authority to securitize loans that it has originated. The Board believes that there are a number of potential benefits of securitization. First, securitization provides originators with an additional source of funding or liquidity to meet members' needs. Second, securitization may be used to reduce interest rate risk by converting fixed-rate assets into cash. Finally, the sale of assets may reduce an FCU's regulatory costs by allowing it to optimize its capital management. The details of how an FCU may operate an

asset securitization program are discussed in more detail below.

II. Proposed Rule

1. Part 721—Incidental Powers

The proposed rule adds a new provision to Part 721 of NCUA's regulations, which addresses the incidental powers of FCUs. Section 721.3 enumerates the categories of activities that are preapproved as incidental powers of an FCU. The proposed rule adds a new paragraph (n) to § 721.3 to establish securitizing loans as a preapproved incidental power.

2. Asset Securitization Activities

Paragraph (1) of the proposed rule labels the newly approved category "asset securitization activities" in which an FCU acts as the sponsor of an asset-backed security. Paragraph (2) defines "sponsor," "asset-backed security," and other relevant terms.

3. Loans the FCU Has Originated

Paragraph (3) of the proposed rule provides that an FCU may securitize and sell loans it has originated. As discussed above, securitizing loans presents more complex risks than simply making and selling loans. Allowing FCUs to purchase loans for the purpose of issuing asset-backed securities would add an additional layer of risk, in an area that is uncharted for both FCUs and NCUA. Accordingly, for safety and soundness reasons, the proposed rule limits FCUs to securitizing only loans it has originated.⁶ To avoid confusion, the proposed rule clarifies that the purchase and re-underwriting of a loan does not meet the origination requirement.

4. Authority To Create Issuing Entities

To securitize assets, a sponsor must be able to create an issuing entity, commonly known as a special purpose vehicle or special purpose entity, to hold the assets collateralizing the asset-backed security. The Board considers an FCU's authority to create such entities to be included within the general incidental power to securitize assets, but has made that authority explicit in paragraph (4) of the proposed rule to avoid confusion.⁷ An issuing entity can take the form of a corporation, trust,

partnership, or limited liability company, and is a vehicle whose operations are typically limited to the acquisition and financing of specific assets. The proposed rule requires that any issuing entity created by an FCU be bankruptcy remote from the FCU, which means the issuing entity's assets are isolated from any creditors of the FCU should the FCU become insolvent. This can be achieved through a variety of methods, including limiting the issuing entity's purpose, indebtedness, assets, and other liabilities, as well as by ensuring through its corporate governance process that decisions regarding bankruptcy will be made from the point of view of the issuing entity itself, not the FCU.

5. Other Minimum Requirements

Paragraph (5) of the proposed rule establishes the following seven minimum safety and soundness requirements for an FCU engaging in securitizing assets:

a. Compliance With All Federal and State Laws and Regulations

An FCU engaged in securitizing transactions may be subject to numerous registration, disclosure, filing, reporting, and other legal requirements. The complexity of asset securitization transactions requires an FCU that participates in securitization activities to fully investigate all applicable laws and regulations, to establish policies and procedures to assure legal review of all securitization activities, and to take steps to protect itself from liability in the case of problems with particular asset-backed securitization transactions.

b. Independent Risk Management

An FCU engaged in securitizations must have in place independent risk management controls commensurate with the complexity and volume of its securitizations and its overall risk exposures. The risk management controls must ensure that securitization policies and operating procedures, including clearly articulated risk limits, are in place and appropriate for the FCU.

c. Annual Audit

As an added measure of safety and soundness, the proposed rule requires an FCU engaged in securitization transactions to have an annual audit of its financial statements performed in accordance with generally accepted auditing standards by an independent licensed auditor. The proposed rule further requires that the financial statements include all aspects of accounting and disclosure for sponsored

⁴ 12 U.S.C. 1752(1).

⁵ 12 U.S.C. 1757(6), (7), (9), and (13).

⁶ The Board notes that this limitation does not prevent FCUs from purchasing loans to complete a pool to be sold on the secondary market, other than through a securitization. 12 CFR 701.23(b).

⁷ The Board notes that NCUA's regulations governing credit union service organizations (CUSOs) do not apply to the creation of issuing entities. 12 CFR 712. Further, acting as an issuing entity is not a preapproved CUSO activity. 12 CFR 712.5.

securitizations in accordance with generally accepted accounting principles.

d. Board Knowledge

The board of directors of an FCU engaged in securitizations must have a general understanding of the risks and benefits of securitization activities and how those activities fit into the credit union's strategic and business plans.

e. Management Expertise

Senior management responsible for an FCU's securitization activities must possess sufficient expertise to oversee those activities. Unlike many other credit union activities, an FCU engaged in securitizing assets is likely to engage outside parties for much of the required procedures. It is not necessary for the FCU to possess all of the required skills in house. However, senior FCU management must have sufficient understanding and familiarity with the process to competently select and oversee parties hired or engaged to support the activities.

f. Board Approved Policy

An FCU engaged in securitizations must have a credit union board approved asset securitization policy that includes or addresses, at a minimum, the following items:

- A statement of the business purpose for engaging in securitization activities, including the general scope of the activities and the level of acceptable risk.
- The governance of securitization activities;
- A written and consistently applied accounting methodology;
- Regulatory reporting requirements;
- Valuation methods, including those applicable to the FCU's residual interests and retained interests in the securitization transaction, and procedures to formally approve changes to those assumptions;
- The management reporting process; and
- Exposure limits and requirements for both aggregate and individual transaction monitoring.

g. Internal Controls

Effective internal controls are essential to an FCU's management of the risks associated with securitization. When properly designed and consistently enforced, a sound system of internal controls will help management safeguard the FCUs resources, ensure that financial information and reports are reliable, and comply with contractual obligations, including securitization covenants. It will also

reduce the possibility of significant errors and irregularities, as well as assist in their timely detection when they do occur. Internal controls typically: (1) Limit authorities, (2) safeguard access to and use of records, (3) separate and rotate duties, and (4) ensure both regular and unscheduled reviews, including testing.

6. *Residual Interests and Retained Interests*

The sponsor of an asset-backed security typically retains an interest in a securitization. Except in certain limited circumstances, NCUA regulations prohibit an FCU from investing in stripped mortgage backed securities and residual interests in collateralized mortgage obligations.⁸ Paragraph (6)(a) of the proposed rule clarifies that those prohibitions do not apply to interests retained in the course of sponsoring a securitization transaction.

Paragraph (6)(b) of the proposed rule requires an FCU to use reasonable and supportable assumptions and modeling methodologies to assign values to residual interests and retained interests. These assumptions and methodologies must be fully documented. The key assumptions in all valuation analyses include prepayment or payment rates, default rates, loss severity factors, and discount rates. Paragraph 6(b) also requires an FCU to recognize credit impairment for all residual interests and retained interests in accordance with generally accepted accounting principles.

Residual interests and retained interests concentrate risks to support investor interests. Therefore their value is more susceptible to credit and market risks than the underlying pool of assets. Because of these heightened risks, paragraph (6)(c) of the proposed rule limits the amount of residual interests and retained interests that an FCU may carry to 25% of the FCU's net worth. Residual interests and retained interests in pass-through securities, which generally have the same profile of risk as the underlying assets, are not included in this limitation. The Board specifically requests comment on the appropriateness of this limit, including a detailed rationale for any recommended higher limit.

7. *Implicit Recourse Prohibited*

Sponsors of asset-backed securities may provide contract-based support for a securitization through, among other things, overcollateralization, maintaining a seller's or transferor's

interest, and issuing stand-by letters of credit for cash flow purposes. In addition to these legal obligations, in certain circumstances, an originator may wish to provide post-sale credit support to poorly performing asset pools, commonly referred to as "implicit" recourse. To limit risk, however, paragraph (7) of the proposed rule prohibits FCUs from providing implicit recourse to a securitization.

8. *Federally Insured, State-Chartered Credit Unions*

The proposed rule amends Part 741 by adding a new § 741.226 to extend the proposed securitization requirements to FISCUs. The Board believes that there could be a risk to the National Credit Union Share Insurance Fund if state law permits a FISCU to sponsor a securitization and the state's associated safety and soundness requirements vary from those applicable to FCUs.

III. **Safe Harbor**

This proposal is related to a companion proposal to amend § 709.10, published elsewhere in today's **Federal Register**. Section 709.10 governs the authority of the Board, when acting as conservator or liquidating agent of any federally insured credit union (FICU), to disaffirm or repudiate transfers of financial assets by a FICU in connection with a securitization or participation. Section 709.10 was issued to provide a "safe harbor" by confirming "legal isolation" if all other standards for off balance sheet accounting treatment were met by the transfer in connection with a securitization or a participation. In 2000, when current § 709.10 was adopted, satisfaction of legal isolation was vital to securitization transactions because of the risk that the pool of financial assets transferred into the securitization trust could be recovered in bankruptcy or in a credit union liquidation. If the transfer satisfied this condition, the regulation confirmed that the transferred assets were legally isolated from the FICU in an NCUA conservatorship or liquidation.

In 2009, the Financial Accounting Standards Board finalized modifications to generally accepted accounting principles (GAAP) that affected whether an issuing entity must be consolidated for financial reporting purposes, thereby subjecting many issuing entities to GAAP consolidation requirements. As a result of the modifications, legal and accounting treatment of a securitization transaction may no longer be aligned, and the safe harbor provision of current § 709.10 may not apply to a transfer in connection with a securitization that does not qualify for off balance sheet

⁸ 12 CFR 703.16(c) and (d).

treatment. The companion proposal would amend § 709.10 to provide safe harbor for transfers in connection with securitizations under the revised accounting standards. The Board requests comment on whether the proposed safe harbor requirements should be included in any final rule that addresses FCU authority to securitize assets.

IV. Regulatory Procedures

1. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis of any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under \$50 million in assets).⁹ This proposed rule will only apply to the largest credit unions, as securitizing assets requires significant infrastructure and resources. Accordingly, it will not have a significant economic impact on a significant number of small credit unions.

2. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or increases an existing burden.¹⁰ For purposes of the PRA, a paperwork burden may take the form of a reporting or recordkeeping requirement, both referred to as information collections. The proposed changes to part 721 impose one new information collection requirement. As required by the PRA, NCUA is submitting a copy of this proposal to OMB for its review and approval. Persons interested in submitting comments with respect to the information collection aspects of the proposed rule should submit them to OMB at the address noted below.

a. Estimated PRA Burden

The information collection requirement is found in section 721.3(n)(5)(iii) of the proposed rule. That provision requires an FCU that undertakes securitization activities to have a credit union board approved policy stating the purpose and governance of securitization activities. NCUA estimates that it will take 50 hours to develop a securitization policy initially and 10 hours to maintain the policy annually. As NCUA further estimates that only one FCU will undertake asset securitization activities, the initial paperwork burden is 50 hours and ongoing burden is 10 hours.

b. Submission of Comments

NCUA considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of NCUA, including whether the information will have a practical use;
- Evaluating the accuracy of NCUA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of 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.

OMB will make a decision concerning the collection of information contained in the proposed regulation between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to NCUA on the substantive aspects of the proposed regulation.

Comments on the proposed information collection requirements should be sent to: Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Washington, DC 20503; Attention: NCUA Desk Officer, with a copy to Tracy Crews at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

3. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposed rule does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has, therefore, determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

4. Assessment of Federal Regulations and Policies on Families

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

List of Subjects

12 CFR Part 721

Credit unions, Functions, Implied powers, Reporting and recordkeeping requirements.

12 CFR Part 741

Credit, Credit unions, Reporting and Recordkeeping requirements, Share insurance.

By the National Credit Union Administration Board, on June 19, 2014.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the National Credit Union Administration proposes to amend parts 721 and 741 as follows:

PART 721—INCIDENTAL POWERS

- 1. The authority citation for part 721 continues to read as follows:

Authority: 12 U.S.C. 1757(17), 1766, 1789.

- 2. In § 721.3, add paragraph (n) to read as follows:

§ 721.3 What categories of activities are preapproved as incidental powers necessary or requisite to carry on a credit union's business?

* * * * *

(n)(1) *Asset securitization activities.* Asset securitization activities are activities in which a federal credit union acts as the sponsor of an asset-backed security.

(i) *Purpose.* This section authorizes federal credit unions to offer and sell loans they have originated into securitization vehicles and sets minimum safety and soundness standards for securitization transactions.

(ii) *Scope.* This section applies to natural person federal credit unions.

(2) Definitions.

As used in this paragraph (n):

Asset-backed security has the same meaning as in section 3(a)(79) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(79)).

Bankruptcy remote means insulated from the consequences of any related party's insolvency.

Financial asset means cash or a contract or instrument that conveys to one entity a contractual right to receive

⁹ 5 U.S.C. 603(a); 12 U.S.C. 1787(c)(1).

¹⁰ 44 U.S.C. 3507(d); 5 CFR part 1320.

cash or another financial instrument from another entity.

Issuing entity means an entity that owns a financial asset or financial assets transferred by the sponsor and issues obligations supported by such asset or assets. Issuing entities may include, but are not limited to, corporations, partnerships, trusts, and limited liability companies and are commonly referred to as special purpose vehicles or special purpose entities. To the extent a securitization is structured as a multi-step transfer, the term issuing entity would include both the issuer of the obligations and any intermediate entities that may be a transferee. Notwithstanding the foregoing, a Specified GSE or an entity established or guaranteed by a Specified GSE does not constitute an issuing entity.

Obligation means a debt or equity (or mixed) beneficial interest or security that is primarily serviced by the cash flows of one or more financial assets or financial asset pools, either fixed or revolving, that by their terms convert into cash within a finite time period, or upon the disposition of the underlying financial assets, and by any rights or other assets designed to assure the servicing or timely distributions of proceeds to the security holders issued by an issuing entity. The term may include beneficial interests in a grantor trust, common law trust or similar issuing entity to the extent that such interests satisfy the criteria set forth in the preceding sentence, but does not include LLC interests, partnership interests, common or preferred equity, or similar instruments evidencing ownership of the issuing entity.

Originate means to make an extension of credit.

Recourse means an arrangement in which a credit union retains, in form or in substance, any credit risk directly or indirectly associated with an asset it has sold (in accordance with generally accepted accounting principles) that exceeds a pro rata share of the credit union's claim on the asset.

Residual interest means any on-balance sheet asset that represents an interest created by a transfer of financial assets through a securitization that exposes a federal credit union to credit risk directly or indirectly associated with the transferred assets that exceeds a pro rata share of the credit union's claim on the assets, whether through subordination provisions or other credit enhancement techniques.

Retained interest means an interest in a securitization held by the sponsor or issuing entity.

Securitize means to sponsor a securitization.

Securitization means the issuance by an issuing entity of obligations for which the investors are relying on the cash flow or market value characteristics and the credit quality of transferred financial assets (together with any external credit support permitted by this section) to repay the obligations.

Seller's interest means the ownership interest in the issuing entity's assets that have not been allocated to any investment certificate holder.

Specified GSE means each of the following: (i) The Federal National Mortgage Association and any affiliate thereof; (ii) Federal Home Loan Mortgage Corporation and any affiliate thereof; (iii) the Government National Mortgage Association; and (iv) any federal or state sponsored mortgage finance agency.

Sponsor means a person or entity that organizes and initiates a securitization transaction by transferring financial assets, either directly or indirectly, including through an affiliate, to an issuing entity, whether or not such person owns an interest in the issuing entity or owns any of the obligations issued by the issuing entity.

Transfer means (i) the conveyance of a financial asset or financial assets to an issuing entity; or (ii) the creation of a security interest in such asset or assets for the benefit of the issuing entity.

(3) *Securitization*. As a part of its business, a federal credit union may securitize and sell loans that it has originated. The purchase and re-underwriting of a loan does not constitute origination within the meaning of this paragraph.

(4) *Authority to create issuing entities*. A federal credit union is authorized to create issuing entities for the purpose of securitizing loans that it has originated. Any issuing entity created under this authority must be bankruptcy remote or otherwise isolated for insolvency purposes from the federal credit union.

(5) *Other minimum requirements*. A federal credit union engaged in securitization transactions, as authorized in paragraph (n)(3) of this section, must meet the following requirements.

(i) The federal credit union must with all applicable federal and state laws and regulations.

(ii) The federal credit union must put in place a risk management process that is independent of the securitization process to monitor securitization pool performance on an aggregate and individual transaction level.

(iii) The federal credit union's supervisory committee must obtain an annual audit of the credit union's

financial statements performed in accordance with generally accepted auditing standards by an independent licensed auditor. The financial statements subject to audit must include all aspects of accounting and disclosure for sponsored securitizations in accordance with generally accepted accounting principles.

(iv) The federal credit union's board of directors must possess a general understanding of asset securitization.

(v) The federal credit union's senior executive officers responsible for securitization activities must possess sufficient expertise to oversee those activities.

(vi) The federal credit union must have a credit union board approved policy, stating the purpose of securitization activities and establishing principles for their governance.

(vii) The federal credit union's internal audit or internal risk review function must periodically review data integrity, model algorithms, key underlying assumptions, and the appropriateness of the valuation and modeling process for the securitized assets retained by the federal credit union, and report the findings of such reviews directly to the federal credit union's board or an appropriate board member.

(6) *Residual interests and retained interests*.

(i) Any provision in part 703 of this chapter that limits a federal credit union's ability to hold a stripped mortgage backed security or residual interest in a collateralized mortgage obligation does not apply to such an instrument retained in the course of sponsoring a securitization transaction.

(ii) A federal credit union must employ reasonable and supportable valuation assumptions and modeling methodologies to establish, evaluate, and adjust the carrying value of residual interests and retained interests on a regular and timely basis and must recognize credit impairment for all residual interests and retained interests in accordance with generally accepted accounting principles.

(iii) A federal credit union must limit the maximum amount of all residual interests and retained interests to 25 percent of net worth. Residual interests and retained interests in pass-through securities, which assume a pro-rata share of risk, are not included in this limitation.

(7) *Implicit recourse prohibited*. A federal credit union may not provide post-sale credit support beyond the contractual obligations entered into at the time of issuance of a securitization transaction.

PART 741—REQUIREMENTS FOR INSURANCE

■ 3. Add § 741.226 to read as follows:

§ 741.226 Asset securitization.

Any credit union that is insured pursuant to Title II of the Act must adhere to the requirements stated in § 721.3(n) of this chapter.

[FR Doc. 2014-14926 Filed 6-25-14; 8:45 am]

BILLING CODE 7535-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 40**

[Docket No. RM14-7-000]

Modeling, Data, and Analysis Reliability Standards

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the Federal Power Act, the Commission proposes to approve Modeling, Data, and Analysis Reliability Standard MOD-001-2 developed by the North American Electric Reliability Corporation, which the Commission has certified as the Electric Reliability Organization responsible for developing and enforcing mandatory Reliability Standards.

DATES: Comments are due August 25, 2014.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- Mail/Hand Delivery: Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Michael Gandolfo (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone:

(202) 502-6817, Michael.Gandolfo@ferc.gov

Robert T. Stroh (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502-8473, Robert.Stroh@ferc.gov

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215(d) of the Federal Power Act (FPA),¹ the Commission proposes to approve Reliability Standard MOD-001-2 (Modeling, Data, and Analysis) developed by the North American Electric Reliability Corporation (NERC), which the Commission has certified as the Electric Reliability Organization (ERO) responsible for developing and enforcing mandatory Reliability Standards. Reliability Standard MOD-001-2 addresses the reliability issues associated with determinations of available transfer capability (ATC) and available flowgate capability (AFC). The Commission also proposes to approve the associated violation risk factors and violation severity levels and NERC's proposed retirement of the currently effective Reliability Standards MOD-001-1a, MOD-004-1, MOD-008-1, MOD-028-2, MOD-029-1a, and MOD-030-2.

I. Background

2. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards are enforced by the ERO, subject to Commission oversight, or by the Commission independently.

Development of ATC and AFC in Order Nos. 888, 889 and 890

3. NERC developed the currently-effective Reliability Standards MOD-001-1a, MOD-004-1, MOD-008-1, MOD-028-2, MOD-029-1a, and MOD-030-2 (Existing MOD A Standards) based on the obligation for transmission service providers to determine ATC and AFC, as those terms were introduced in Order Nos. 888 and 889.² Although

¹ 16 U.S.C. 824o(d) (2012).

² *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002). *Open Access Same-Time Information System*

Order Nos. 888 and 889 obligated each public utility to calculate and post ATC, formal methods for calculating ATC or AFC did not exist, nor did the Commission mandate the use of specific methodologies.

4. In February 2007 the Commission issued Order No. 890 and, among other things, sought to standardize the manner in which ATC/AFC was calculated.³ The Commission also noted that ATC/AFC calculations raise reliability issues, namely, the need for a transmission provider to know of its neighbors' system conditions affecting its own ATC values. As a result of this reliability concern, the Commission found that the proposed ATC reforms were also supported by FPA section 215, through which the Commission has the authority to direct the ERO to submit a Reliability Standard that addresses a specific matter.⁴ Thus, the Commission in Order No. 890 directed the development of Reliability Standards, using the ERO's Reliability Standards development process, that provide for consistency and transparency in the methodologies used by transmission owners to calculate ATC. The Commission found that, if all of the ATC components and certain data inputs and certain assumptions are consistent, the ATC calculation methodologies would produce predictable and sufficiently accurate, consistent, equivalent and replicable results.⁵

Order Nos. 693 and 729

5. On March 16, 2007, the Commission issued Order No. 693, approving 83 of the 107 Reliability Standards filed by NERC in April 2006.⁶ Of the 83 approved Reliability Standards, the Commission approved ten MOD Reliability Standards. In addition, the Commission directed NERC to prospectively modify nine of the ten approved MOD Reliability

(Formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035, at 31,749 (1996), *order on reh'g*, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049, *order on reh'g*, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

³ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, at P 68, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

⁴ See 16 U.S.C. 824o(d)(5).

⁵ Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 210.

⁶ *Mandatory Reliability Standards for the Bulk Power System*, Order No. 693, FERC Stats. & Regs. ¶ 31,242, *order on reh'g*, Order No. 693-A, 120 FERC ¶ 61,053 (2007).

Standards to be consistent with the requirements of Order No. 890.⁷ In Order No. 693, the Commission reiterated its concerns with respect to ATC articulated in Order No. 890 and directed NERC and the industry to develop Reliability Standards that provide for consistency and transparency in the methodologies used by transmission providers to calculate ATC.⁸ The Commission directed public utilities, working through the NERC Reliability Standards and North American Energy Standards Board (NAESB) business practices development processes, to produce solutions to implement the ATC-related reforms adopted by the Commission.

6. In response to the requirements of Order No. 890 and related directives of Order No. 693, NERC developed the Existing MOD A Standards, which the Commission approved in Order No. 729.⁹ The Existing MOD A Standards standardized the manner in which ATC/AFC is determined and required the documentation and sharing of ATC/AFC methodologies. In approving the Existing MOD A Reliability Standards in Order No. 729, the Commission also directed NERC to modify certain aspects of those standards.

II. NERC Petition

7. NERC states that proposed Reliability Standard MOD-001-2 replaces, consolidates and improves upon the Existing MOD A Standards by establishing a framework that comprehensively addresses the reliability concerns raised in Order Nos. 693, 890 and 729. According to NERC, ATC and AFC values “are commercial in nature, representing the amount of unused transmission capacity that a Transmission Service Provider is willing to make available for sale to third parties. The purpose of proposed

MOD-001-2 is to help ensure that determinations of ATC and AFC are accomplished in a manner that supports the reliable operation of the Bulk-Power System.”¹⁰ NERC explains that the consolidation of the reliability-based requirements of the currently-effective MOD A Standards into a single standard focused exclusively on requirements necessary to protect reliability “is consistent with the ERO’s jurisdiction over reliability matters and NERC’s primary mission to develop standards that support the reliable operation of the Bulk-Power System.”¹¹ With regard to other provisions of the Existing MOD A Standards, NERC recognizes that:

Certain of the requirements from the Existing MOD A Standards that are not included in the proposed Reliability Standard may be necessary for market or commercial purposes. Accordingly, NERC formally requested that NAESB, which administers business practice standards for the electric industry, consider whether any of the “retired” requirements are appropriate for incorporation into NAESB’s WEQ Standards to help maintain a non-discriminatory market for transmission service. NERC understands that NAESB, working through its business practice development process, is considering whether to incorporate into its WEQ Standards those elements from the Existing MOD A Standards, if any, that relate to commercial or business practices.¹²

8. NERC explains that proposed Reliability Standard MOD-001-2 helps ensure that: (1) ATC/AFC and total transfer capability and total flowgate capacity determinations account for system limits and relevant system conditions; (2) ATC/AFC, total transfer capability, total flowgate capacity, capacity benefit margin¹³ and transmission reliability margin¹⁴ methodologies are documented and available to any registered entity with a demonstrated reliability need for such

information; (3) the data supporting those determinations are available to those entities who need such data to conduct their own determinations; and (4) any entity with a reliability need has a mechanism for requesting that the transmission service provider or the transmission operator respond to requests for clarifications regarding their ATC/AFC, total transfer capability, total flowgate capacity, capacity benefit margin and transmission reliability margin methodologies.

9. Further, NERC states that the proposed Reliability Standard addresses the Commission directives in Order No. 729, to the extent that the directives relate to the reliability requirements retained in proposed MOD-002-1.¹⁵ According to NERC, NAESB may consider whether Commission directives that relate to requirements not retained in the proposed Reliability Standard are appropriately addressed in its Wholesale Electric Quadrant (WEQ) Standards.

10. NERC proposes six requirements in proposed Reliability Standard MOD-001-2.¹⁶ Requirements R1 through R4 require documentation of the methodologies for determining ATC/AFC, total transfer capability, total flowgate capacity, capacity benefit margin and transmission reliability margin, respectively. Requirements R5 and R6 address information and data sharing. In particular, Requirement R5 requires each transmission operator and transmission service provider to provide, upon request, a written response to any request for clarification of its methodologies described in Requirements R1 through R4. Requirement R6 provides a data sharing mechanism that allows each transmission operator and transmission service provider to access the best available data (e.g., load forecasts, expected dispatch, planned outages) for use in methodologies described in Requirements R1 through R4.

⁷ Order No. 693, FERC Stats. & Regs. ¶ 31,242 at P 1010.

⁸ *Id.* PP 1020-1034.

⁹ *Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System*, Order No. 729, 129 FERC ¶ 61,155 (2009), *order on clarification*, Order No. 729-A, 131 FERC ¶ 61,109 (2010), *order on reh’g*, Order No. 729-B, 132 FERC ¶ 61,027 (2010).

¹⁰ Petition at 2.

¹¹ *Id.* at 27.

¹² *Id.*

¹³ Capacity benefit margin is a component of ATC/AFC and “represents the amount of transmission capacity that needs to be set aside for Load Serving Entities (LSEs) to meet certain generation reliability requirements.” Petition at 3.

¹⁴ Transmission reliability margin is a component of ATC/AFC and “represents the amount of transmission transfer capacity that needs to be set aside to establish margins for system reliability.” *Id.*

¹⁵ *Id.* at 6, 28-37.

¹⁶ Proposed Reliability Standard MOD-001-2 is not attached to the NOPR. The complete text of the Reliability Standard is available on the Commission’s eLibrary document retrieval system in Docket No. RM14-7-000 and is posted on the ERO’s Web site, available at <http://www.nerc.com>.

Implementation Plan

11. NERC requests that the Commission approve proposed Reliability Standard MOD-001-2 and the retirement of the Existing MOD A Standards effective on the first day of the first calendar quarter that is 18 months after the date that the proposed standard is approved by the Commission.¹⁷ NERC states that the proposed implementation period “is intended to provide NAESB sufficient time to include in its WEQ Standards, prior to the effective date of proposed MOD-001-2 and the retirement of the Existing MOD A Standards, those requirements from the Existing MOD A Standards, if any, that relate to commercial or business practices and are not included in proposed Reliability Standard MOD-001-2.”¹⁸ NERC adds that if NAESB and its members determine that requirements from the Existing MOD A Standards need to be incorporated into the WEQ Standards, 18 months will provide NAESB time, working through its business practice development process, to adopt revised WEQ Standards and for the Commission to incorporate by reference those revised WEQ Standards into its regulations. NERC states that if the proposed implementation period does not provide NAESB sufficient time to consider the issues, “NERC is committed to working with NAESB and Commission staff to address any timing issues.”¹⁹ Further, NERC states that it has requested that NAESB adopt any revised WEQ Standards to become effective on the same date that the proposed MOD-001-2 and the retirement of the Existing MOD A Standards will become effective.

III. Discussion

12. Pursuant to section 215(d)(2) of the FPA, the Commission proposes to approve Reliability Standard MOD-001-2 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. We also propose to approve the associated violation risk factors and violation severity levels as well as the retirement of the currently-effective MOD A Standards as requested by NERC.

13. Proposed Reliability Standard MOD-001-2 appears to adequately address the Commission concerns and directives in Order Nos. 890, 693 and 729. In addition, it appears that proposed Reliability Standard MOD-001-2 will enhance reliability by imposing

mandatory requirements governing ATC calculations, thereby providing greater transparency to the methodologies used for the reliability components of the ATC equation.²⁰ We also believe that there is merit in NERC’s proposal to consolidate the reliability-based requirements of the Existing MOD A Standards into a single standard, while coordinating with NAESB to develop NAESB WEQ Standards that pertain to the commercial aspects of ATC calculations. We seek comment on this aspect of NERC’s proposal.

14. With regard to the implementation plan, NERC explains that the proposed effective date—the first day of the first calendar quarter that is 18 months after Commission approval—is designed to allow NAESB to develop related commercial standards that would take effect concurrently with MOD-001-2. While NERC’s implementation schedule appears reasonable, we are concerned about a potential “gap” should the retirement of the currently-effective MOD A Standards occur prior to effective date of corresponding NAESB WEQ business practices. Accordingly, we seek comment from NAESB and others whether 18 months from the date of Commission approval provides adequate time for NAESB to develop related business practices associated with ATC calculations or whether additional time may be appropriate to better assure synchronization of the effective dates for the proposed Reliability Standard and related NAESB practices. Further, while NERC states that it is “committed to working with NAESB and Commission staff to address any timing issues,”²¹ we seek further elaboration on specific actions NERC could take to assure synchronization of the effective dates.

IV. Information Collection Statement

15. The collection of information contained in this Notice of Proposed Rulemaking is subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.²² OMB’s regulations require approval of certain information collection requirements imposed by agency rules.²³ Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the

collections of information display a valid OMB control number.

16. We solicit comments on the need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents’ burden, including the use of automated information techniques. Specifically, the Commission asks that any revised burden or cost estimates submitted by commenters be supported by sufficient detail to understand how the estimates are generated.

17. This notice proposes to approve Reliability Standard MOD-001-2 and to retire Reliability Standards MOD-001-1a, MOD-004-1, MOD-008-1, MOD-028-2, MOD-029-1a, and MOD-030-2. Proposed Reliability Standard MOD-001-2 will ensure that ATC calculations are determined in a manner that supports the reliable operation of the Bulk-Power System and that the methodology and data underlying those determinations are disclosed to those registered entities that need such information for reliability purposes.

Public Reporting Burden: Proposed Reliability Standard MOD-001-2 does not require responsible entities to file information with the Commission. However, the Reliability Standard requires applicable entities to develop and maintain certain information, subject to audit by a regional entity. In particular, transmission owners and transmission service providers, with the exception of transmission owners and transmission service providers within the Electric Reliability Council of Texas (ERCOT), must “have evidence” to show that methodologies of total flowgate capability or total transfer capability and AFC and ATC, as well as capacity benefit margin and transmission reliability margin methodologies. Our estimate below regarding the number of respondents is based on the NERC compliance registry as of March 26, 2014. According to the NERC compliance registry, NERC has registered 170 transmission operators (excluding transmission operators within ERCOT) and 93 transmission service providers (excluding transmission service providers in ERCOT). However, under NERC’s compliance registration program, entities may be registered for multiple functions, so these numbers incorporate some double counting. The number of unique entities responding will be approximately 186 entities registered as a transmission operator or a transmission service provider

¹⁷ See Petition at 38 and Exhibit B (Implementation Plan) at 1.

¹⁸ *Id.* at 38.

¹⁹ *Id.*

²⁰ See, e.g., Petition at 17, 22, 24, 26, and 30–31.

²¹ Petition at 38.

²² 44 U.S.C. 3507(d) (2012).

²³ 5 CFR 1320.11 (2013).

(excluding transmission operators and transmission service providers in ERCOT). The Commission estimates the annual reporting burden and cost as follows:

	Number and type of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden and cost per response (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Cost per respondent ²⁴ (5) ÷ (1)
(One-time) Review and documentation of methodology for TFC or TTC and TRM.	170 (TOP)	1	170	20 hrs. and \$1192	3,400 hours and \$202,708	\$1192
(One-time) Review and documentation of methodology for AFC or ATC and CBM.	93 (TSP)	1	93	20 hrs. and \$1192	1,860 hours and \$110,893	\$1192
(On-going) Record retention (of methodology) and requests for data.	170 (TOP) + 93 (TSP) ²⁵ ..	1	186	2 hrs. and \$57.90	372 hours and \$10,769	\$57.90
(On-going) Retirement of Transmission Planner, Load-Serving Entity, and Balancing Authority applicability.	180 (TP) + 492 (LSE) + 107 (BA) ²⁶ .	1	-551	-3 hrs. and -\$178.86	-1,653 hours and -\$98,551.86.	-\$178.86
(On-going) Retirement of non-reliability function requirements.	170 (TOP) + 93 (TSP)	1	-186	-16 hrs. and -\$953.92 ..	-2,976 and -\$177,429.12.	-\$953.52
Total	-288	1003, \$48,389.02.		

Title: Mandatory Reliability Standards for the Bulk-Power System: MOD Reliability Standards.

Action: Proposed FERC-725L.

OMB Control No: 1902-0261

Respondents: Businesses or other for-profit institutions; not-for-profit institutions.

Frequency of Responses: One-time and ongoing.

Necessity of the Information: Reliability Standard MOD-001-2, if adopted, would implement the Congressional mandate of the Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation's Bulk-Power System. Specifically, the purpose of the proposed Reliability Standard is to ensure that determinations of ATC are determined in a manner that supports the reliable operation of the Bulk-Power System and that the methodology and data underlying those determinations are disclosed to those registered entities that need such information for reliability purposes. The proposed Reliability Standard requires entities to maintain records subject to review by

the Commission and NERC to ensure compliance with the Reliability Standard.

Internal Review: The Commission has reviewed the requirements pertaining to the proposed Reliability Standard for the Bulk-Power System and determined that the proposed requirements are necessary to meet the statutory provisions of the Energy Policy Act of 2005. These requirements conform to the Commission's plan for efficient information collection, communication and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

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

19. Comments concerning the information collections proposed in this NOPR and the associated burden estimates should be sent to the Commission in these dockets and may also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments should be sent by email to OMB at the following email address: oir_submission@omb.eop.gov.

Please reference FERC-725Q and the docket numbers of this Notice of Proposed Rulemaking (Docket No. RM14-7-000) in your submission.

V. Regulatory Flexibility Act Certification

20. The Regulatory Flexibility Act of 1980 (RFA)²⁷ generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and that minimize any significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA's) Office of Size Standards develops the numerical definition of a small business.²⁸ The SBA recently revised its size standard for electric utilities (effective January 22, 2014) to a standard based on the number of employees, including affiliates (from a standard based on megawatt hours).²⁹ Under SBA's new size standards, generator owners, distribution providers, and transmission owners likely come under one of the following categories and associated size thresholds:³⁰

- Hydroelectric power generation, at 500 employees

²⁴ The estimated hourly costs (salary plus benefits) are based on Bureau of Labor and Statistics (BLS) information (available at http://bls.gov/oes/current/naics3_221000.htm#17-0000) for an electrical engineer (\$59.62/hour for review and documentation), and for a file clerk (\$28.95/hour for record retention).

²⁵ 170 TOPs and 93 TSPs result in 186 unique and separate respondents for the record retention requirement.

²⁶ 180 TPs, 492 LSEs, and 107 BAs result in 551 unique and separate respondents.

²⁷ 5 U.S.C. 601-612.

²⁸ 13 CFR 121.101 (2013).

²⁹ SBA Final Rule on "Small Business Size Standards: Utilities," 78 FR 77343 (12/23/2013).

³⁰ 13 CFR 121.201, Sector 22, Utilities.

- Fossil fuel electric power generation, at 750 employees
- Nuclear power generation, at 750 employees
- Other electric power generation (e.g. solar, wind, geothermal, and others), at 250 employees
- Electric bulk power transmission and control, at 500 employees
- Electric power distribution, at 1,000 employees.

21. Based on U.S. economic census data,³¹ the approximate percentages of small firms in the above categories varies from 24 percent to 94 percent. However, currently the Commission does not have information on how the economic census data compare with entities registered with NERC and is unable to estimate the number of small transmission service providers and transmission operators using the new SBA definitions. Regardless, the Commission recognizes that the rule will likely impact small transmission service providers and transmission operators and estimates the economic impact on each entity below.

22. Proposed Reliability Standard MOD-001-2 will serve to enhance reliability by imposing mandatory requirements governing total flowgate capability or total transfer capability and AFC or ATC methodologies, as well as capacity benefit margin and transmission reliability margin methodologies, to be used in modeling. The Commission estimates that each of the small entities to whom proposed Reliability Standard MOD-001-2 applies will incur one-time compliance costs of \$1,192 (i.e. the cost of drafting methodologies), plus paperwork and record retention costs of \$57.90 (annual ongoing).³² Per entity, the total one-time implementation costs are estimated to be \$1,192 (including paperwork and non-paperwork costs) and the annual ongoing costs are estimated to be \$57.90.

23. Furthermore, the removal of applicable entities from the proposed retirement of Reliability Standards reduces the total burden on transmission providers, load-serving entities, and balancing authorities for an annual savings of \$238.48 per entity.³³

³¹ Data and further information are available from SBA available at <http://www.sba.gov/advocacy/849/12162>.

³² The one-time paperwork-related implementation cost estimate is based on a burden of 20 hours at \$59.62/hour, and the annual record-keeping cost estimate is based on a burden of 2 hours at \$28.95/hour. See *supra* at 21 and P 1 note/39.

³³ \$238.48 = \$59.62 (hourly review and documentation cost) + \$178.86 (cost per entity due to retirement of applicability of TPs, LSEs, and BAs).

Additionally, NERC proposes the retirement of several requirements because they do not have a reliability purpose for the transmission operators and transmission service providers. This retirement results in an annual savings of \$1,192.40 per entity. The Commission does not consider the estimated costs per small entity to have a significant economic impact on a substantial number of small entities. Accordingly, the Commission certifies that this NOPR will not have a significant economic impact on a substantial number of small entities.

VI. Environmental Analysis

24. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.³⁴ The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.³⁵ The actions proposed herein fall within this categorical exclusion in the Commission's regulations.

VII. Comment Procedures

25. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due August 25, 2014. Comments must refer to Docket No. RM14-7-000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

26. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

27. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission,

³⁴ *Regulations Implementing the National Environmental Policy Act of 1969*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Regulations Preambles 1986-1990 ¶ 30,783 (1987).

³⁵ 18 CFR 380.4(a)(2)(ii).

Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

28. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VIII. Document Availability

29. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington DC 20426.

30. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

31. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

By direction of the Commission.

Issued: June 19, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014-14850 Filed 6-25-14; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 38

RIN 2900-AO99

Reimbursement for Caskets and Urns for Burial of Unclaimed Remains in a National Cemetery

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs National Cemetery Administration (NCA) proposes to

amend its regulations to establish a new program to furnish caskets and urns for the interment of the remains of veterans with no known next-of-kin (NOK) where sufficient financial resources are not available for this purpose. This rulemaking is necessary to implement new statutory authority by establishing procedures to provide reimbursement for privately purchased caskets or urns and to otherwise administer the new program. This proposed rule would implement a portion of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (the Act).

DATES: Comments must be received on or before July 28, 2014.

ADDRESSES: Written comments may be submitted through <http://www.Regulations.gov>; by mail or hand-delivery to: Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273-9026 (this is not a toll free number). Comments should indicate that they are submitted in response to "RIN 2900-AO99—Reimbursements for Caskets and Urns for Burial of Unclaimed Remains in a National Cemetery." Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461-4902 for an appointment. (This is not a toll free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Cynthia Riddle, Office of Field Programs (41A), National Cemetery Administration (NCA), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Telephone: (202) 461-6306 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 10, 2013, Congress enacted the "Dignified Burial and Other Veterans' Benefits Improvement Act of 2012" (the Act), Public Law 112-260, 126 Stat. 2417 (2013), section 101 of which amended 38 U.S.C. 2306 to authorize the Department of Veterans Affairs (VA) National Cemetery Administration (NCA) to furnish a casket or urn for interment in a VA national cemetery of the unclaimed remains of veterans for whom VA cannot identify a next of kin (NOK) and determines that sufficient financial resources for the furnishing of a casket or urn for burial are not

available. VA proposes to add a new § 38.637 to part 38 of title 38 of the Code of Federal Regulations (CFR) to implement this new statutory authority by providing a monetary reimbursement for privately purchased caskets or urns that meet NCA standards and are used to inter the remains of such veterans in VA national cemeteries.

NCA is responsible for administering cemetery programs and memorial benefits, which include the provision of medallions, headstones, and markers, as well as burial in a VA national cemetery for eligible veterans and their family members. Section 2402 of title 38, United States Code, establishes eligibility requirements for burial in a VA national cemetery. For eligible veterans and certain family members, VA covers the cost of interment in a VA national cemetery and provides a headstone or marker (including inscription), as well as a gravesite or cremation niche and perpetual care of the gravesite or cremation niche. The Act authorizes VA to furnish a casket or urn for the burial in a national cemetery of the remains of a veteran with no known NOK and where sufficient financial resources are not otherwise available. Because VA's burial operations do not normally include the acquisition or provision of a casket or an urn, VA is proposing to provide monetary reimbursement for a privately purchased casket or urn for the burial of any veterans whose remains are unclaimed when no NOK can be identified and it is determined that insufficient financial resources are available to pay for cost of the casket or urn. VA believes that monetary reimbursement is a more efficient means to administer this authority because direct provision of caskets and urns would create additional administrative duties and expenses, outside the scope of normal operations, which may impact the timely provision of burial services.

When veterans and other individuals die without sufficient funds for burial and no known NOK, third parties, such as public administrators, local coroners, funeral directors or volunteer organizations, often assume responsibility for the burial of unclaimed remains, to include the provision of a casket or urn for burial at private or public expense. By establishing a means to reimburse these third parties for the expense of a burial receptacle, VA would ensure that these veterans receive an appropriate burial in a national cemetery consistent with Congress' stated objective in enacting the amendment to 38 U.S.C. 2306. Requests for reimbursement would require presentation of an invoice to

ensure accountability and quality of the purchased casket or urn, but would be limited to an average cost to ensure appropriate fiscal control.

In paragraph (a) of proposed 38 CFR 38.637, we would state the general applicability of the reimbursement program, which is based on the authority set forth in the Act. Because the Act directs that burial will be in a national cemetery, VA would determine whether the deceased veteran is eligible for burial in one of the VA national cemeteries. Generally, eligibility requirements are set forth in § 38.620. Sections 38.617 and 38.618 contain prohibitions for burial in certain circumstances, and the Act contained new restrictions, based on a deceased veteran's conviction of certain sex offenses, for which VA has not yet published regulations. These legal requirements would also be considered in determining whether a deceased veteran is eligible for burial in a national cemetery.

Paragraphs (a)(1) and (2) of § 38.637 state the additional requirements that were set forth in the Act which define when VA may furnish a burial receptacle. As stated previously, the Act provided authority for VA to furnish a casket or an urn when VA is unable to identify the veteran's next-of-kin and determines that sufficient resources to purchase the burial receptacle are not otherwise available. These requirements are discussed below.

In paragraph (b) of § 38.637, we propose the requirements necessary for an individual or entity to request reimbursement. To ensure consistent process and submission of information, VA has developed a form to be used for requesting reimbursement. VA has separately requested the Office of Management and Budget approval of the form and published a notice requesting comment on the information collection, as required by the Paperwork Reduction Act. See Paperwork Reduction Act section below.

As proposed, the form and any supporting documentation would provide information sufficient for VA to make determinations regarding the veteran's eligibility for burial in a national cemetery, and the availability of the veteran's next-of-kin and resources for purchasing a burial receptacle. The individual or entity that seeks reimbursement must have attempted to identify both the next-of-kin and available resources. In some cases, an applicant may explain that a veteran's remains have been deemed abandoned based on State law, or describe circumstances that would reasonably lead the applicant to

conclude that the veteran's remains are unclaimed by a NOK and sufficient funds are not available for a casket or urn. For purposes of this rulemaking, VA may determine whether a NOK's refusal to arrange for the veteran's burial is deemed the same as the veteran having no next of kin. VA cannot compel an identified NOK who is unwilling or unable to assume responsibility for the deceased veteran's burial. In such cases, VA may recognize third parties who may be substituted in place of a NOK to inter the remains of deceased veterans that would otherwise remain unclaimed. VA would use its own internal resources to verify information about a deceased veteran's NOK and available financial resources, and in the absence of contrary evidence, the applicant's certifications would be accepted and the request for reimbursement would be accepted.

In paragraphs (b)(4) and (5) of § 38.637, we propose to require the individual or entity to submit an invoice showing the purchase price of the burial receptacle and information sufficient for VA to determine that the burial receptacle is compliant with certain minimum standards. We are aware that burial receptacles available for purchase, particularly caskets, are available in a wide array of materials and in a range of prices. The Federal Trade Commission (FTC), which has authority to regulate funeral industry practices, defines a "casket" in part 453 of title 16 of the Code of Federal Regulations as "a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric." In addition, the FTC regulation provides a definition of an "alternative container," which we construe as applicable to cremation urns. An "alternative container" is defined as "an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering), or like materials." VA proposes to establish minimum specifications for a casket or urn eligible for reimbursement based on these definitions, but refined to ensure a "dignified burial." See 38 U.S.C. 2306(f). By establishing minimum specifications, we do not prohibit individuals or entities from purchasing burial receptacles of higher standard; however, reimbursement would be

subject to the maximum rate discussed below.

In paragraph (b)(5)(i) of § 38.637, we propose to require that purchased caskets be at least of 20-gauge metal construction. Although both VA and the individual or entity would have attempted to locate a NOK, there is the possibility that, in the future, someone may come forward to claim a veteran's remains and seek to reinter them somewhere other than a national cemetery. VA believes, based on our experience, that a casket crafted of 20-gauge metal would ensure the integrity of the remains should disinterment and reinterment be required. While other heavier weights of metal caskets are available, we propose that 20-gauge would be a minimum required for reimbursement. This is a standard economical option that is generally available from major vendors of caskets and is in keeping with our intent to provide a durable yet affordable casket.

We would also require that the casket be designed to contain human remains. Not all metal containers are appropriate for burial, nor would any metal container ensure the dignity we expect when burying our nation's veterans. Generally, caskets are of a consistent size, but we do not propose to regulate this element, other than to require that the casket be of sufficient size to contain the remains of the deceased. We note, for information, that the normal plot size in a national cemetery will accommodate caskets up to 82 inches long by 28 inches wide. Larger caskets, however, may be accommodated when necessary. We further propose design elements—that the casket have a gasketed seal and external rails or handles—to ensure integrity of the remains and to allow the casket to be raised and lowered as needed.

We propose to require that urns be constructed of durable plastic, with a secure closure to contain the cremated remains. As with caskets, our proposal for the material is based on our concern that we may need to disinter and reinter these remains. VA national cemeteries provide direct in-ground burial for cremated remains, as well as niches in columbaria. We propose to require durable plastic construction to ensure the integrity of the remains in either case. Similar to our requirement for caskets, we require that the urn be designed for containing cremated human remains, because not all plastic containers are suitable for this purpose.

We note that while these specifications are required for reimbursement under this regulation, they do not reflect a requirement that all caskets or urns used in burials in

national cemeteries must meet. VA is committed to ensuring that the wishes of a veteran's family are paramount in burying their loved one. Some families may choose to provide a casket or urn for their veteran that does not meet the standards discussed above. They may even choose, for religious or cultural reasons, to not have a burial container at all. VA endeavors at all times to adhere closely to the wishes of a deceased veteran's family, so we would honor these wishes, providing we can do so while ensuring not only public health and safety but the health and safety of VA employees. In the case of unclaimed remains for which we are furnishing (through reimbursement) a casket or urn, we propose the standards defined above to ensure that each veteran, in the absence of a family member to make such determinations, is laid to rest in a consistently dignified manner.

VA would visually inspect the casket or urn when it arrives at the national cemetery to ensure that it corresponds to the description on the invoice. Provided that visual inspection and the documentation confirm that the burial receptacle meets the specifications defined above, VA proposes to reimburse the individual or entity for the purchase price shown on the invoice, up to a maximum amount to protect the program from abuse. The Act requires VA to ensure the burial receptacle is "appropriate for a dignified burial." As discussed above, we believe the standards we have provided would ensure a dignified burial. We do not prohibit an individual or entity from purchasing a burial receptacle that exceeds these standards. However, if VA were to reimburse for any purchase, without limit, we would jeopardize our ability to provide even the most reasonable burial for other deserving veterans. We propose, therefore, in paragraph (c) of § 38.637, to determine the average cost of caskets and urns for the fiscal year preceding calendar year of the purchase and burial, and use that average as a maximum reimbursement limit. Our authority under the Act began on January 10, 2014, therefore all reimbursements for purchases of burial receptacles for individuals who die between January 10, 2014 and December 31, 2014, would be subject to a maximum reimbursement limit based on the average cost of a casket or urn meeting the proposed specification available for purchase during the fiscal year from October 1, 2012 through September 30, 2013. By using the calendar year for the reimbursement, and the fiscal year for the average cost

calculation, we provide a three month time frame during which we would calculate the costs for the fiscal year, and develop and publish a notice in the **Federal Register** to alert individuals and entities of the maximum reimbursement that would be allowed before the beginning of the calendar year.

This proposed rulemaking is being published after the effective date of the Act (January 10, 2014). Because individuals and entities who were responsible for the unclaimed remains of veterans may have purchased burial receptacles for those remains before the publication of this proposed rule without knowing VA's intended standards for at least 20-gauge metal construction of caskets or durable plastic construction of urns, VA would consider a limited deviation from those standards to allow reimbursement for purchases that do not meet those standards. This deviation is only for the standard that requires a casket to be of at least 20-gauge metal construction or an urn to be of durable plastic construction. All other requirements contained in the proposed regulation would apply, including required gasketed seals and handles or rails, as well as requirements regarding the eligibility of the veteran for burial, lack of a NOK, and insufficient resources to purchase a burial receptacle. If, before the publication date of the proposed rulemaking, an individual or entity purchased a casket or urn for burial in a VA national cemetery of the remains of a veteran who died after January 10, 2014, and the burial receptacle is not at least a 20-gauge metal casket or a durable plastic urn, VA would reimburse the purchase price of the burial receptacle, providing all other criteria in the proposed regulation are met. The reimbursement amount would be subject to the maximum reimbursement amount calculated for 2014.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a

significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612, because the number of claims and the amounts involved are expected to be small. This rule would only impact those third parties and entities that choose to participate in this program. Payments made under this program are not intended as benefits but to provide reimbursement for privately purchased caskets and urns. We estimate the average price of a burial receptacle (and therefore the average reimbursement) would be less than \$2,000 for caskets and less than \$200 for urns. We also estimate that the total number of reimbursements for 2014 would be 338 caskets and 332 urns. Because the proposed rulemaking provides for a reimbursement, the individual or entity purchasing the burial receptacle would recoup the purchase price, up to the maximum rate established annually. Generally this would result in the individual or entity avoiding a financial loss for having made the purchase. But, because the reimbursement would be equal to the purchase price of the burial receptacle, the individual or entity would not experience any gain. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

VA has developed an application, VA Form 40–10088, which constitutes a collection of information under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) that requires approval by the Office of Management and Budget (OMB). Under the PRA, 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) and includes Agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, VA has submitted for publication notice of the proposed collection of information recommended in this rulemaking.

In accordance with the PRA, VA will solicit public comment and obtain OMB approval for any information collection included in this proposed rule. Prior to publication of any final rule, VA will analyze public comments received for this collection requirement.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a “significant regulatory action,” which requires review by the Office of Management and Budget (OMB), as “any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.”

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at

<http://www.regulations.gov>, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at <http://www1.va.gov/orpm/>, by following the link for "VA Regulations Published."

Comment Period

Although Executive Order 12866 generally requires that agencies afford the public a 60-day comment period, VA has determined that good cause exists to limit the public comment period for this proposed rule to 30 days. This rulemaking is necessary to implement the statutory changes enacted in Public Law 112-260 to increase the availability of benefits for veterans whose remains are unclaimed where sufficient resources are not available for burial expenses. VA must implement the new casket and urn authority in regulation to inform the public of reimbursement amounts, application procedures, and standards for the caskets or urns. These statutory provisions became effective on January 10, 2014, one year after the enactment date of the law. Accordingly, we are providing a 30-day comment period for the public to comment on the proposed rule.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance program number and title for this proposed rule are 64.201, National Cemeteries.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veteran Affairs, approved this document on June 13, 2014, for publication.

List of Subjects in 38 CFR Part 38

Administrative practice and procedure, Cemeteries, Veterans.

Dated: June 18, 2014.

William F. Russo,

Deputy Director, Office of Regulation Policy & Management, Office of the General Counsel, U.S. Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 38 as set forth below:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 2306, 2402, 2403, 2404, 2408, 2411, 7105.

■ 2. Add § 38.637 to read as follows:

§ 38.637. Reimbursement for caskets and urns for unclaimed remains of Veterans.

(a) VA will reimburse any individual or entity for the actual cost of a casket or an urn, purchased by the individual or entity for the burial in a national cemetery of an eligible veteran who died on or after January 10, 2014, for whom VA:

(1) Is unable to identify the veteran's next-of-kin; and

(2) Determines that sufficient resources are otherwise unavailable to furnish the casket or urn.

(b) An individual or entity may request reimbursement from VA under paragraph (a) of this section by completing and submitting VA Form 40-10088, and supporting documentation, in accordance with the instructions on the form. Prior to approving reimbursement VA must find all of the following:

(1) The veteran is eligible for burial in a VA national cemetery;

(2) The individual or entity has certified that they cannot identify the veteran's next-of-kin, and VA's records do not identify a next-of-kin;

(3) The individual or entity has certified that, to the best of their knowledge, sufficient resources are otherwise unavailable to furnish the casket or urn, and VA's records do not indicate such resources;

(4) The invoice presented by the individual or entity clearly indicates the purchase price of the casket or urn purchased by the individual or entity; and

(5) The invoice presented by the individual or entity contains information sufficient for VA to determine, in conjunction with a visual inspection, that the casket or urn meets the following minimum standards:

(i) Caskets must be of 20-gauge metal construction, designed for containing human remains, sufficient to contain the remains of the deceased veteran, include a gasketed seal, and include external fixed rails or swing arm handles.

(ii) Urns must be of durable plastic construction, with a secure closure to contain the cremated remains, and must be designed for containing cremated human remains.

(c) Reimbursement under paragraph (a) of this section will not exceed the average cost of the casket or urn, as determined by VA and published annually in the **Federal Register**.

(d) If, before June 26, 2014, an individual or entity purchased a casket or urn for burial in a VA national cemetery of the remains of a veteran who died after January 10, 2014, and the burial receptacle is not at least a 20-gauge metal casket or a durable plastic urn, VA will reimburse the purchase price of the burial receptacle, providing all other criteria in this regulation are met. The reimbursement amount will be subject to the maximum reimbursement amount calculated for 2014.

(Authority: 38 U.S.C. 2306, 2402, 2411)

[FR Doc. 2014-14651 Filed 6-25-14; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2005-OH-0002; FRL-9912-60-Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; supplemental.

SUMMARY: On June 27, 2005, the Environmental Protection Agency (EPA) proposed action on particulate matter rule revisions that Ohio submitted on June 4, 2003. While EPA subsequently took final action with respect to provisions that it proposed to approve, EPA has not taken final action with respect to provisions relating to opacity limitations that EPA proposed to disapprove on June 27, 2005. EPA is evaluating the public comments received in response to the proposed disapproval published on June 27, 2005.

EPA believes that events subsequent to the publication of the proposed disapproval and the associated comment period have not altered the criteria for evaluating Ohio's rule revisions relating to opacity and have not otherwise influenced whether the rule revisions should be disapproved, as proposed. Nevertheless, given the passage of time, EPA is soliciting supplemental comment specifically with respect to whether events subsequent to the prior comment period should alter EPA's proposed disapproval of Ohio's June 4, 2003, submission with respect to SIP opacity

limitations. EPA is not soliciting comments on Ohio's submission or EPA's proposed June 27, 2005, action on that submission, except to the extent that events subsequent to the original comment period are relevant to EPA's evaluation of the submission and EPA's proposed action. This is not a re-opening of the original comment period, but the opening of a supplemental comment period, as described further below.

DATES: Comments must be received on or before July 28, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2005-OH-0002, by one of the following methods:

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

2. *Email*: aburano.douglas@epa.gov.

3. *Fax*: (312) 692-2551.

4. *Mail*: Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18)), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery*: Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18)), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA-R05-OAR-2005-OH-0002. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment

that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone John Summerhays, Environmental Scientist, at (312) 886-6067, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18)), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6067, summerhays.john@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 4, 2003, Ohio submitted revisions to particulate matter rules in the EPA approved SIP for the state, in Ohio Administrative Code (OAC) Chapter 3745-17. These revisions included significant revisions to Ohio's requirements regarding opacity limits applicable to various sources, reflected in revisions to OAC 3745-17-03. Among other changes, these revisions provided that sources meeting certain criteria, including operating a continuous opacity monitoring system (COMS) in compliance with pertinent data quality requirements, could opt to demonstrate compliance by showing that the COMS data meet modified opacity limits. The revisions also include various less substantive updates, simplifications, and

clarifications in other parts of OAC 3745-17 that are unrelated to the applicable opacity standards.

EPA proposed action on these revisions to OAC 3745-17 on June 27, 2005, published at 70 FR 36901. EPA proposed to disapprove the revisions in OAC 3745-17-03, finding that the revisions relaxed applicable opacity requirements without any demonstration pursuant to Clean Air Act section 110(l) that the relaxation does not interfere with attainment or maintenance of the NAAQS or satisfaction of other requirements. EPA proposed to approve most of the remaining revisions that Ohio submitted. These remaining revisions were part of a subsequently submitted and subsequently approved set of revisions, and so these remaining revisions are not at issue here. EPA received comments on the June 25, 2007, proposal from several commenters.

On September 10, 2009, Ohio submitted additional rule revisions expressly intended to consolidate its air quality standards. These rule revisions included an update to the cross reference in OAC 3745-17-03(A), intended to clarify that the ambient monitoring methods given in OAC 3745-17-01 were to be used to assess attainment with air quality standards in a rule relocated from OAC 3745-17-02 to OAC 3745-25-02. EPA published direct final action approving the air quality standards-related revisions on October 26, 2010, at 75 FR 65572.

Unfortunately, EPA's October 2010 action on Ohio's September 2009 submission (addressing the state's air quality standards rules) erroneously appeared to suggest that EPA was approving the entirety of the substantive revisions to OAC 3745-17-03, even though the action only addressed the revision to the cross reference in paragraph A and not the other substantive provisions in OAC 3745-17-03 such as the opacity-related provisions in OAC 3745-17-03(B). Upon finding this error, EPA published action on April 3, 2013, at 78 FR 19990, to correct this error pursuant to its authority under the Administrative Procedures Act. Two parties then objected to this method of correcting the typographical error and requested that EPA address this error pursuant to EPA's authority under Clean Air Act section 110(k)(6). EPA agreed to these requests and published proposed action pursuant to Clean Air Act section 110(k)(6) on February 7, 2014, at 79 FR 7412. EPA is currently evaluating comments on the February 2014

proposal and will take final action upon that proposal separately.

EPA believes that neither these events nor any other events warrant any alterations in the criteria for evaluation of Ohio's opacity rules or in the analysis of Ohio's June 4, 2003, submission.

Actions on other parts of OAC Chapter 3745-17 rules and actions pertinent to revision of the cross reference in OAC 3745-17-03(A) and other provisions related to air quality standards are not pertinent to EPA's proposed disapproval of the revisions to the substantive opacity provisions of OAC 3745-17-03. EPA has not issued any revised guidance or taken other action on issues pertinent to its review of Ohio's opacity rule revisions. Therefore, EPA believes that no new issues have arisen since its June 27, 2005, proposed disapproval and the associated comment period that warrant consideration before EPA takes final action on these rule revisions. However, EPA is specifically soliciting comment on whether any events subsequent to the comment period on the June 27, 2005, action should have any impact on that proposed disapproval, and if so how those events should influence the appropriate criteria.

II. What action is EPA taking?

EPA is soliciting comments on whether any events which have occurred, or any policy considerations which have arisen, after the comment period on EPA's June 27, 2005, proposed disapproval of revisions to Ohio's opacity rules in OAC 3745-17-03 should be considered by EPA in evaluating these rule revisions. EPA's proposed rulemaking of June 27, 2005, solicited comments that could be made at that time and EPA is not soliciting resubmission of prior comments or submission of additional comments that could have been made at that time. EPA is specifically soliciting only comments that could not have been made at the time of its prior proposed rulemaking because they are based upon events or policy considerations that arose subsequent to that comment period.

III. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, therefore, is not subject to review by the Office of Management and Budget.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

This action merely proposes to disapprove state law as not meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule proposes to disapprove pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to disapprove a state rule, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (59 FR 22951, November 9, 2000).

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

This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885,

April 23, 1997), because it proposes to disapprove a state rule.

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

Because it is not a "significant regulatory action" under Executive Order 12866 or a "significant energy action," this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

National Technology Transfer Advancement Act

In reviewing state submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

List of Subjects in 40 CFR Part 52

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

Dated: June 10, 2014.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2014-14831 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 300-3

[FTR Case 2014-301; Docket No. 2014-0012, Sequence 1]

RIN 3090-AJ44

Federal Travel Regulation (FTR); Terms and Definitions for "Marriage," "Spouse," and "Domestic Partnership"

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the Federal Travel Regulation (FTR) by adding terms and definitions for “Marriage” and “Spouse,” and by proposing to revise the definition of “Domestic Partnership”.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the address shown below on or before August 25, 2014 to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by FTR Case 2014–301 by any of the following methods:

- *Federal eRulemaking Portals:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for “FTR Case 2014–301”. Select the link “Comment Now” that corresponds with “FTR Case 2014–301” and follow the instructions provided at the screen. Please include your name, company name (if any), and “FTR Case 2014–301” on your attached document.

- *Fax:* 202–208–1398.

- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Attn: Hada Flowers, Washington, DC 20405–0001.

Instructions: Please submit comments only and cite FTR case 2014–301 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Rick Miller, Office of Government-wide Policy, Travel and Relocation Policy Division at (202) 501–3822 or email at rodney.miller@gsa.gov. Contact the U.S. General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001, (202) 501–4755, for information pertaining to status or publication schedules. Please cite FTR Case 2014–301.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3 of the Defense of Marriage Act (DOMA) provided that, when used in a Federal law, the term “marriage” would mean only a legal union between one man and one woman as husband and wife, and that the term “spouse” referred only to a person of the opposite sex who is a husband or a wife. Because of DOMA, the Federal Government has been heretofore prohibited from recognizing marriages of same-sex couples for the purposes of travel and relocation entitlements.

On June 17, 2009, President Obama signed a Presidential Memorandum on Federal Benefits and Non-Discrimination stating that “[t]he heads of all other executive departments and agencies, in consultation with the Office of Personnel Management, shall conduct a review of the benefits provided by their respective departments and agencies to determine what authority they have to extend such benefits to same-sex domestic partners of Federal employees.” As part of its review, GSA identified a number of changes to the Federal Travel Regulation (FTR) that could be made. Subsequently, on June 2, 2010, President Obama signed a Presidential Memorandum directing agencies to immediately take actions, consistent with existing law, to extend certain benefits, including travel and relocation benefits, to same-sex domestic partners of Federal employees, and, where applicable, to the children of same-sex domestic partners of Federal employees.

GSA published an interim rule and a final rule, respectively in the **Federal Register** on November 3, 2010, and on September 28, 2011 (75 FR 67629 and 76 FR 59914), that fulfilled the Presidential Memorandum by, among other things, amending the definition of “immediate family” in the FTR to include same-sex domestic partners and their dependents.

On June 26, 2013, in *United States v. Windsor*, 570 U.S. 12 (2013), the Supreme Court of the United States (Supreme Court) held Section 3 of DOMA unconstitutional. As a result of this decision, GSA is now able to extend travel and relocation entitlements to Federal employees who are legally married to spouses of the same sex. Pursuant to 5 U.S.C. 5707, the Administrator of General Services is authorized to prescribe necessary regulations to implement laws regarding Federal employees who are traveling while in the performance of official business away from their official stations. Similarly, 5 U.S.C. 5738 mandates that the Administrator of General Services prescribe regulations relating to official relocation. The overall implementing authority is the FTR, codified in Title 41 of the Code of Federal Regulations, Chapters 300–304 (41 CFR Chapters 300–304).

Pursuant to this authority, this proposed rule adds a definition for the terms “Marriage” and “Spouse,” and proposes to revise the definition of the term “Domestic Partnership.” Due to current statutory restrictions, however, this proposed final rule does not apply to the relocation income tax allowance or the income tax reimbursement

allowance for state tax laws when the applicable state does not recognize same-sex marriage.

The term “marriage” is proposed to include any marriage, including a marriage between individuals of the same sex, that was entered into in a state (or foreign country) whose laws authorize the marriage, even if the married couple is domiciled in a state (or foreign country) that does not recognize the validity of the marriage. The term also includes common law marriage in states where such marriages are recognized, so long as they are proven according to the applicable state laws. The term “spouse” is proposed to include any individual who has entered into such a marriage.

The term “marriage” will not include registered domestic partnerships, civil unions, or other similar formal relationships recognized under state (or foreign country) law that are not denominated as a marriage under that state’s (or foreign country’s) law, and the terms “spouse,” “husband and wife,” “husband,” and “wife” do not include individuals who have entered into such a relationship. This conclusion will apply regardless of whether individuals who have entered into such relationships are of the opposite sex or the same sex.

At the time the definition of “immediate family” in the FTR was amended to include same-sex domestic partners and their dependents, Section 3 of DOMA prohibited GSA from recognizing same-sex marriages. Thus, the availability of same-sex marriage in a particular state was not relevant to the determination of coverage eligibility for travel and relocation benefits. Now that, pursuant to *Windsor* and the amendments proposed by this rule, FTR coverage is available to the same-sex spouses of Federal employees, GSA has reconsidered the need and scope of the extension of FTR coverage to same-sex domestic partners. A minority of states currently permits same-sex marriage, and therefore, many same-sex couples do not have the same access to marriage that is available to opposite-sex couples. Until marriage is available to same-sex couples in all fifty states, the extension of benefits to same-sex domestic partners will continue to play an important role in bridging the gap in legal treatment between same-sex and opposite-sex couples. Therefore, GSA proposes tailoring FTR coverage to those same-sex couples who would marry, but live in states where same-sex marriage is prohibited.

Same-sex couples living in states that allow them to marry have access to many, if not all, of the protections that

married opposite-sex couples enjoy. Therefore, for employees living in states where they are able to marry, there is less need to create a separate path by which same-sex domestic partners are eligible for FTR benefits. For those employees unable to marry under the laws of the states in which they live, however, it is appropriate to extend FTR coverage to same-sex domestic partners in the form described in this regulation.

Therefore, the term “domestic partnership” is proposed to be updated to read that same-sex domestic partners that have a documented domestic partnership, and reside in a state (or foreign country) whose laws do not recognize the validity of same-sex marriage will still be considered an immediate family member under the FTR, only if they certify that they would marry but for the failure of their state of residence to permit same-sex marriage. For those individuals who reside in states (or foreign countries) that authorize the marriage of two individuals of the same sex, the individuals will no longer be considered domestic partners or immediate family members due to the certification requirement.

B. Executive Orders 12866 and 13563

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

C. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This proposed rule is also exempt from Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This proposed rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 300–3

Government employees, Relocation, Travel, and Transportation expenses.

Dated: June 18, 2014.

Christine J. Harada,

Associate Administrator, Office of Governmentwide Policy.

For the reasons set forth in the Preamble, under 5 U.S.C. 5701–5709, 5721–5738, and 5741–5742, GSA proposes to amend 41 CFR part 300–3, as set forth below:

PART 300–3—GLOSSARY OF TERMS

■ 1. The authority citation for 41 CFR part 300–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; E.O. 11609, as amended; 3 CFR, 1971–1975 Comp., p. 586, OMB Circular No. A–126, revised May 22, 1992.

■ 2. Amend § 300–3.1 by—

■ a. In the definition “Domestic partnership”

■ 1. Removing from paragraph (8) the word “and” at the end of the sentence;

■ 2. Removing from paragraph (9) the period at the end of the sentence and adding “; and” in its place; and

■ 3. Adding paragraph (10); and

■ b. Adding, in alphabetical order, the definitions “Marriage” and “Spouse”.

The additions read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Domestic partnership— * * *
(10) Certify that they would marry but for the failure of their state of residence to permit same-sex marriage.

* * * * *

Marriage—A legal union between individuals that was entered into in a state (or foreign country) whose laws authorize the marriage, even if the married couple is domiciled in a state

(or foreign country) that does not recognize the validity of the marriage. The term also includes common law marriage in a state (or foreign country) where such marriages are recognized, so long as they are proven according to the applicable state or foreign laws. The term marriage does not include registered domestic partnerships, civil unions, or other similar formal relationships recognized under state (or foreign country) law that are not denominated as a marriage under that state’s (or foreign country’s) law.

* * * * *

Spouse—Any individual who is lawfully married, including an individual married to a person of the same sex who was legally married in a state that recognizes such marriages, regardless of whether or not the individual’s state of residency recognizes such marriages. The term “spouse” does not include individuals in a formal relationship recognized by a state, which is other than marriage, such as a domestic partnership or a civil union.

[FR Doc. 2014–14703 Filed 6–25–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 140422365–4365–01]

RIN 0648–XD267

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To Identify the Central North Pacific Population of Humpback Whale as a Distinct Population Segment (DPS) and Delist the DPS Under the Endangered Species Act

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

ACTION: 90-day petition finding; request for information.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to identify the Central North Pacific population of humpback whale (*Megaptera novaeangliae*) as a Distinct Population Segment (DPS) and delist the DPS under the Endangered Species Act (ESA). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Therefore, we are continuing our status

review for the humpback whale to determine whether this population is a DPS and whether delisting is warranted. To ensure this status review is comprehensive, we solicit scientific and commercial information regarding this species.

DATES: Information and comments must be received by July 28, 2014.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2014–0051, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov#!/docketDetail;D=NOAA-NMFS-2014-0051, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Address written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Interested persons may obtain a copy of the petition online at the NMFS Alaska Region Web site: <http://alaskafisheries.noaa.gov/protectedresources/whales/humpback/>.

FOR FURTHER INFORMATION CONTACT: Aleria Jensen, NMFS Alaska Region, (907) 586–7248 or Jon Kurland, NMFS Alaska Region, (907) 586–7638.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 2009, we announced the initiation of a status review of the humpback whale globally to determine whether an endangered listing for the entire species was still appropriate (74 FR 40568). The agency formed a Biological Review Team to evaluate the status of the species and produce a final report, which has not yet been released.

On April 17, 2013, we received a petition from the Hawaii Fishermen’s Alliance for Conservation and Tradition, Inc., to classify the North Pacific humpback whale population as a DPS and delist the DPS under the ESA. We found that the petitioned action may be warranted (78 FR 53391; August 29, 2013) and incorporated the consideration of the petitioned action into the ongoing status review commenced in 2009.

On February 26, 2014, we received a petition from the State of Alaska to identify The Central North Pacific population of humpback whale as a DPS and delist the DPS under the ESA. Humpback whales in the North Pacific are divided into three separate stocks under the Marine Mammal Protection Act (MMPA): The Central North Pacific (or Hawaii) stock, the western North Pacific (or Asia) stock, and the California/Oregon/Washington and Mexico (or Mexico/Central America) stock. These stocks have formed the basis for monitoring population trends pursuant to the MMPA since the mid-1990s.

Distribution and Life History of the Central North Pacific Population of the Humpback Whale

For information on the distribution and life history of the Central North Pacific (or Hawaii) population of the humpback whale, see Fleming and Jackson (2011), Global Summary of the Humpback Whale, information that was recently compiled for NMFS’s 5-year review of the humpback whale and published as a NOAA Technical Memorandum, and our 90-day finding on the petition to delist the North Pacific population of the humpback whale (78 FR 53391; August 29, 2013).

ESA Statutory, Regulatory, and Policy Provisions

In accordance with section 4(b)(3)(A) of the ESA, to the maximum extent practicable, within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce is required to make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted, as is the case here, we are required to promptly commence a review of the status of the species concerned, during which we will conduct a comprehensive

review of the best available scientific and commercial information. In such cases, within 12 months of receipt of the petition, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted. Because the finding at the 12-month stage is based on a comprehensive review of all best available information, as compared to the narrow scope of review at the 90-day stage, which focuses on information set forth in the petition, this 90-day finding does not prejudice the outcome of the status review.

Under the ESA, the term “species” means a species, a subspecies, or a DPS of a vertebrate species (16 U.S.C. 1532(16)). A joint policy issued by NMFS and the U.S. Fish and Wildlife Service (the Services) clarifies the Services’ interpretation of the phrase “Distinct Population Segment,” or DPS (61 FR 4722; February 7, 1996). The DPS Policy requires the consideration of two elements when evaluating whether a vertebrate population segment qualifies as a DPS under the ESA: Discreteness of the population segment in relation to the remainder of the species; and, if discrete, the significance of the population segment to the species.

A species is “endangered” if it is in danger of extinction throughout all or a significant portion of its range, and “threatened” if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether a species is threatened or endangered based on any one or a combination of the following section 4(a)(1) factors: (1) The present or threatened destruction, modification, or curtailment of habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) any other natural or manmade factors affecting the species’ existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

Under section 4(a)(1) of the ESA and the implementing regulations at 50 CFR 424.11(d), a species shall be removed from the list if the Secretary of Commerce determines, based on the best scientific and commercial data available after conducting a review of the species’ status, that the species is no longer threatened or endangered because of one or a combination of the section 4(a)(1) factors. A species may be delisted only if such data substantiate that it is neither endangered nor

threatened for one or more of the following reasons:

(1) *Extinction*. Unless all individuals of the listed species had been previously identified and located, and were later found to be extirpated from their previous range, a sufficient period of time must be allowed before delisting to indicate clearly that the species is extinct.

(2) *Recovery*. The principal goal of the Services is to return listed species to a point at which protection under the ESA is no longer required. A species may be delisted on the basis of recovery only if the best scientific and commercial data available indicate that it is no longer endangered or threatened.

(3) *Original data for classification in error*. Subsequent investigations may show that the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error (50 CFR 424.11(d)).

ESA-implementing regulations issued jointly by the Services (50 CFR 424.14(b)) define “substantial information,” in the context of reviewing a petition to list, delist, or reclassify a species, as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition (1) clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

Judicial decisions have clarified the appropriate scope and limitations of the Services’ review of petitions at the 90-day finding stage, in making a determination that a petitioned action may be warranted. As a general matter, these decisions hold that a petition need not establish a strong likelihood or a high probability that the petitioned action is warranted to support a positive 90-day finding.

To make a 90-day finding on a petition to list, delist, or reclassify a

species, we evaluate whether the petition presents substantial scientific or commercial information indicating the petitioned action may be warranted, including its references and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioners’ sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates that the petition’s information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be disregarded at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioners’ assertions. In other words, conclusive information indicating that the species may meet the ESA’s requirements for delisting is not required to make a positive 90-day finding.

In evaluating whether a petition to delist a population is warranted, first we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a “species” eligible for delisting under the ESA. If so, we then evaluate whether the information indicates that the species no longer faces an extinction risk that is cause for concern; this may be indicated in information expressly discussing the species’ status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (e.g., population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Analysis of Petition

The State of Alaska maintains that the Central North Pacific, or Hawaii, stock, constitutes a DPS under the ESA. Based on photo-identification and genetic data, we currently recognize the Central North Pacific humpback whale

population as one of three discrete stocks in the North Pacific under the MMPA. The petition notes this demographic distinctness, and asserts that the Central North Pacific humpback whale population qualifies as a DPS due to its strong behavioral and genetic fidelity to specific breeding and feeding areas over generations. The State of Alaska argues that the population is markedly separated from other North Pacific populations based on physical, behavioral, and management factors, and qualifies as a significant and discrete population because of these factors.

Further, the State asserts that this population has recovered to the point that it is no longer threatened with extinction, based on an analysis of available scientific and commercial information. The petition asserts that the Central North Pacific humpback whale is now found throughout its historical range, having rebounded following the end of commercial whaling. The petition points to recent population estimates which place the current Central North Pacific humpback whales at a higher population level than that which existed at the onset of modern whaling (pre-1905). The State of Alaska also refers to the 1991 Humpback Whale Recovery Plan and claims that sufficient information exists to demonstrate that the Central North Pacific population has met the recovery goals contained within the plan.

Finally, the State analyzes the five ESA section 4(a)(1) factors and concludes that the threats leading to the population’s endangered status have been either completely eliminated or sufficiently reduced or controlled so that the long-term survival of the species is ensured and the protections provided by the ESA are no longer necessary. They assert that threats from destruction, modification, or curtailment of the population’s habitat or range have been sufficiently controlled (e.g., oil and gas development, water quality, coastal development, contaminants, impacts to prey base); that overutilization for commercial, recreational, scientific, or educational purposes is no longer a threat (e.g., whaling); that disease and predation are not a threat (e.g., from killer whales or sharks); that existing regulatory mechanisms are adequate to protect the population (e.g., MMPA, ESA, Magnuson-Stevens Fishery Conservation and Management Act, the Fisheries Act of Canada, Canadian Species at Risk Act); and that other natural or manmade factors affecting its continued existence have been sufficiently reduced or do not pose a

threat (e.g., fishery interactions, ship strikes, acoustics, pollutants, climate change). In summary, the petition concludes that the recovering population in combination with the removal of previously identified threats qualifies the Central North Pacific humpback whale population for delisting under the ESA.

Petition Finding

We have reviewed the petition, the literature cited in the petition, and other literature and information available in our files. Although we identified some incomplete information and unsupported conclusions within the petition, we find that the information presented in the petition would lead a reasonable person to believe that the petitioned action may be warranted. Considering the requirements of 50 CFR 424.14(b) for addressing petitions at the 90-day finding stage, we have therefore determined that the petition, the literature cited in the petition, and other literature and information readily available in our files constitute substantial information indicating that the petitioned action may be warranted.

As a result of this finding, we will continue our status review of the humpback whale to determine whether the Central North Pacific humpback whale population constitutes a DPS under the ESA, and if so, the risk of extinction to this DPS. Based on the results of the status review, we will then determine whether delisting or downlisting (from endangered to threatened) the Central North Pacific population of the humpback whale is warranted.

Request for Information

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information on the humpback whale, with a focus on the Central North Pacific population, in the following areas: (1) Taxonomy, abundance, reproductive success, age structure, distribution, habitat selection, food habits, population density and trends, and habitat trends; (2) historical and current population status and trends; (3) historical and current distribution; (4) migratory movements and behavior; (5) genetic population structure, as compared to other populations; (6) the effects of vessel strikes, entanglements, acoustic impacts, and climate change, on the distribution and abundance of Central North Pacific humpback whales and their principal prey over the short- and long-term; (7) the effects of other threats, including whaling, disease and predation, contaminants, fishing,

industrial activities, or other known or potential threats; (8) the effects of research on Central North Pacific humpback whales; (9) management or conservation programs for Central North Pacific humpback whales, including mitigation measures associated with private, tribal or governmental conservation programs which benefit this population; and (10) current or planned activities that may adversely impact humpback whales. We request that all information and data be accompanied by supporting documentation such as (1) maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

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

Dated: June 20, 2014.

Samuel D. Rauch III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2014-14961 Filed 6-25-14; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 402 and 424

[Docket Nos. FWS-HQ-ES-2012-0096; FWS-R9-ES-2011-0072; 120106026-4518-02; 120106025-4514-02; 4500030114]

RIN 1018-AX86; 1018-AX88; 0648-BB80; 0648-BB79

Endangered and Threatened Wildlife and Plants; Changes to the Definitions and Regulations for Designating Critical Habitat

AGENCIES: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rules; extension of comment periods.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the "Services" or "we"), announce the extension of the public comment periods on our May 12, 2014, proposals

to revise definitions and regulations regarding critical habitat. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of each final rule.

DATES: We will consider comments received or postmarked on or before October 9, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

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

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. In the Search box, enter the appropriate docket number; for the proposed revised definition of destruction or adverse modification of critical habitat, use FWS-R9-ES-2011-0072, and for the proposed rule to amend the regulations for designating critical habitat, use FWS-HQ-ES-2012-0096. You may submit a comment by clicking on "Comment Now!" Please ensure that you have found the correct rulemaking before submitting your comment.

- **U.S. mail:**
 - Submit comments on the proposed revised definition of destruction or adverse modification of critical habitat to: Public Comments Processing, Attn: Docket No. FWS-R9-ES-2011-0072; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.
 - Submit comments on the proposed rule to amend the regulations for designating critical habitat to: Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2012-0096; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

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:

For proposed revised definition of destruction or adverse modification of critical habitat: Patrice Ashfield, U.S. Fish and Wildlife Service, Division of Environmental Review, 4401 N. Fairfax Drive, Suite 420, Arlington, VA 22203; telephone 703/358-2171; facsimile 703/358-1735; or Cathryn E. Tortorici, National Marine Fisheries Service, Office of Protected Resources, Interagency Cooperation Division, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301/427-8405;

facsimile 301/713-0376. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800/877-8339.

For the proposed rule to amend the regulations for designating critical habitat: Douglas Krofta, U.S. Fish and Wildlife Service, Division of Conservation and Classification, 4401 N. Fairfax Drive, Suite 420, Arlington, VA 22203; telephone 703/358-2527; facsimile 703/358-1735; or Marta Nammack, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301/427-8469; facsimile 301/713-0376. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800/877-8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this extended comment period on our proposed rule to revise the definition of destruction or adverse modification of critical habitat and our proposed rule to amend the regulations for designating critical habitat that were published in the **Federal Register** on May 12, 2014 (79 FR 27060 and 79 FR 27066, respectively). We will consider information we receive from all interested parties on or before the close of the comment period (see **DATES**).

If you submitted comments or information on either proposed rule during the public comment period that began May 12, 2014, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in the preparation of our final rules.

You may submit your comments and materials regarding either proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

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.

Background

On May 12, 2014, we published three related documents concerning designation and implementation of critical habitat under the Act: Two proposed regulation amendments and one draft policy. This notice extends the comment period for the two proposed regulation amendments, and a separate notice published elsewhere in today's issue of the **Federal Register** extends the comment period for the draft policy. The two proposed rules for which we are extending the comment period in this document propose to revise definitions and regulations regarding critical habitat.

Specifically, the proposed rule to revise the definition of destruction or adverse modification of critical habitat proposes to amend title 50, part 402, of the Code of Federal Regulations, which implements the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Part 402 establishes the procedural regulations governing interagency cooperation under section 7 of the Act. The Act requires Federal agencies, in consultation with and with the assistance of the Secretaries of the Interior and Commerce, to insure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species. In 1986,

the Services established a definition for “destruction or adverse modification” (§ 402.02) that was found to be invalid by the U.S. Court of Appeals for the Fifth (2001) and Ninth (2004) Circuits. We propose to amend part 402 to replace the invalidated definition with one that is consistent with the Act and the circuit court opinions.

The proposed rule to revise the regulations for designating critical habitat proposes to amend portions of title 50, part 424, of the Code of Federal Regulations, which also implements the Act. Part 424 clarifies, interprets, and implements portions of the Act concerning the procedures and criteria used for adding species to the Lists of Endangered and Threatened Wildlife and Plants and designating and revising critical habitat. Specifically, we propose to amend portions of part 424 that clarify procedures for designating and revising critical habitat. The proposed amendments would make minor edits to the scope and purpose, add and remove some definitions, and clarify the criteria for designating critical habitat.

Authors

The primary authors of this notice are the staff members of the Endangered Species Program, Headquarters Office, 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 17, 2014.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Dated: June 17, 2014.

Samuel D. Rauch III,

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

[FR Doc. 2014-14774 Filed 6-25-14; 8:45 am]

BILLING CODE 4310-55-P; 3510-22-P

Notices

Federal Register

Vol. 79, No. 123

Thursday, June 26, 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

Submission for OMB Review; Comment Request

June 23, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received by July 28, 2014. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business—Cooperative Service

TITLE: Bio-refinery Assistance Program for Guaranteed Loans.

OMB CONTROL NUMBER: 0570-0065.

SUMMARY OF COLLECTION: As authorized under the Agricultural Act of 2014 (2014 Farm Bill) the Bio-refinery Assistance Program will promote the development and construction of commercial-scale bio-refineries and the retrofitting of existing facilities using eligible technology. Consistent with Congressional intent, the program will promote the development of the first commercial scale bio-refineries that do not rely on corn kernel starch as the feedstock or standard biodiesel technology for the development of advanced biofuels, giving preference to projects where first-of-a-kind technology will be deployed at viable commercial-scale bio-refineries.

NEED AND USE OF THE INFORMATION: The Agency will use various forms and written evidence to collect needed information to determine lender and borrower eligibility for loan guarantees, and to ensure the lender protects the government's financial interests. Lenders provide the Agency with quarterly construction progress reports demonstrating that engineering and financial criteria used in the review and approval of the application continue to be met during the construction phase of the project. Post-construction information will be collected demonstrating that the bio-refineries are operating and meeting all financial criteria projected during the application phase. If the information were not collected, the Agency would not be able to make prudent credit decisions nor monitor the lenders servicing activities.

DESCRIPTION OF RESPONDENTS: Business or other for-profit.

NUMBER OF RESPONDENTS: 83.

FREQUENCY OF RESPONSES: Recordkeeping; Reporting: On occasion; Monthly; Semi-annually; Annually.

TOTAL BURDEN HOURS: 6,349.

TITLE: Repowering Assistance Program, 7 CFR 4288-A.

OMB CONTROL NUMBER: 0570-0066.

SUMMARY OF COLLECTION: The Repowering Assistance Program is authorized under section 9004 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The objective of this program is to provide financial incentives to bio-refineries in existence on the date of the enactment of the 2008 Farm Bill; to replace the use of fossil fuels used to produce heat or power at their facilities by installing new systems that use renewable biomass, or to produce new energy from renewable biomass.

NEED AND USE OF THE INFORMATION: Information gathered under this collection will be used to determine the eligibility of bio-refineries to participate in the program. The Agency will determine the amount of payments to be made to a bio-refinery under this program with consideration given to: (1) The quantity of fossil fuel a renewable biomass system is replacing; (2) the percentage reduction in fossil fuel used by the bio-refinery that will result from the installation of the renewable biomass system; and (3) the cost-effectiveness of the renewable biomass system.

DESCRIPTION OF RESPONDENTS: Business or other for-profit.

NUMBER OF RESPONDENTS: 7.

FREQUENCY OF RESPONSES: Recordkeeping; Reporting: On occasion; Monthly; Semi-annually; Annually.

TOTAL BURDEN HOURS: 602.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014-15023 Filed 6-25-14; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2014-0047]

Notice of Request for Extension of Approval of an Information Collection; Self-Certification Medical Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request extension of approval of an information collection for self-certification medical statements.

DATES: We will consider all comments that we receive on or before August 25, 2014.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/>#!docketDetail;D=APHIS-2014-0047.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2014-0047, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/>#!docketDetail;D=APHIS-2014-0047 or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on self-certification medical statements, contact Ms. Carmen Queen-Hines, Branch Chief, Human Resources Division, APHIS, 4700 River Road, Unit 21, Riverdale, MD 20737-1231; (301) 851-2918. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.

SUPPLEMENTARY INFORMATION:

Title: Self-Certification Medical Statement.

OMB Control Number: 0579-0196.

Type of Request: Extension of approval of an information collection.

Abstract: The Marketing and Regulatory Programs (MRP) agencies of the U.S. Department of Agriculture facilitate the domestic and international marketing of U.S. agricultural products and protect the health of domestic animal and plant resources. The MRP agencies are the Agricultural Marketing Service, the Animal and Plant Health Inspection Service (APHIS), and the Grain Inspection, Packers and Stockyards Administration. Resource management and administrative services, including human resource management, for the three MRP agencies are provided by the MRP Business

Services unit of APHIS, which is the lead agency in providing administrative support for MRP.

In accordance with 5 CFR part 339, Federal agencies are authorized to obtain medical information from applicants for positions that have approved medical standards. Medical standards may be established for positions for which the duties are arduous or hazardous or require a certain level of health status or fitness. Certain positions in MRP agencies have medical standards. MRP hires individuals each year who work under dusty conditions, around moving machinery and slippery surfaces, and in areas with high noise levels. The MRP agencies require a self-certification medical statement (MRP Form 5-R) from applicants for these positions regarding their fitness for the positions. The MRP agencies need this information to determine whether the applicants can perform the duties of the positions. Inability to collect this information would adversely affect the MRP agencies' ability to make employment decisions and determinations regarding an applicant's physical fitness to safely and efficiently perform assigned duties.

Since the last approval of this collection activity, the number of applicants for certain positions that require medical standards has decreased; therefore, the number of respondents using the self-certification medical statement has decreased. As a result, the estimated annual number of respondents has decreased from 524 to 322, and the estimated total annual burden has decreased from 88 hours to 54 hours.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate,

of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.167 hours per response.

Respondents: Applicants for MRP positions with approved medical standards.

Estimated annual number of respondents: 322.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 322.

Estimated total annual burden on respondents: 54 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 20th day of June 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014-15018 Filed 6-25-14; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Resource Coordinating Committee Meetings

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Resource Coordinating Committee (Committee) will meet via teleconference. The Committee is established consistent with the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C. App. II), and the Food, Conservation, and Energy Act of 2008 (the Act) (Pub. L. 110-246). Additional information concerning the Committee can be found by visiting the Committee's Web site at: <http://www.fs.fed.us/spf/coop/frcc/>.

DATES: The teleconferences will be held on the following dates:

- July 16, 2014.
- September 17, 2014.
- October 15, 2014.
- November 19, 2014.
- December 17, 2014.

The time of the meetings will be from 12:00 p.m. to 1:00 p.m., Eastern Standard Time (EST). Each meeting is subject to cancellation. For status of the

meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held via teleconference. For anyone who would like to attend the teleconferences, please visit the Web site listed in the "Summary" section or contact Karl Dalla Rosa at kdallarose@fs.fed.us for further details. 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 placed on the Committee's Web site listed above in the **SUMMARY** section.

FOR FURTHER INFORMATION CONTACT: Karl Dalla Rosa, Designated Federal Officer, Cooperative Forestry staff, 202-205-6206. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to share information that will guide the committee in making recommendations regarding national priorities for non-industrial private forest land and related USDA programs. The teleconferences are open to the public. However, the public is strongly encourage to RVSP prior to the conference call to ensure all related documents are shared with public meeting participants. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing 10 days before the planned meeting 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 time requests for oral comments must be sent to Laurie Schoonhoven, 1400 Independence Avenue SW., Mailstop 1123, Washington, DC 20250 or by email to lschoonhoven@fs.fed.us. A summary of the meeting will be posted on the Web site listed above within 21 days after the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the

section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 19, 2014.

James E. Hubbard,
Deputy Chief, State and Private Forestry.

[FR Doc. 2014-14891 Filed 6-25-14; 8:45 am]

BILLING CODE 3411-55-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-21-2014]

Authorization of Production Activity, Foreign-Trade Subzone 41H, Mercury Marine (Marine Engine and Stern Drive Components), Fond du Lac, Wisconsin

On February 19, 2014, Mercury Marine, operator of Subzone 41H, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facilities located in Fond du Lac, Wisconsin.

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 14476, 3-14-2014). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: June 19, 2014.

Elizabeth Whiteman,
Acting Executive Secretary.

[FR Doc. 2014-15000 Filed 6-25-14; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-44-2014]

Foreign-Trade Zone (FTZ) 20—Suffolk, Virginia, Notification of Proposed Production Activity, Becker Hydraulics USA, Inc. (Hydraulic Hose Lines), Chesapeake, Virginia

The Virginia Port Authority, grantee of FTZ 20, submitted a notification of proposed production activity to the FTZ Board on behalf of Becker Hydraulics USA, Inc. (BHUI), located in Chesapeake, Virginia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 4, 2014.

The BHUI facility is located within Site 9 of FTZ 20. The facility is used for

the production of hydraulic hose lines used in agricultural equipment, construction equipment, and marine engine applications. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt BHUI from customs duty payments on the foreign status components used in export production. On its domestic sales, BHUI would be able to choose the duty rates during customs entry procedures that apply to hydraulic hose lines (2.5%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: rubber hydraulic hoses-wire reinforced; hose fittings and adapters; and, formed/molded rubber hoses (duty rate ranges 3.1 to 3.7%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is August 5, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via www.trade.gov/ftz.

For further information, contact Pierre Duy at Pierre.Duy@trade.gov or (202) 482-1378.

Dated: June 19, 2014.

Elizabeth Whiteman,
Acting Executive Secretary.

[FR Doc. 2014-14998 Filed 6-25-14; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-932]

Certain Steel Threaded Rod From the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order

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

SUMMARY: On March 3, 2014, the Department of Commerce

(“Department”) initiated the first five-year (“sunset”) review of the antidumping duty order on certain steel threaded rod from the People’s Republic of China (“PRC”) pursuant to section 751(c) of the Tariff Act of 1930, as amended (“Act”).¹ On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties, as well as a lack of response from respondent interested parties, the Department conducted an expedited sunset review of the antidumping duty order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR

351.218(e)(1)(ii)(C)(2). As a result of this sunset review, the Department finds that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Review” section of this notice.

DATES: *Effective Date:* June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, Enforcement and Compliance, Office V, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2014, the Department initiated the first sunset review of the antidumping duty order on certain steel threaded rod from the PRC, pursuant to section 751(c) of the Act and 19 CFR 351.218(c)(1).² The Department received a notice of intent to participate from All America Threaded Products, Inc.; Bay Standard Manufacturing, Inc.; and Vulcan Threaded Products, Inc. (collectively, “domestic interested parties”) within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States.

We received a complete substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁴ We received no responses from respondent interested parties. As a result, the Department conducted an

expedited sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The merchandise covered by the *Order* is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to the order are non-headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.*, galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Included in the scope of the *Order* are steel threaded rod, bar, or studs, in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 1.50 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.012 percent of boron, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.41 percent of titanium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

Steel threaded rod is currently classifiable under subheading 7318.15.5051, 7318.15.5056, 7318.15.5090, and 7318.15.2095 of the United States Harmonized Tariff Schedule (“HTSUS”). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Excluded from the scope of the *Order* are: (a) Threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total length; and (b) threaded rod, bar, or studs made to American Society for Testing and Materials (“ASTM”) A193 Grade B7, ASTM A193 Grade B7M, ASTM A193 Grade B16, or ASTM A320 Grade L7.

Analysis of Comments Received

All issues raised in this review are addressed in the “Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Steel Threaded Rod from the People’s Republic of China” (“Issues and Decision Memorandum”) from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with and hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order was to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Services System (“IA ACCESS”). Access to IA ACCESS is available in the Central Records Unit room 7046 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://trade.gov/enforcement>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, with the following dumping margin magnitudes likely to prevail:

Exporter	Weighted-average margin (percent)
RMB Fasteners Ltd., and IFI & Morgan Ltd. (“RMB/IFI Group”)	47.37
Ningbo Yinzhou Foreign Trade Co. Ltd	206.00
Non-examined exporters with a separate rate	55.16
PRC-wide Entity	206.00

Notice Regarding Administrative Protective Order (“APO”)

This notice also serves as the only reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return or destruction of proprietary

¹ See *Initiation of Five-Year (“Sunset”) Review*, 79 FR 11762 (March 3, 2014) (“*Initiation Notice*”); see also *Notice of Antidumping Duty Order: Certain Steel Threaded Rod From the People’s Republic of China*, 74 FR 17154 (April 14, 2009) (“*Order*”).

² See *Initiation Notice*.

³ See Letter from the domestic interested parties, dated March 12, 2014.

⁴ See Substantive Response of the domestic interested parties, dated April 1, 2014.

information disclosed under APO in accordance with 19 CFR 351.305. Timely 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.

This sunset review and notice are in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: June 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014-15003 Filed 6-25-14; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-015]

53-Foot Domestic Dry Containers From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

FOR FURTHER INFORMATION CONTACT: Yasmin Nair at (202) 482-3813 or David Cordell at (202) 482-0408, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 2014, the Department of Commerce (the Department) initiated a countervailing duty investigation on 53-foot domestic dry containers from the People's Republic of China (PRC).¹ Currently, the preliminary determination is due no later than July 17, 2014.

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, if the

petitioner makes a timely request for an extension in accordance with 19 CFR 351.205(e), section 703(c)(1)(A) of the Act allows the Department to postpone the preliminary determination until no later than 130 days after the date on which the Department initiated the investigation.

On June 18, 2014, the petitioner² submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone the preliminary determination.³ Therefore, in accordance with section 703(c)(1)(A) of the Act, we are fully extending the due date for the preliminary determination to not later than 130 days after the day on which the investigation was initiated. As a result, the deadline for completion of the preliminary determination is now September 22, 2014.⁴

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: June 19, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014-15002 Filed 6-25-14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Trade Mission to South Africa and Mozambique, With an Optional Stop in Kenya; February 23-27, 2015

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The U. S. Department of Commerce, International Trade Administration, is organizing an executive-led Trade Mission to South Africa and Mozambique, with an optional stop in Kenya. The mission will take place February 23-27, 2015, and is designed to help U.S. firms find business partners and sell equipment and services. Target

² Stoughton Trailers, LLC (the petitioner).

³ See Letter from the petitioner, entitled "53-Foot Domestic Dry Containers from the People's Republic of China," dated June 18, 2014.

⁴ The actual deadline based on a 65-day extension is September 20, 2014, which is a Saturday. Department practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

sectors holding high potential for U.S. exporters include:

- Energy Equipment and Services, such as: Power generation (including renewable energy); transmission and distribution, energy efficiency, oil and gas exploration and production and project development.
- Transportation Infrastructure and Equipment, such as: Road, bridge and dam construction and reconstruction; automatic fare collection systems, new and refurbished railroad locomotives, new bulk car and other dedicated rolling freight fleets, smart signaling and rail operation automation, rolling stock depot design, strategic route design and network planning, port mobile, weighbridges and quayside systems and upgrading of existing port equipment and oil and gas development infrastructure.
- Agricultural Equipment, such as: Crop production equipment and machinery, irrigation equipment and technology, crop storage and handling, precision farming technologies and fertilizers.
- Medical Technologies, such as: Diagnostic imaging equipment, laboratory equipment, patient aids, innovative minimally invasive devices and dental and optometry equipment.

Although focused on the sectors above, the mission also will consider participation from companies in other appropriate sectors as space permits.

The mission will go to Johannesburg, South Africa and Maputo, Mozambique. In addition, there will be an optional stop in Nairobi, Kenya before the Johannesburg stop.

Led by a senior executive of the Department of Commerce, the trade mission will include one-on-one business appointments with pre-screened potential buyers, agents, distributors and joint venture partners; meetings with national and regional government officials, chambers of commerce, and business groups; and networking receptions. The mission will help participating firms and trade associations gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of increasing U.S. exports to Kenya, South Africa and Mozambique. Participating in this official U.S. industry delegation, rather than traveling on their own, will enhance delegates' abilities to secure meetings in these markets.

Commercial Setting

Kenya, with a population of 43 million, is the dominant economy in Eastern Africa. Given its position as the economic, commercial, and logistical

¹ See *53-Foot Domestic Dry Containers From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 79 FR 28679 (May 19, 2014).

hub of East Africa, more U.S. companies are investing in Kenya and setting up local and regional operations there. Kenya's first election under a new constitution with a devolved government structure was held in April 2013, and should position it for further growth.

Kenya also boasts a large number of well-educated English-speaking, and multi-lingual professionals, and a strong entrepreneurial tradition. Doing business in Kenya includes a number of challenges, such as poverty, crime, unemployment, limited infrastructure, and corruption.

South Africa, a country of 52 million people, has the most advanced, broad-based industrial economy in Africa, enjoys relative macroeconomic stability and boasts sound financial, legal and accounting institutions. It remains the primary choice for U.S. companies wishing to develop the promising markets of sub-Saharan Africa, although it suffers from large disparities in income distribution, and has recently seen its international credit rating slip. In 2012 South Africa's gross domestic product (GDP) grew by 2.0% to \$417 billion.

Mozambique, with a population of 23 million, grew its economy from 1994 to 2009 at an average rate of 8% per year—one of the fastest rates of growth of any sub-Saharan African economy over this period. In 2013, GDP reached \$15 billion. While the country was devastated after the war in 1992, it has since benefited from macroeconomic reforms and large foreign investment projects.

Though infrastructure remains weak and the population is still largely rural, the government is committed to building a strong commercial environment. U.S. investment in the energy sector, particularly off-shore natural gas, is expected to grow tremendously in the next several years, though the U.S. has traditionally been a relatively minor trading partner.

Best Prospects in Targeted Sectors

Energy

Kenya

In response to strong economic growth and increasing demand for electricity, Kenya is focused on developing its power generation and transmission and distribution infrastructure. Today, Kenya is faced with numerous brownouts, blackouts, and power surges that damage equipment and necessitate emergency power, driving up the cost of electricity. The supply deficit and costly short-term solutions impede economic growth, and

reduce the competitiveness of Kenya's private sector in the region. With only 25% of the population connected to the grid, the Kenyan government plans to connect an additional 5000MW of power and reduce electricity tariffs by 40% by 2016.

Kenya principally relies on hydropower, whose supply is impacted by drought; and thermal power, which is sensitive to global fuel prices. However, extensive plans are underway to develop geothermal, wind, and other renewable energy sources. Kenya has world-class potential for geothermal energy production with development in other renewable energy sectors expected.

Kenya is an increasingly promising player in the booming East Africa oil and gas market. The multiple onshore discoveries announced since 2012 have led exploration and production companies to sound optimistic notes about the country's potential. One firm estimates that Kenya's resource base could amount to 10 billion barrels, though exploration is still in early phases. The greatest enthusiasm surrounds offshore resources, where drillers hope to replicate Mozambique and Tanzania's vast natural gas discoveries.

South Africa

Electricity supply constraints are significant and are expected to remain a feature of South Africa's social and economic landscape for several years to come. ESKOM, the government owned power utility, with a virtual monopoly on generation, transmission and distribution (responsible for around 95% of local generation) is experiencing budgetary and infrastructure challenges. As a result of these challenges, the government has put a renewed focus on the increased generation of power, increased energy efficiency and decreased consumption. ESKOM's reserve of power has recently become so low that it has been forced to utilize its contractual rights with large industrial users to require them to reduce consumption at critical times. It has also been forced to use expensive diesel to power generators at peak load periods. Though there is current and planned infrastructure investment to ensure future supply, there have been significant delays in bringing these planned power generation facilities on line.

ESKOM is currently investigating smart grid as an option to manage peak load demand. Renewable energy programs have also been introduced in order to facilitate clean renewable independent energy production. The

government's Renewable Energy Independent Power Producer Procurement program (REIPPP) has been relatively successful and marks the first time independent power producers have been allowed to sell power back to the grid. However, local content requirements, which have increased in recent months, may limit potential U.S. exports.

Further capital expenditure is ongoing with the two large scale coal-fired plants under construction (Medupi Power Station (4800 MW) and Kusile Power Station (4800 MW) as well as a pumped storage project (1332 MW) and a wind energy facility (100 MW). In a recent state of the nation address, President Zuma also reintroduced a plan to bring nuclear energy back to the fore in South Africa.

South Africa boasts the world's eighth largest supply of technically recoverable shale gas resources, according to the U.S. Department of Energy's Energy Information Administration. In 2012, the government lifted a moratorium on exploring the country's estimated 390 trillion cubic feet (tcf) of unconventional deposits. While licenses have yet to be issued, President Zuma in June announced that the government would proceed with shale gas development plans, indicating the government's willingness to move forward with development in the sector.

Mozambique

Mozambique is set to become one of the world's largest new suppliers of natural gas. The country's massive offshore discoveries have launched a scramble among exploration and production companies to develop these new-found resources. Although much of the Mozambique's offshore acreage still remains underexplored, one U.S. company has already announced finds totaling some 45–65 tcf of recoverable gas reserves. By some estimates, the country's vast resources could support up to ten LNG trains, and developers aim to begin LNG exports in 2018.

Mozambique is a net exporter of energy. The vast majority of power produced in the country comes from the Cahora Bassa hydro-power scheme in central Mozambique, where a planned multi-million dollar "North Bank" expansion with potential opportunities for U.S. suppliers. It will add an additional 1250 MW with transmission lines to South Africa, the South African Power Pool, Maputo, and Northern Mozambique. Planning for a second multi-billion dollar, 1500-plus MW hydropower dam 35 miles downstream at Mphanda Nkuwa is well underway, and the operators are expected to

finalize financing this year, with commercial operations due to start as early as 2017.

Transportation Infrastructure and Equipment

Kenya

Kenya enjoys an extensive, but uneven, infrastructure that is still superior in many cases to that of its neighbors. Nairobi is the undisputed transportation hub of Eastern and Central Africa and the largest city between Cairo and Johannesburg. The Port of Mombasa is the most important deep-water port in the region, supplying the shipping needs of more than a dozen countries despite persistent deficiencies in equipment, inefficiency and corruption. As a result of these deficiencies, the Port of Mombasa has been earmarked for major expansion and re-habilitation.

Kenya's "Vision 2030" infrastructure development plans call for significant improvements to the provision of water, renewable energy, ICT, housing, roads, bridges, railways, seaports and airports over the next 20 years. The construction industry in Kenya is driven primarily by two key infrastructure sectors: Transportation and housing, given the large housing deficit that exists in Kenya. Construction and infrastructure development will also present new opportunities, especially with the passage of the new public-private partnership (PPP) law which will make government procurements more transparent and less risky. This development was supported by the massive road infrastructure projects and the high demand for decent housing due to rapidly expanding population.

South Africa

South Africa's government has announced and allocated initial funding for significant transportation infrastructure capital investments. In 2012 the government announced the allocation of funding for investments estimated at over \$90 billion over 15 years. Though there have been complaints of slow implementation, leading some contractors to re-focus business elsewhere in the continent, in late 2013 and early 2014 commitments were made to procure passenger rolling stock, locomotives, signaling and track upgrades. Also, the development of the significant Durban phase 2 port extension (in the old Durban International Airport precinct) has been initiated.

The Passenger Rail Agency of South Africa (Prasa) of the SA Department of Transport (SADOT) in March 2012

announced a 20-year rail improvement program estimated at more than \$13.6 billion. Of this, \$1.3 billion will be invested in signaling, new depots, modern stations and integrated ticketing, while \$1.1 billion is being spent on new locomotives.

The State Owned Enterprise (SOE), Transnet Freight Rail (TFR) and others are considering finalizing logistics projects such as upgrading the Sishen—Saldanha Bay ore line, the Richard Bay coal line and other new coal line networks in the northwest. Transnet's rail and port projects are reportedly set to cost around \$30 billion over seven years and include augmenting the tractive and bulk car fleet, signaling, maintenance, advanced train management systems and network expansion/concession models. For the second large diesel locomotive program of 465 units, one U.S. and one Chinese manufacturer were selected as preferred bidders in February 2014.

Transnet Port Terminals (TPT), the port operating SOE is set to invest \$3.3 billion over the next seven years for the expansion and improvement of its bulk and container terminals. Significant capacity-creating projects included the expansion of the Durban Container Terminal's (DCT's) Pier 1 that would increase its capacity from 700,000 twenty-foot equivalent units (TEUs) to 820,000 TEUs by 2013 and 1.2 million TEUs by 2016/17. Other expansion projects include the Ngqura Container Terminal, Durban Ro-Ro and Maydon Wharf terminal, the iron-ore bulk terminal at the Port of Saldanha and the ageing Richards Bay Terminal where \$370 million is set aside for mobile and quayside equipment, as well as weighbridges.

Mozambique

Transport networks and infrastructure will be instrumental to developing Mozambique's growth potential in the near and long term. The recently concluded \$500 million Millennium Challenge Corporation compact funded extensive rehabilitation of key roads, a dam, and a water supply project in two northern provinces. The Government of Mozambique is investing heavily in expanding rail and port capacity to manage the rising production of mineral resources. A rail line to the deepest natural port on the East Coast of Africa should significantly lower coal transport costs, and two foreign companies have recently been contracted to begin work on a new rail line ending at Macuze port. As total coal exports are projected to reach 40 million tons per year by 2015 and long term estimates are in the range of 100 million tons per year,

infrastructure around this sector remains a priority. In addition, rapid investment in infrastructure to support planned LNG projects in northern Mozambique, one of its least developed regions, could bring vast opportunities to U.S. firms.

Agricultural Equipment

Kenya

Agriculture remains the backbone of Kenya's economy. It accounts for about 24% of GDP directly and 75% of the labor force indirectly. Cash crop (tea, coffee, and horticulture), food crops (maize, wheat and rice), and livestock dominate the agricultural sector. Kenyan agriculture faces many challenges. It is predominately rainfall dependent and thus subject to wide production variances. It is undercapitalized, implying low technological absorption resulting in low productivity. Small-scale farmers contribute about 75% to the country's total value of agricultural output and account for nearly 85% of total employment in the agricultural sector. These attributes, coupled with challenges arising from limited institutional capacity, poor infrastructure, and risks associated with liberalized markets, explain the relative stagnation of agricultural productivity and incomes.

Kenya's horticulture industry is a major export success in Africa. It is almost entirely dominated by the private sector and provides many opportunities for increased importation of fertilizers, pesticides and equipment. Similar opportunities lie in Kenya's floriculture industry, which is the leading exporter of fresh cut flowers to the flower auction in Holland. Other important commodities include maize, tea, coffee, sugarcane and wheat, which will require additional use of fertilizers as production grows. The government has embarked on a mechanization program to see the increase in use of more modern means of farming so as to increase output. In addition, the government has set aside 1.2 million acres of land for irrigation that will grow maize, wheat and livestock farming. Agricultural equipment is tax exempt under the VAT Act 2013 to provide support to the sector.

Kenya imports virtually all of its agricultural chemicals as there is no significant local production. Unlike many sub-Saharan African countries, Kenya's fertilizer use has almost doubled since the liberalization of the market in the 1990s, and the removal of government price controls and import licensing quotas. The growth in use has

been noted especially among the smallholder farmers in growth of both food crops (maize, domestic horticulture) and export crops (tea, coffee). Growth in the industry is largely due to huge private investment in both importation and retailing of fertilizers. Fertilizer is also tax exempted under the new VAT Act.

South Africa

South Africa has by far the most modern, productive and diverse agricultural economy in Sub Saharan Africa. Agriculture in South Africa remains an important sector despite its relatively small contribution to the GDP. The sector plays an important role in terms of job creation, especially in rural areas, but is also a foremost earner of foreign exchange.

South Africa has a market-oriented agricultural economy that is highly diversified, including production of all the major grains (except rice), oilseeds, deciduous and subtropical fruits, sugar, citrus, wine and most vegetables. Livestock production includes cattle, dairy, pigs, sheep, and a well-developed broiler and egg industry. Value-added sector activities include slaughtering, processing and preserving of meat; processing and preserving of fruit and vegetables; dairy products; grain mill products; crushing of oilseeds; prepared animal feeds; and sugar refining amongst other food products. South Africa also exports wine, corn, mohair, groundnuts, karakul pelts, sugar, and wool.

South Africa offers U.S. exporters in the agricultural equipment and technology sector a wide range of opportunities. Five % of all new agriculture equipment is being produced locally; ninety five % of all agriculture equipment and parts are being sourced from international markets, and at least twenty % of new equipment and technologies are currently being sourced from the U.S.

Mozambique

Agriculture currently accounts for 81% of national employment and 32% of GDP. Mozambique requires great investment to drive the adoption of new technology in agriculture, which is needed for growth in the sector to keep pace with the country’s overall GDP growth.

Mozambique, the size of Texas and Louisiana combined, boasts 36 million hectares of arable land, yet 85% of it (30.6 million hectares) is unutilized and only 3% of all potential agricultural land is under irrigation. Mozambique’s vast potential in the agriculture sector has prompted major U.S. agribusiness companies to consider establishing commercial farms there.

Medical Technologies

Kenya

The Kenyan healthcare market relies almost entirely on imports of medical devices, pharmaceuticals (at least 70–80%), dental products, laboratory equipment, healthcare IT, clinical chemistry and diagnostics. As a result, U.S. healthcare suppliers are in an excellent position to increase their market share in Kenya due to technical competitiveness in quality and reliability.

Leading private sector hospitals are very active in modernizing their medical equipment inventories, while public sector hospitals are constantly re-equipping with improved budgetary allocations. There are concerted efforts by the Government of Kenya to attain universal healthcare for all Kenyans by 2030. Additionally, there are 47 county governments recently established, each of which is responsible for providing health facilities and services. It is expected that that a large portion of their funding from the central government will be used to re-equip county health facilities.

South Africa

South Africa’s health sector is considered the most developed in Africa, with expenditures estimated at

31.6 billion (2013), 9% of GDP. Healthcare is divided into public (50% of total spent on 80% of the population) and private (50% of total on 20% of the population). Government spending is likely to increase as they further develop and support the roll-out of the National Health Initiative scheme. Healthcare in the private sector is on par with first-world standards.

Over 90% of the medical market is imported, with the U.S. being the dominant supplier. There are good opportunities for U.S. medical device manufacturers, notably in diagnostic imaging and patient aids.

Mozambique

The U.S. alone has invested over \$1.9 billion in healthcare in Mozambique via the President’s Emergency Plan for AIDS Relief (PEPFAR). In fiscal year 2012, the U.S. Government supported the health sector with over \$340 million toward HIV/AIDS, malaria, tuberculosis, maternal child health, family planning reproductive health, nutrition and water and sanitation programming. These efforts are coordinated with the Government of Mozambique to improve quality and access to health care services. National spending on health has grown and U.S. companies can play a key role in improving the health and livelihoods of Mozambicans.

Mission Goals

The goal of this trade mission is to provide U.S. participants with first-hand market information, and one-on-one meetings with business contacts, including potential agents, distributors and partners so they can position themselves to enter or expand their presence in these markets.

Mission Scenario

This mission will visit Johannesburg and Maputo, following an optional stop in Nairobi, allowing participants to access the largest markets and business centers in these countries.

Proposed Mission Timetable

Day of week	Location	Activity
Sunday, Feb. 22	Nairobi	Companies participating in the Kenya portion arrive Nairobi.
Monday, Feb. 23	Nairobi	Welcome Breakfast. Briefing by U.S. Embassy. One-on-one business appointments. Evening business reception.
Tuesday Feb. 24	Nairobi	One-on-one business appointments continue as time permits.
	Johannesburg	Depart for Johannesburg. Companies participating in South Africa and Mozambique portion arrive in Johannesburg.
Wednesday, Feb. 25	Johannesburg	Briefing by U.S. Consulate Staff. One-on-one business meetings. Evening business reception.

Day of week	Location	Activity
Thursday, Feb. 26	Johannesburg	One-on-one meetings continue. Companies depart for Maputo.
Friday, Feb. 27	Maputo	Evening business reception.
	Maputo	Briefing by U.S. Embassy. One-on-one business appointments. Mission ends.

* **Note:** The final schedule and potential site visits will depend on the availability of local government and business officials, specific goals of mission participants, and air travel schedules.

Participation Requirements

All parties interested in participating in the trade mission must complete and submit an application package for consideration by the U.S. Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 15 and maximum of 20 firms and/or trade associations or organizations will be selected from the applicant pool to participate in the mission.

Fees and Expenses

After a company or trade association/organization has been selected to participate on the mission, a payment to the U.S. Department of Commerce in the form of a participation fee is required. The participation fee for the Kenya portion is \$1950 for small or medium-sized enterprises (SME),¹ trade associations/organizations, and large firms. The fee for each additional representative (large firm or SME or trade association/organization) is \$350.

The participation fee for the Mozambique and South Africa portion is \$3,450 for small or medium-sized enterprises (SME)², and \$4,850 for large firms and trade associations/organizations. The fee for each additional representative (large firm or SME or trade association/organization) is \$750.

The participation fee for all three countries is \$5,400 for small or medium-

sized enterprises (SME)³ and \$6,800 for large firms and trade associations/organizations. The fee for each additional representative (large firm or SME or trade association/organization) is \$750.

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation and air transportation. Delegate members will however, be able to take advantage of U.S. Government rates for hotel rooms. Government fees and processing expenses to obtain such visas are also not included in the mission costs. However, the U.S. Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas.

Conditions for Participation

Applicants must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's or association/organization's products and/or services, primary market objectives, and goals for participation by December 31, 2014. If the Department of Commerce receives an incomplete application, the Department may either: Reject the application, request additional information/clarification, or take the lack of information into account when evaluating the applications.

Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the U.S., or, if not, are marketed under the name of a U.S. firm and have at least fifty-one % U.S. content. In the case of a trade association or organization, the

applicant must certify that for each company to be represented by the association/organization, the products and/or services the represented company seeks to export are either produced in the U.S. or, if not, marketed under the name of a U.S. firm and have at least fifty-one % U.S. content.

In addition, each applicant must:

- Certify that the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified to the Department of Commerce for its evaluation any business pending before the Department that may present the appearance of a conflict of interest;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

Selection Criteria for Participation

Targeted mission participants are U.S. companies and trade associations/organizations providing or promoting products and services that have an interest in entering or expanding their business in the markets of Kenya, South Africa and Mozambique. The following criteria will be evaluated in selecting participants:

- Suitability of a company's (or in the case of a trade association/organization, represented companies') products or services to these markets.
- Company's (or in the case of a trade association/organization, represented companies') potential for business in the markets, including likelihood of exports resulting from the mission.
- Consistency of the applicant company's (or in the case of a trade association/organization, represented companies') goals and objectives with the stated scope of the mission.

¹ An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see http://www.sba.gov/services/contracting_opportunities/sizestandardsttopics/index.html). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see <http://www.export.gov/newsletter/march2008/initiatives.html> for additional information).

² An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see http://www.sba.gov/services/contracting_opportunities/sizestandardsttopics/index.html). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see <http://www.export.gov/newsletter/march2008/initiatives.html> for additional information).

³ An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see http://www.sba.gov/services/contracting_opportunities/sizestandardsttopics/index.html). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see <http://www.export.gov/newsletter/march2008/initiatives.html> for additional information).

Additional factors, such as diversity of company size, type, location, and demographics, may also be considered during the review process.

Referrals from political organizations and any documents, including the application, containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeframe for Recruitment and Application

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<http://www.export.gov/trademissions/>) and other Internet Web sites, press releases to general and trade media, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Recruitment for this mission will begin immediately and conclude no later than December 31, 2014. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis beginning June 23, 2014 until the maximum of 20 participants is selected. Applications received after December 31, 2014 will be considered only if space and scheduling constraints permit.

Contacts

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; NIST MEP Client Impact Survey

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 25, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dede McMahon, deirdre.mcmahon@nist.gov, 301-975-8328.

SUPPLEMENTARY INFORMATION:

I. Abstract

Sponsored by NIST, the Manufacturing Extension Partnership (MEP) is a national network of locally based manufacturing extension centers working with small manufacturers to assist them improve their productivity, improve profitability and enhance their economic competitiveness. The information collected will provide the MEP with information regarding MEP Center performance regarding the delivery of technology, and business solutions to U.S.-based manufacturers. The collected information will assist in determining the performance of the MEP Centers at both local and national levels, provide information critical to monitoring and reporting on MEP programmatic performance, and assist management in policy decisions. Responses to the collection of information are mandatory per the regulations governing the operation of the MEP Program (15 CFR parts 290, 291, 292, and H.R. 1274—section 2). The information collected will include MEP Customer inputs regarding their sales, costs, investments, employment, and exports. Customers will take the survey online. Customers will only be surveyed once per year under this collection. Data collected in this survey is confidential.

II. Method of Collection

Information will be collected electronically.

III. Data

OMB Control Number: 0693-0021.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 1,667.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 20, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014-14968 Filed 6-25-14; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD-2014-OS-0099]

Privacy Act of 1974; System of Records

AGENCY: National Guard Bureau, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The National Guard Bureau proposes to add a new system of records, INGB 007, entitled, "Guard Equipment Acquisition Records" to its inventory of record systems subject to the Privacy Act of 1974, as amended. The information in this system will be used to track designated personnel authorized to manage records for new

equipment requirements and distribution to Army National Guard units.

DATES: Comments will be accepted on or before July 28, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Nikolaisen, 111 South George Mason Drive, AH2, Arlington, VA 22204-1373 or telephone: (571) 256-7838.

SUPPLEMENTARY INFORMATION: The National Guard Bureau notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Web site at <http://dpclo.defense.gov/>.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 14, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 20, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM IDENTIFIER:

INGB 007

SYSTEM NAME:

Guard Equipment Acquisition Records.

SYSTEM LOCATION:

National Guard Bureau Army National Guard Materiel Programs Division: Planning and Integration, 111 South George Mason Drive, Arlington, VA 22204-1382.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military and civilian personnel assigned to National Guard Bureau Army National Guard Materiel Programs Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name of individual managing records; organizational email address; organizational telephone; and military rank/grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 10502, Chief, National Guard Bureau; Department of Defense Instruction 7045.7: Implementation of the Planning, Programming, and Budgeting Systems (PPBS); and Department of Defense Instruction 1225.06: Equipping the Reserve Forces.

PURPOSE(S):

To track designated personnel authorized to manage records for new equipment requirements and distribution to Army National Guard units.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the (DoD) as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Records are retrieved by individual's name.

SAFEGUARDS:

Access to the database is strictly limited to authorized individuals with common access cards (CAC) issued by the DoD, and the database is maintained behind a firewall. Physical security measures include security guards, controlled access using CACs, and cipher locks.

RETENTION AND DISPOSAL:

Disposition pending, records are permanent until the National Archives and Record Administration has approved a retention and disposition schedule for the National Guard Bureau.

SYSTEM MANAGER(S) AND ADDRESS:

National Guard Bureau Army National Guard Materiel Programs Division: Planning and Integration, 111 S. George Mason Drive, Arlington, VA 22204-1382.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire if the system contains information about themselves should contact the system manager at National Guard Bureau Army National Guard Materiel Programs Division: Planning and Integration Branch Manager, 111 S. George Mason Drive, Arlington, VA 22204-1382.

Written requests must include a signed declaration and include the individual's first, middle and last name, and full mailing address in order to receive a response.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to: Branch Manager, Army National Guard Materiel Programs Division: Planning and Integration, 111 S. George Mason Drive, Arlington, VA 22204-1382.

Written requests must include a signed declaration and include their first, middle and last name, and full mailing address in order to receive a response.

CONTESTING RECORDS PROCEDURES:

The National Guard Bureau rules for accessing records, and for contesting contents and appealing initial agency determinations are published at 32 CFR Part 329 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

User information is provided by individual user.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014-14987 Filed 6-25-14; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Department of the Army****Supplemental Programmatic Environmental Assessment for Army 2020 Force Structure Realignment and Draft Finding of No Significant Impact****AGENCY:** Department of the Army, DoD.**ACTION:** Notice of Availability.

SUMMARY: The Department of the Army has completed a Supplemental Programmatic Environmental Assessment (SPEA) for Army force structure realignment and is making a draft Finding of No Significant Impact (FNSI) available for public comment. The draft FNSI incorporates the SPEA, which does not identify any significant environmental impacts from the proposed action, with the exception of socioeconomic impacts at most installations. The draft FNSI concludes that preparation of an Environmental Impact Statement (EIS) is not required.

Current budgetary projections require the Army to analyze the reduction of active component end strength below the 490,000 Soldier reduction analyzed in the January 2013 Programmatic Environmental Assessment for Army 2020 Force Structure Realignment (PEA) as the further reductions exceed the scope of the 2013 PEA analysis. The SPEA builds on the foundation of the 2013 PEA and assesses the impacts of a potential reduction of an additional 70,000 Soldiers and associated reductions in Army civilians, down to an Active Component end-strength of 420,000 Soldiers. These reductions are necessary to achieve the savings required by the Budget Control Act of 2011.

Nearly all Army installations will be affected in some way by additional reductions. The 2013 PEA evaluated 21 Army and joint base installations. With the deeper reductions now anticipated, the Army must consider nine additional installations that could experience reductions of 1,000 or more Active Component Soldiers and/or Army civilians.

The SPEA does not identify any significant environmental impacts anticipated as a result of implementing the proposed action, with the exception of socioeconomic impacts at most installations; consequently, the preparation of an environmental impact statement is not required.

DATES: Submit comments on or before August 25, 2014.**ADDRESSES:** Written comments should be sent to: U.S. Army Environmental Command, ATTN: SPEA Public

Comments, 2450 Connell Road (Building 2264), Joint Base San Antonio-Fort Sam Houston, TX 78234-7664; email: usarmy.jbsa.aec.nepa@mail.mil.

FOR FURTHER INFORMATION CONTACT:

Please contact the U.S. Army Environmental Command Public Affairs Office, (210) 466-1590 or toll-free 855-846-3940, or email at usarmy.jbsa.aec.nepa@mail.mil.

SUPPLEMENTARY INFORMATION: In 2013, the Army announced a reduction of its force from a war time peak of about 570,000 in 2010 to 490,000, as well as a substantial realignment of the remaining force. These changes were required to achieve the savings specified in the Budget Control Act of 2011 and to adjust force structure to meet evolving mission requirements. To analyze their potential environmental and socioeconomic impacts, the Army prepared the 2013 PEA. Since the 2013 PEA was completed, however, Department of Defense mission and fiscal considerations have continued to change, and the future end-strength of the Army must be reduced below the 490,000 covered by the 2013 PEA. The 2014 Quadrennial Defense Review (QDR) states that the active Army will reduce to a force of 440,000-450,000 Soldiers. The 2014 QDR also states if sequestration-level cuts are imposed in FY 2016 and beyond, Active Component end-strength would be reduced to 420,000. As a result, the Army has prepared a SPEA, building on the information and analysis contained in the 2013 PEA, to assess the environmental and socioeconomic impacts of further reductions and to provide information to decision makers and the public.

The installations that could experience reductions of 1,000 or more Active Component Soldiers and/or Army civilians—the appropriate threshold for inclusion of installations at the programmatic level of analysis—and which are specifically analyzed in the SPEA are Aberdeen Proving Ground, MD; Fort Belvoir, VA; Fort Benning, GA; Fort Bliss, TX; Fort Bragg, NC; Fort Campbell, KY; Fort Carson, CO; Fort Drum, NY; Fort Gordon, GA; Fort Hood, TX; Fort Huachuca, AZ; Fort Irwin, CA; Fort Jackson, SC; Fort Knox, KY; Fort Leavenworth, KS; Fort Lee, VA; Fort Leonard Wood, MO; Fort Meade, MD; Fort Polk, LA; Fort Riley, KS; Fort Rucker, AL; Fort Sill, OK; Fort Stewart, GA; Fort Wainwright, AK; Joint Base Elmendorf-Richardson, AK; Joint Base Langley-Eustis, VA; Joint Base Lewis-McChord, WA; Joint Base San Antonio—Fort Sam Houston, TX; and, United States Army Garrison Hawaii

(Fort Shafter and Schofield Barracks), HI. The SPEA provides an assessment of the possible direct, indirect, and cumulative environmental and socioeconomic impacts of the greatest combined Soldier and Army civilian reductions being considered at each installation.

In addition to the action alternative, the Army also evaluated a No Action Alternative. The No Action Alternative reflects the FY 2012 force structure and retains the Army at the FY 2012 authorized end-strength of about 562,000 Active Component Soldiers and 320,000 Army civilians. While some reductions have already been decided on since the April 2013 FNSI was signed, based on the 2013 PEA, the No Action Alternative in the SPEA allows for a comparison of baseline conditions with the environmental impacts of the action alternative.

Environmental resource areas associated with the implementation of the proposed action, and therefore analyzed in the SPEA, are air quality, airspace, cultural resources, noise, soils, biological resources, wetlands, water resources, facilities, socioeconomic, energy demand and generation, land use, hazardous materials and waste, and traffic and transportation. Although no installations were identified as having potentially significant impacts to environmental resources should the full reductions be implemented, the SPEA concludes that most installations would have significant socioeconomic impacts.

As was the case for the 2013 PEA, the reductions assessed in the SPEA are not tied to specific units. Options to achieve this additional force restructure are too numerous for analysis at this time; therefore, analysis of reductions related to specific units or organizations are not within the programmatic scope of the SPEA. During the force structure decision process, the Army will identify those units and organizations to be affected by reductions over the 2015-2020 timeframe so as to meet the Army's national security mission and operate within a constrained fiscal environment.

The SPEA and draft FNSI may be accessed at: <http://aec.army.mil/Services/Support/NEPA/Documents.aspx>. Also, in approximately one week after publication of the Notice of Availability in the **Federal Register** by the Department of the Army, copies of the SPEA and draft FNSI will be available in various public libraries near the affected installations. Although the Army's NEPA regulations generally only require a 30-day public comment

period, this public comment period will be 60 days.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014-14733 Filed 6-25-14; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN-2013-0019]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995*, the Department of the Navy, Office of Naval Research (ONR), announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 25, 2014.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to

obtain a copy of the proposal and associated collection instruments, please write to the Office of Naval Research (ONR), ATTN: Will Brown, Talent Manager, 875 North Randolph Street, Arlington, VA 22203; or will.brown@navy.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Office of Naval Research (ONR) As One Survey; OMB Control Number, 0703-TBD.

Needs and Uses: The Chief of Naval Research requires a method to better understand how the total ONR workforce is aligned and executes the Command's mission and strategic initiatives. A survey will allow ONR to collect data around the workforce's affinity within organizational groups, commitment to strategic initiatives, and understanding of how they work together to achieve ONR's mission.

Non-government personnel (Contractors and Intergovernmental Personnel Act (IPAs) staff) comprise approximately half of ONR's total workforce population. As such, surveying these non-government personnel is required to capture a holistic view of the total ONR workforce and provide leaders with information to make informed workforce decisions. These "contingent" workforce members perform a wide-range of functions and are uniquely qualified individuals brought in to support science and technology management. These individuals move across the organization adapting quickly to new issues and projects. They must understand customers and the interworking of ONR. They represent the core of the cross-functional matrix team concept and act as facilitators and nodes among specialist and government professionals. The combination of these contingent workers and government personnel comprise the ONR workforce of the future. Truly understanding the concerns and motivation of this segment of the workforce will facilitate increased creativity and discretionary effort across the enterprise.

The information collected in the survey will be used by ONR executives to measure performance of the organization, proactively inform workforce engagement strategies for greater resonance and impact, and prepare for and implement organizational changes in the near- and long-term.

Affected Public: Individuals and Households: Non-government employees at ONR.

Annual Burden Hours: 139.

Number of Respondents: 555.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: One Time.

ONR continues to experience significant organizational and operational changes. In order to successfully and efficiently implement these changes, the Chief of Naval Research must understand information related to the following: (1) The degree of organizational coherence behind executing strategic goals and priorities; (2) data to measure performance of the organization and proactively inform workforce engagement strategies to optimize resonance and impact; and (3) how to prepare for and implement organizational changes in the near- and long-term. Currently, no databases or surveys exist to provide information on these areas as it relates to the total ONR workforce. The ONR As One survey is designed to provide the three information needs described above by surveying the ONR workforce. As an online survey, it is the most cost- and time-effective means for collecting the required information. Because nongovernment employees comprise approximately half of ONR's total workforce, it is imperative that these workforce member types are included in the survey population. The feedback from these workforce member types is critical to the goal of capturing an accurate representation of the ONR total workforce on the measures that are of interest to the organization's leadership: The information collected in the survey will be used to measure performance of the organization, proactively inform workforce engagement strategies for greater resonance and impact, and prepare for and implement organizational changes in the near- and long-term. All information will be collected by an online survey and all data will be reported in the aggregate.

Dated: June 23, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014-14950 Filed 6-25-14; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive License; Unified Operations LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant Unified Operations, LLC a revocable, nonassignable, partially exclusive license, with exclusive fields of use in agriculture, forestry, fishing and hunting, mining, quarrying, and oil and gas extraction, construction, wholesale trade, warehousing, retail estate and rental and leasing, administrative and support and waste management and remediation services, arts, entertainment, and recreation, accommodation and food services, ultra light & barriers/barricades, health care and social assistance, educational services, in the United States to practice the Government-owned inventions, U.S. Patent No. 7,156,249, issued January 2, 2007: Container and Related Methods// U.S. Patent No. 7,726,496, issued June 1, 2010: Shipping and Storage System// U.S. Patent No. 7,491,024, issued February 17, 2009: Interlocking Pallets, and Shipping and Storage Systems Employing the Same// U.S. Patent No. 7,739,965, issued June 22, 2010: Automatically Interlocking Pallets, and Shipping and Storage Systems Employing the Same.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 11, 2014.

ADDRESSES: Written objections are to be filed with the Naval Surface Warfare Center Indian Head Explosive Ordnance Disposal Technology Division (IHEODTD), Code OC4, Bldg. D-31, 3824 Strauss Avenue, Indian Head, MD 20640-5152.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Deiter, Head, Technology Transfer Office, Naval Surface Warfare Center IHEODTD, Code CAB, 3824 Strauss Avenue, Indian Head, MD 20640-5152, telephone 301-744-6111.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: June 18, 2014.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2014-14956 Filed 6-25-14; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of an altered system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Chief Operating Officer for Federal Student Aid (FSA) of the U.S. Department of Education (Department) publishes this notice to revise the system of records previously maintained by the U.S. Department of Health and Human Services (HHS) entitled "Health Education Assistance On-Line Processing System (HOPS)" (09-15-0044) because of the statutory transfer of the underlying loan program to the Department. As revised, the Department is retitling and renumbering the system of records as the "Health Education Assistance Loan (HEAL) program" (18-11-20).

The revisions are consistent with the amendments made by the Consolidated Appropriations Act, 2014, which permanently transferred the authority to administer the HEAL program from the Secretary of Health and Human Services to the Secretary of Education.

DATES: Submit your comments on this notice of an altered system of records on or before July 28, 2014.

Because Office of Management and Budget (OMB) Circular A-130, Appendix I, indicates that minor changes to systems of records need not be reported, such as the minor changes made to the HEAL program system of records by this notice as explained in the **SUPPLEMENTARY INFORMATION** section, the Department is not required to file, and has not filed, a report describing the altered system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, or the Administrator of the Office of Information and Regulatory Affairs, OMB. This altered system of records will become effective July 28, 2014, unless the system of records needs to be changed as a result of public comment.

ADDRESSES: Address all comments about this notice of an altered system of records to: Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Federal Student Aid, U.S. Department of Education, Union Center Plaza (UCP), 830 First Street NE., Room 44F1, Washington, DC 20202-5454. If you prefer to send comments by email, use the following address: comments@ed.gov. You must include the term "HEAL program comments" in the subject line of your electronic message.

During and after the comment period, you may inspect all public comments about this notice in room 64D1, UCP, 830 First Street NE., Washington, DC,

between the hours of 8:00 a.m. and 4:30 p.m., Eastern Standard Time, Monday through Friday of each week except Federal holidays.

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 this notice. 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**.

FOR FURTHER INFORMATION CONTACT: Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Federal Student Aid, U.S. Department of Education, Union Center Plaza (UCP), 830 First Street NE., Room 44F1, Washington, DC 20202-5454. Telephone: 202-377-3547.

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

SUPPLEMENTARY INFORMATION:

Introduction

Under division H, title V, section 525 of the Consolidated Appropriations Act, 2014 (Pub. L. 113-76) and title VII, part A, subpart I of the Public Health Service Act, the authority to administer the HEAL program, including servicing, collecting, and enforcing any loans made under the program that remain outstanding, is transferred from the Secretary of HHS to the Secretary of Education no later than the end of the first fiscal quarter that begins after January 17, 2014—the date of the enactment of the Consolidated Appropriations Act, 2014.

The HEAL program system of records covers records for all activities that the Department carries out with regard to servicing, collecting, and enforcing Federal student loans made under title VII, part A, subpart I of the Public Health Service Act that remain outstanding. The HEAL system also contains records of transactions performed by the Department to carry out the purposes of this system of records.

The Privacy Act (5 U.S.C. 552a(e)(4) and (11)) requires Federal agencies to publish in the **Federal Register** this notice of an altered system of records. The Department's regulations implementing the Privacy Act are

contained in part 5b of title 34 of the Code of Federal Regulations.

The Privacy Act applies to records about individuals that contain individually identifying information and that are retrieved by a unique identifier associated with each individual, such as a name or Social Security number. The information about each individual is called a "record," and the system, whether manual or computer-based, is called a "system of records."

The revisions to this system of records relate to the transfer of the system from HHS to the Department in accordance with the Consolidated Appropriations Act, 2014. The system is being renamed and renumbered from Health Education Assistance On-Line Processing System (HOPS) (09-15-0044) to Health Education Assistance Loan (HEAL) program (18-11-20). These changes are being made so that the system of records reflects that the HEAL program is now administered by the Department.

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

Electronic Access to This Document: The official version of this document is 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 20, 2014.

James W. Runcie,

Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Chief Operating Officer, Federal Student Aid, of the U.S. Department of Education (Department or ED), publishes a notice of an altered system of records to read as follows:

SYSTEM NUMBER: 18-11-20

SYSTEM NAME:

Health Education Assistance Loan (HEAL) program.

SECURITY CLASSIFICATION:

Moderate.

SYSTEM LOCATION(S):

- Bureau of Health Professions, Health Resources and Services Administration, U.S. Department of Health and Human Services (HHS), 5600 Fishers Lane, Room 9-105, Rockville, MD 20857.
- Records are located at additional contractor sites. A list of contractor sites where individually identifiable data are currently located is available upon request to the System Manager.
- Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Recipients of HEAL program loans that remain outstanding.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each HEAL recipient record contains the borrower's name, Social Security number (SSN) or other identifying number, birth date, demographic background, educational status, loan location and status, and financial information about the individual for whom the record is maintained. Each loan record contains lender and school identification information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintenance of the system includes Sections 701 and 702 of the Public Health Service Act, as amended (PHS Act) (42 U.S.C. 292 and 292a), which authorize the establishment of a Federal program of student loan insurance; Section 715 of the PHS Act (42 U.S.C. 292n), which directs the Secretary of Education to require institutions to provide information for each student who has a loan; Section 709 of the PHS Act (42 U.S.C. 292h), which authorizes disclosure and publication of HEAL defaulters; the Debt Collection Improvement Act (31 U.S.C. 3701 and 3711-3720E); and the Consolidated Appropriations Act, 2014, Div. H, title V, section 525 of Pub. L. 113-76, which transfers the authority to administer the HEAL program from the Secretary of Health and Human Services to the Secretary of Education.

PURPOSE(S):

The purposes of this system are:

1. To identify borrowers participating in the HEAL program;

2. To monitor the loan status of HEAL recipients, which includes the collection of overdue debts owed under the HEAL program; and

3. To compile and generate managerial and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, educational and financial institutions, and collection agencies. The purposes of such disclosures are to verify the identity of the loan applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and abuse, to verify compliance with program regulations, and to locate delinquent borrowers through pre-claims assistance. Information may be disclosed to educational or financial institutions to assist them in loan management.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. ED may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when: (a) ED or any component thereof; or (b) any ED employee in his or her official capacity; or (c) any ED employee in his or her individual capacity where the Department of Justice (or ED, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof determines that the litigation is likely to affect ED or any of its components, is a party to litigation or has an interest in such litigation, and ED determines that the use of such records by the Department of Justice or the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, ED determines that such disclosure is compatible with the purpose for which the records were collected.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in

the system of records may be referred to the appropriate agency, whether Federal, State, or local, charged with enforcing or implementing the statute or any rule, regulation, or order issued pursuant thereto.

5. ED may disclose from this system of records a delinquent debtor's name, address, SSN, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows: (a) To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset. (b) To another Federal agency so that agency can effect an authorized administrative offset, i.e., withhold money payable to, or held on behalf of, debtors other than Federal employees. (c) To the Internal Revenue Service (IRS), the U.S. Department of the Treasury (Treasury Department), to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt or to have a commercial credit report prepared.

6. Records may be disclosed to the Office of Management and Budget for auditing financial obligations to determine compliance with programmatic, statutory, and regulatory provisions.

7. ED may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes: (a) To establish creditworthiness of a loan applicant; and (b) To assess and verify the ability of a debtor to repay debts owed to the Federal Government. Disclosures are limited to the individual's name, address, SSN, and other information necessary to identify him/her; the funding being sought or amount and status of the debt; and the program under which the application or claim is being processed.

8. ED may disclose to the IRS, Treasury Department, information about an individual applying for a loan under any loan program authorized by the PHS Act to find out whether the loan applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, SSN, other information necessary to identify him/her, and the program for which the information is being obtained.

9. ED may report to the IRS, Treasury Department, as taxable income, the written-off amount of a debt owed by an

individual to the Federal Government when a debt becomes partly or wholly uncollectible—either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

10. ED may disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, SSN, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

11. ED may disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as the U.S. Postal Service, a consumer reporting agency (credit bureau), a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual (defaulter's name, latest known City and State of residence, total amount of the HEAL debt).

12. Records may be disclosed to Department contractors and subcontractors for the purpose of assisting HEAL program managers in collating, compiling, aggregating, or analyzing records used in administering the HEAL program. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to the records.

13. ED may disclose from this system of records to the IRS, Treasury Department: (a) A delinquent debtor's name, address, SSN, and other necessary information to identify the debtor; (b) The amount of the debt; and (c) The program under which the debt arose, so that the IRS can offset against the debt any income tax refunds which may be due to the debtor.

14. ED may disclose the complete loan file of defaulted HEAL recipients to potential purchasers of HEAL loans to enable them to value and price the loans, and to actual purchasers to enable them to collect the defaulted loans. The purpose of this disclosure will be to facilitate the sale and collection of defaulted HEAL loans. Potential purchasers are required to maintain Privacy Act safeguards with respect to the records.

15. In accordance with the directive in 42 U.S.C. 292h(c)(1), the names of

HEAL borrowers who are in default may be published on a Defaulted Borrowers Web site, should ED reestablish one, by city and State along with the amounts of their HEAL debts. An individual's address also may be published if the address is a matter of public record as a result of legal proceedings having been filed concerning the individual's HEAL debt.

16. In accordance with the directive in 42 U.S.C. 292h(c)(2), disclosure may be made to relevant Federal agencies, schools, school associations, professional and specialty associations, State licensing boards, hospitals with which a HEAL defaulter may be associated, and other similar organizations.

17. To appropriate Federal agencies and Department contractors and subcontractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) (as set forth in 31 U.S.C. 3711(e)): Disclosures may be made from this system to "consumer reporting agencies," as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Improvement Act (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are:

1. To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records; and

2. To enable ED to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants.

Disclosure of records will be limited to the individual's name, SSN, and other information necessary to establish the identity of the individual; the amount, status, and history of the claim, and the agency or program under which the claim arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in database servers, file folders, CDs, DVDs, and magnetic tapes.

RETRIEVABILITY:

Records are retrieved by SSN or other identifying number.

SAFEGUARDS:

Authorized users: Access is limited to authorized HEAL program personnel and contractors responsible for administering the HEAL program. Authorized personnel include ED employees and officials, financial and fiscal management personnel, computer personnel and program managers who have responsibilities for implementing the HEAL program. Read-only users: Read-only access is given to servicers, holders, and financial/fiscal management personnel.

Physical safeguards: Magnetic tapes, disc packs, computer equipment, and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and non-working hours in locked file cabinets or locked storage areas. Security guards are staffed 24 hours a day, seven days a week, to perform random checks on the physical security of the records storage areas.

Procedural safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. In addition, all sensitive data is encrypted using Oracle Transparent Data Encryption functionality. Access to records is strictly limited to those staff members trained in accordance with the Privacy Act and automatic data processing (ADP) security procedures. Contractors are required to maintain, and are also required to ensure that subcontractors maintain, confidentiality safeguards with respect to these records. Contractors and subcontractors are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by the Privacy Act. All individuals who have access to these records receive the appropriate ADP security clearances. ED personnel make site visits to ADP facilities for the purpose of ensuring that ADP security procedures continue to be met. Privacy Act and ADP system security requirements are specifically included in contracts. The HEAL program project directors, project officers, and the System Manager oversee compliance with these requirements.

Implementing guidelines: The safeguards described above were established in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of HHS' General Administration Manual.

RETENTION AND DISPOSAL:

ED is working with its Records Officer and the National Archives and Records Administration to obtain the appropriate record retention schedule.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Federal Student Aid, U.S. Department of Education, Union Center Plaza (UCP), 830 First Street NE., Room 44F1, Washington, DC 20202-5454. Telephone: 202-377-3547.

NOTIFICATION PROCEDURE:

To find out if the system contains records about you contact the System Manager.

Requests in person: Written requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired. Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by mail: To request information and/or access to records by mail, you must provide your name, address, date of birth, a reasonable description of the record desired, at least one piece of information that is also contained in the subject record, and your signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not accepted.

RECORDS ACCESS PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought. Requesters may also request an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individual loan recipients, HEAL schools, lenders, holders of HEAL loans and their agents, HHS, and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014-14928 Filed 6-25-14; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY**Agency Information Collection Extension**

AGENCY: U.S. Department of Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Comments regarding this collection must be received on or before July 28, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4718.

ADDRESSES: Written comments should be sent to:

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 735 17th Street NW., Room 10102, Washington, DC 20503, and to:

Director, Records Management Division, Office of the Chief Information Officer, U.S. Department of Energy, 19901 Germantown Rd., Room G-312, Germantown, MD 20874, informationcollection@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Christina Rouleau, Paperwork Reduction Act Officer, Office of the Chief Information Officer, U.S. Department of Energy, 19901 Germantown Rd., Room G-312, Germantown, MD 20874, (301) 903-6227, informationcollection@hq.doe.gov.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) OMB No. 1910–5160; (2) Information Collection Request Title: “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery;” (3) Type of Request: Extension; (4) Purpose: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration’s commitment to improving service delivery. “Qualitative feedback” refers to information that provides useful insights on perceptions and opinions but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management; (5) Annual Estimated Number of Respondents: 10,000; (6) Annual Estimated Number of Total Responses: 10,000; (7) Annual Estimated Number of Burden Hours: 200,000; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: There are no costs for Reporting and Recordkeeping. Statutory Authority: Executive Order (EO) 13571, Streamlining Service Delivery and Improving Customer Service.

Issued in Washington, DC, on June 20, 2014.

Christina Rouleau,

Acting Director, Records Management Division, IT Planning, Architecture, and E-Government, Office of the Chief Information Officer, U.S. Department of Energy.

[FR Doc. 2014–15017 Filed 6–25–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

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

ACTION: Notice of Open Teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) requires that public

notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 17, 2014 from 3:30 p.m. to 4:00 p.m. (EDT). To receive the call-in number and passcode, please contact the Board’s Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Julie Hughes, STEAB Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number: 202–320–9703, and email: Julie.Hughes@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board’s responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates, review of feedback from DOE and EERE with regards to recently submitted recommendations regarding the Lab Impact Initiative, the Weatherization Program and the Quadrennial Energy Review, discuss potential engagement with EERE staff on relevant issues related to the Engagement Plan, and look at agenda items and logistical needs regarding the upcoming August meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Julie Hughes at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: www.steab.org.

Issued at Washington, DC, on June 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–15016 Filed 6–25–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Laboratory. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, July 10, 2014 8:00 a.m.–4:30 p.m.

The opportunity for public comment is at 1:30 p.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

ADDRESSES: Hilton Garden Inn, 700 Lindsay Boulevard, Idaho Falls, ID 83402.

FOR FURTHER INFORMATION CONTACT:

Robert L. Pence, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, Idaho 83415. Phone (208) 526–6518; Fax (208) 526–8789 or email: pencerl@id.doe.gov or visit the Board’s Internet home page at: <http://inlcab.energy.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.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Robert L. Pence for the most current agenda):

- Recent Public Involvement
- Idaho Cleanup Project Progress to Date (Including status updates on Transuranic Waste, Spent Nuclear Fuel, and the Integrated Waste Treatment Unit)
- Update on Waste Isolation Pilot Plant (WIPP)
- WIPP Directed New Work Plans—Idaho Treatment Group and Idaho Cleanup Project
- Update on Advanced Mixed Waste Treatment Project
- Fiscal Year 2015 Planned Work Scope and Funding
- Repurposing EM Facilities
- New Contract Structure
- Discussion of Draft Recommendation Regarding Land Use

Public Participation: The EM SSAB, Idaho National Laboratory, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Robert L. Pence at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Robert L. Pence at the address or telephone number listed above. The request 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. This notice is being published less than 15 days prior to the meeting date due to logistical issues that had to be resolved prior to the meeting date.

Minutes: Minutes will be available by writing or calling Robert L. Pence, Federal Coordinator, at the address and phone number listed above. Minutes will also be available at the following Web site: <http://inlcab.energy.gov/pages/meetings.php>.

Issued at Washington, DC, on June 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014-15019 Filed 6-25-14; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10-2474-008.

Applicants: Sierra Pacific Power Company.

Description: Market-Based Rate Tariff, Volume No. 7 Amendment to be effective 2/3/2014.

Filed Date: 6/19/14.

Accession Number: 20140619-5064.

Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: ER10-2475-008.

Applicants: Nevada Power Company.

Description: Market-Based Rate Tariff, Volume No. 11 Amendment to be effective 2/3/2014.

Filed Date: 6/19/14.

Accession Number: 20140619-5065.

Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: ER14-275-001.

Applicants: DTE Electric Company.

Description: Clinton Compliance

Filing to be effective 1/1/2014.

Filed Date: 6/19/14.

Accession Number: 20140619-5062.

Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: ER14-2209-001.

Applicants: Duke Energy Progress, Inc.

Description: 2nd Amended filing to RS 193 Cargill-DEP to be effective 6/14/2014.

Filed Date: 6/18/14.

Accession Number: 20140618-5111.

Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14-2222-000.

Applicants: Arizona Public Service Company.

Description: Rate Schedule No. 273—Hassayampa—North Gila 500kV. Participation Agreement to be effective 8/19/2014.

Filed Date: 6/19/14.

Accession Number: 20140619-5067.

Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: ER14-2223-000.

Applicants: Sabine Cogen, LP.

Description: Sabine Category Change Amendment Filing to be effective 6/20/2014.

Filed Date: 6/19/14.

Accession Number: 20140619-5086.

Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: ER14-2224-000.

Applicants: CenterPoint Energy Houston Electric, LLC.

Description: TFO Tariff Interim Rate Revision to Conform with PUCT-Approved ERCOT Rate to be effective 5/12/2014.

Filed Date: 6/19/14.

Accession Number: 20140619-5098.

Comments Due: 5 p.m. ET 7/10/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: June 19, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014-14982 Filed 6-25-14; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14-1049-000.

Applicants: American Midstream (Midla), LLC.

Description: Midla Off-System

Capacity Filing to be effective 7/16/2014.

Filed Date: 6/16/14.

Accession Number: 20140616-5119.

Comments Due: 5 p.m. ET 6/30/14.

Docket Numbers: RP14-1050-000.

Applicants: Leaf River Energy Center LLC.

Description: Tariff Changes to Update Contact Information to be effective 7/16/2014.

Filed Date: 6/16/14.

Accession Number: 20140616-5213.

Comments Due: 5 p.m. ET 6/30/14.

Docket Numbers: RP14-1051-000.

Applicants: Honeoye Storage Corporation.

Description: June 2014 Show Cause Order issued March 20 2014 Change to be effective 7/20/2014.

Filed Date: 6/17/14.

Accession Number: 20140617-5059.

Comments Due: 5 p.m. ET 6/30/14.

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.

Filings in Existing Proceedings

Docket Numbers: RP14-764-001.

Applicants: Millennium Pipeline Company, LLC.

Description: Negotiated Rate Service Agmt—WPX Compliance Filing to be effective 5/1/2014.

Filed Date: 6/17/14.

Accession Number: 20140617–5118.

Comments Due: 5 p.m. ET 6/30/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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 18, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–14984 Filed 6–25–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1046–000.

Applicants: Texas Gas Transmission, LLC.

Description: Superceding Neg Rate Agmt (Macquarie 26833) to be effective 6/13/2014.

Filed Date: 6/13/14.

Accession Number: 20140613–5054.

Comments Due: 5 p.m. ET 6/25/14.

Docket Numbers: RP14–1047–000.

Applicants: American Midstream (Midla), LLC.

Description: Midla Revision to Tariff Record 25 to be effective 8/1/2014.

Filed Date: 6/13/14.

Accession Number: 20140613–5105.

Comments Due: 5 p.m. ET 6/25/14.

Docket Numbers: RP14–1048–000.

Applicants: Tallgrass Interstate Gas Transmission, L.

Description: Neg Rate 2014–06–06 Atmos A&R NRA to be effective 6/14/2014.

Filed Date: 6/13/14.

Accession Number: 20140613–5178.

Comments Due: 5 p.m. ET 6/25/14.

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 16, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–14983 Filed 6–25–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–7–000]

North American Electric Reliability Corporation; Order Approving Reliability Standard

Before Commissioners: Cheryl A. LaFleur, Acting Chairman; Philip D. Moeller, John R. Norris, and Tony Clark.

1. On March 7, 2014, the North American Electric Reliability Corporation (NERC) submitted a petition for approval of proposed Reliability Standard PER–005–2 (Operations Personnel Training) and retirement of currently-effective Reliability Standard PER–005–1 (Systems Personnel Training). Reliability Standard PER–005–2 is designed to ensure that personnel performing or supporting real-time operations on the Bulk-Power System are trained using a systematic approach, and expands the scope of NERC's currently-effective training Reliability Standard to include certain personnel of transmission owners and generator operators, as well as operations support personnel as defined in a proposed new term for the NERC Glossary of Terms Used in Reliability Standards (NERC Glossary or Glossary). In addition, the proposed Reliability Standard includes new implementation period requirements for entities that become subject to the obligation to provide emergency operations training using

simulation technology. NERC requests that the proposed standard become effective the first day of the first calendar quarter 24 months beyond the date the standard is approved.

2. As explained below, pursuant to section 215(d) of the Federal Power Act (FPA),¹ we approve Reliability Standard PER–005–2, and find that it is just, reasonable, not unduly discriminatory or preferential, and in the public interest. We also approve NERC's proposed implementation plan for the revised standard, including the retirement of currently-effective Reliability Standard PER–005–1, and the proposed violation risk factors and violation severity levels. Finally, we approve the new Glossary term "Operations Support Personnel" and proposed changes to the Glossary term "System Operator" as described in NERC's petition.

I. Background

3. The Commission certified NERC as the Electric Reliability Organization (ERO), as defined in section 215 of the FPA, in July 2006.² On March 16, 2007, the Commission issued Order No. 693, approving 83 of the 107 initial Reliability Standards filed by NERC,³ including four PER Reliability Standards governing certain areas of personnel staffing and training.⁴

4. In addition, under section 215(d)(5) of the FPA, the Commission directed NERC to develop several modifications to the approved PER standards. Specifically, the Commission directed NERC to develop revised or additional standards that would: (1) Identify the expectations of the training for each job function; (2) develop training programs tailored to each job function with consideration of the individual training needs of the personnel; (3) expand the applicability of the training requirements to include: reliability coordinators, local transmission control center operator personnel, generator operators centrally-located at a generation control center with a direct impact on the reliable operation of the Bulk-Power System, and operations planning and operations support staff who carry out outage planning and assessments and those who develop

¹ 16 U.S.C. 824o(d) (2012).

² *North American Electric Reliability Corp.*, 116 FERC ¶ 61,062, *order on reh'g and compliance*, 117 FERC ¶ 61,126 (2006), *order on compliance*, 118 FERC ¶ 61,190, *order on reh'g* 119 FERC ¶ 61,046 (2007), *aff'd sub nom. Alcoa Inc. v. FERC*, 564 F.3d 1342 (D.C. Cir. 2009).

³ *Mandatory Reliability Standards for the Bulk-Power System*, Order No. 693, FERC Stats. & Regs. ¶ 31,242, *order on reh'g*, Order No. 693–A, 120 FERC ¶ 61,053 (2007).

⁴ *See id.* PP 1324–1417.

system operating limits (SOL), interconnection reliability operating limits (IROL), or operating nomograms for real-time operations; (4) use a systematic approach to training methodology for developing new training programs; and (5) include the use of simulators by reliability coordinators, transmission operators, and balancing authorities that have operational control over a significant portion of load and generation.⁵

5. In addition, the Commission directed NERC to determine whether it is feasible to develop meaningful performance metrics associated with the effectiveness of a training program required by then-effective Reliability Standard PER-002-0 and to consider whether personnel who support Energy Management System (EMS) applications should be included in mandatory training pursuant to the Reliability Standard.⁶

6. NERC addressed a portion of the Order No. 693 directives in a September 30, 2009 filing, in which it submitted a new proposed standard PER-005-1 (System Personnel Training) along with a revised Reliability Standard, PER-004-2 (Reliability Coordination—Staffing). The Commission approved these proposed Reliability Standards in Order No. 742, finding that the new and revised standards would enhance the reliability of the Bulk-Power System.⁷ However, the Commission noted that the standards did not fully satisfy the directives issued in Order No. 693,⁸ and issued additional directives pursuant to FPA section 215(d)(5), requiring NERC to: (1) Consider the necessity of developing an implementation plan for entities that become subject to the requirement to provide emergency operations training using simulation technology in PER-005-1, Requirement R3.1, and (2) develop a Reliability Standard establishing training

⁵ *Id.* P 1393.

⁶ *Id.* P 1394.

⁷ *System Personnel Training Reliability Standards*, Order No. 742, 133 FERC ¶ 61,159, at P 16 (2010); *order on clarification*, 134 FERC ¶ 61,078 (2011).

⁸ Specifically, the Commission noted that NERC had not yet addressed the Order No. 693 directives to (1) expand the applicability of the standard to include certain generator operators centrally-located at a generation control center; (2) expand the standard to include operations planning and operations support staff who carry out outage planning and assessments and those who develop SOLs and IROLs; and (3) consider whether personnel supporting Emergency Management System (EMS) applications should be included in mandatory operator personnel training requirements. See Order No. 742, 133 FERC ¶ 61,159 at P 74.

requirements for local transmission control center personnel.

II. Proposed Reliability Standard PER-005-2 and NERC's Petition

7. On March 7, 2014, NERC filed a petition seeking approval of proposed PER-005-2, explaining that the purpose of the revisions is to “improve upon PER-005-1 by expanding the scope of the Reliability Standard” consistent with the Commission’s directives in Order Nos. 693 and 742.⁹ NERC also seeks approval of the associated violation risk factors and violation severity levels, the proposed NERC Glossary definitions for the terms “System Operator” and “Operations Support Personnel,” and the proposed implementation plan for PER-005-2, including the retirement of currently-effective Reliability Standard PER-005-1 when PER-005-2 goes into effect.

8. The revised standard contains six requirements. Requirement R1 requires reliability coordinators, balancing authorities, and transmission operators to use a systematic approach to developing and implementing a training program for system operators, including development of specific task lists and an annual evaluation of the training program. Requirement R2 requires transmission owners to use a systematic approach to developing and implementing a training program for system operators, including development of specific task lists and an annual evaluation of the training program. Pursuant to the applicability section of the standard, this requirement would apply only to “[p]ersonnel, excluding field switching personnel, who can act independently to operate or direct the operation of the Transmission Owner’s Bulk Electric System transmission Facilities in Real-time.”¹⁰

9. Requirement R3 requires reliability coordinators, balancing authorities, transmission operators and transmission owners to verify the capabilities of their personnel as identified in Requirements R1 or R2. Requirement R4 requires reliability coordinators, balancing authorities, transmission operators and transmission owners to provide those personnel identified in Requirement R1 or R2 with emergency operations training using simulation technology to the extent that the entity has (1)

⁹ NERC Petition at 3. Proposed Reliability Standard PER-005-2 is not attached to this order. The complete text of the proposed Reliability Standard is available on the Commission’s eLibrary document retrieval system in Docket No. RD14-7-000, and is posted on NERC’s Web site, available at: <http://www.nerc.com>.

¹⁰ Reliability Standard PER-005-2, Section 4.1.4.1.

operational authority or control over facilities with established IROLs, or (2) established protection systems or operating guides to mitigate IROL violations.

10. Requirement R5 requires reliability coordinators, balancing authorities, and transmission operators to use a systematic approach to develop and implement training for their operations support personnel, providing training on how their job functions impact the real-time reliability-related tasks identified in Requirement R1. Requirement R6 requires applicable generator operators to use a systematic approach to develop and implement training for certain of their dispatch personnel at a centrally located dispatch center (as defined in Applicability Section 4.1.5) on how their job functions impact the reliable operations of the BES.¹¹

11. NERC maintains in its petition that PER-005-2 addresses all outstanding directives related to its personnel training requirements from Order Nos. 693 and 742. Specifically, NERC notes that it has expanded the scope of PER-005 to include training requirements for local transmission control center operator personnel; for operations support personnel who perform current day or next day outage coordination or assessments, or who determine SOLs or IROLs or operating nomograms in support of real-time operations; and for certain generator dispatch personnel at centrally located dispatch centers.¹²

12. NERC also maintains that the proposed Reliability Standard addresses the Commission’s directive in Order No. 742 to develop an implementation period for those entities that may become subject to the requirement to provide emergency operations training using simulation technology, as Part 4.1 of Requirement R4 provides for a 12 month implementation period for newly-applicable entities.¹³ Finally, NERC explains that it has addressed the Commission’s outstanding directive to consider whether the standard should include personnel who support EMS applications, through the standard drafting team’s consideration of a May 2013 report provided by the NERC Operating Committee’s Event Analysis Subcommittee. NERC states that the Event Analysis Subcommittee found only two events (as of May 2013) that involved the loss of EMS or Supervisory

¹¹ NERC proposes to assign a violation risk factor of Medium to each Requirement except Requirement R3, which is assigned a violation risk factor of High.

¹² NERC Petition at 3.

¹³ *Id.* at 4, 27.

Control and Data Acquisition applications, as well as a lack of training. Based on those findings the Event Analysis Subcommittee “concluded that while EMS support personnel should receive training, the evidence does not support a need for such personnel to be trained under Reliability Standard PER-005.”¹⁴

13. NERC also maintains that the proposed standard improves on the currently-effective standard by “clarifying language in certain requirements and eliminating redundant or unnecessary requirements.”¹⁵ As one example, NERC notes that PER-005-2 does not retain the obligation to provide system operators with at least 32 hours of emergency operations training every 12 months. Instead, NERC maintains that “mandating a minimum amount of emergency operations training, irrespective of the entity’s unique characteristics or reliability risk to the Bulk-Power System, is unnecessary and inconsistent with the Commission-approved requirement to use a systematic approach to training methodology.”¹⁶

14. In addition to proposing certain clarifying changes to the currently-effective Glossary term System Operator,¹⁷ NERC asks that the Commission approve its proposed definition for a new term, Operations Support Personnel, to be defined as “[i]ndividuals who perform current day or next day outage coordination or assessments, or who determine SOLs, IROLs, or operating nomograms, in direct support of Real-time operations of the Bulk Electric System.”¹⁸ NERC explains that this proposed definition mirrors the Commission’s directive to include training requirements for “those [individuals] who carry out outage coordination and assessments in accordance with Reliability Standards IRO-004-1 and TOP-002-2, and those who determine SOLs and IROLs or operating nomograms in accordance with Reliability Standards IRO-005-1 and TOP-004-0.”¹⁹

15. Finally, NERC asks that PER-005-2 and associated Glossary terms become effective on the first day of the first calendar quarter 24 months after

Commission approval. NERC maintains that this implementation period is appropriate because certain functional entities are becoming subject to the standard for the first time, and because it is consistent with the implementation period provided for reliability coordinators, balancing authorities and transmission operators under PER-005-1.²⁰

III. Notice of Filing, Interventions and Comments

16. Notice of NERC’s petition was issued on March 12, 2014, with comments, protests and motions to intervene due on or before April 11, 2014. Two sets of comments were received. A Joint Motion to Intervene and Comments (ISO/RTO Joint Comments) was timely filed by the California Independent System Operator Corporation, Electric Reliability Council of Texas, Inc., Independent Electricity System Operator, ISO New England, Inc., Midcontinent Independent System Operator, Inc., New York Independent System Operator, Inc. and Southwest Power Pool, Inc. (the ISO/RTO Commenters). On April 17, 2014, PJM Interconnection, L.L.C. (PJM) filed a Motion to Intervene and Comment Out-of-Time.

17. The ISO/RTO Commenters support approval of PER-005-2, because it reasonably identifies individuals who may affect real-time system operations/reliability, sets out a reasonable scope for the training obligations, requires applicable entities to verify initial capabilities of their personnel, requires some form of simulation-based training for personnel involved with the operation of facilities that either have an IROL or are used to mitigate an IROL (without dictating the specific type of simulation training), and properly excludes personnel who support EMS applications. While the ISO/RTO Commenters maintain that the proposed standard “encompasses discretion on the part of the functional entities to ‘identif[y]’ which personnel fall within the definition of Operations Support Personnel,” they also ask the Commission to “confirm that functional entities have the discretion to make that identification.”²¹

18. While PJM does not ask the Commission to reject the proposed standard, it criticizes PER-005-2 as “an unnecessary and a potentially ineffective means to address an otherwise straightforward requirement; namely to train appropriate

personnel.”²² PJM maintains that program accreditation “would be a more appropriate means to address training requirements for the industry as opposed to a prescriptive, broad-brush Reliability Standard.”²³ PJM explains that an accreditation model “would place the emphasis on the training program itself, and associated controls,” rather than on “applicable individuals, their personal training and performance records, individual pieces of training content, and other administrative documentation.”²⁴ PJM accordingly asks the Commission to clarify that “an industry-accreditation program (with parameters overseen by FERC) can provide an acceptable means for compliance with the PER Standard and is not precluded as an alternative means of compliance with those requirements.”²⁵

19. Like the Joint ISO/RTO Commenters, PJM notes its concern that there is no standardized job description for operations support personnel, and seeks clarification that responsible entities will be allowed to use reasonable discretion to identify operations support personnel subject to the standard’s requirements.

IV. Discussion

A. Procedural Matters

20. Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 CFR 385.214, the timely, unopposed motion to intervene filed by the ISO/RTO Commenters serves to make them parties to this proceeding. Pursuant to Rule 214(d) of the Commission’s Rules of Practice and Procedure, 18 CFR 385.214(d), we will also grant PJM’s late-filed motion to intervene given its interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

B. Commission Determination

21. Pursuant to section 215(d) of the FPA, we approve Reliability Standard PER-005-2 as just, reasonable, not unduly discriminatory or preferential, and in the public interest.²⁶ We also approve NERC’s proposed implementation plan for the revised standard, including the retirement of currently-effective Reliability Standard PER-005-1, and the proposed violation risk factors and violation severity levels. Finally, we approve the new Glossary term “Operations Support Personnel”

²² PJM Comments at 1.

²³ *Id.* at 3.

²⁴ *Id.* at 3-4.

²⁵ *Id.* at 2.

²⁶ 16 U.S.C. 824o(d)(2).

¹⁴ *Id.* at 32.

¹⁵ *Id.* at 5.

¹⁶ *Id.* at 29.

¹⁷ Among other things, NERC proposes to eliminate the reference to generator operators from the definition of system operator, noting that “[n]o reliability standard uses the NERC Glossary term ‘System Operator’ to refer to Generator Operator personnel.” *Id.* at 36.

¹⁸ *Id.* at 30.

¹⁹ *Id.* (quoting Order No. 693, FERC Stats. & Regs. ¶ 31,242 at P 1372 and Order No. 742, 133 FERC ¶ 61,159 at P 82).

²⁰ *Id.* at 36-37.

²¹ ISO/RTO Joint Comments at 5.

and the proposed changes to the Glossary term “System Operator” as described in NERC’s petition.

22. We find that PER–005–2 enhances the reliability of the Bulk-Power System by expanding the scope of NERC’s currently-effective personnel training requirements to include additional personnel who perform or support real time operations on the Bulk-Power System and who therefore could have a direct impact on the reliability of the Bulk-Power System.

23. In addition, we find that PER–005–2 satisfies several outstanding Commission directives related to personnel training, by: (1) Requiring the systematic development and implementation of training programs for local transmission control center operator personnel of a transmission owner, including emergency operations training; (2) requiring systematic development and implementation of training for operations support personnel who can impact the reliable operation of the Bulk-Power System; and (3) requiring systematic development and implementation of training for generator owners’ dispatch personnel at centrally located dispatch centers.

24. Further, we find that PER–005–2 includes a reasonable implementation period for entities that may become subject to the standard’s requirement to provide emergency operations training using some form of simulation technology. Finally, we find that NERC has adequately considered whether EMS support personnel should be subject to mandatory training requirements under PER–005 or another appropriate standard. However, we note that the standard drafting team’s decision to exclude EMS personnel is based on event analyses as of May 2013, and that NERC should reassess this issue if future event analyses do not support this exclusion.²⁷

25. Joint ISO/RTO Commenters and PJM request that we “confirm” that applicable entities can exercise “reasonable discretion” to identify the employees that fit within NERC’s definition of Operations Support Personnel.²⁸ Joint ISO/RTO commenters suggest that the discretion to identify the appropriate personnel is encompassed by the language of

²⁷ See Petition at 19, 31–32 (while the standard drafting team determined that there was “insufficient evidence at this time to warrant an extension of the mandatory training requirements to personnel that support EMS application,” NERC states that it “will continue to assess the need for mandatory training of these personnel.”)

²⁸ PJM Comments at 5, Joint ISO/RTO Commenters at 4–5.

Requirement R5, which provides that each applicable entity “shall use a system approach to develop and implement training for its *identified* Operations Support Personnel”²⁹ NERC’s definition of Operations Support Personnel, which we approve in this order, provides:

Individuals who perform current day or next day outage coordination or assessments, or who determine SOLs, IROLs, or operating nomograms, in direct support of Real-time operations of the Bulk Electric System.

Thus, the NERC definition of Operations Support Personnel sets forth the parameters of which employees must be trained pursuant to Requirement R5. We agree that applicable entities should exercise reasonable discretion in determining which of their employees fit within that definition. If an issue or uncertainty arises regarding the proper identification of employees, an applicable entity may seek to consult with the relevant Regional Entity or NERC.

26. Finally, with respect to PJM’s request to “clarify that an industry-accreditation program . . . can provide an acceptable means for compliance with the PER Standard,”³⁰ we note that, at present, an accreditation-based training program is not precluded “as an alternative means of compliance” if it otherwise meets all of the requirements of PER–005–2. If PJM would like to pursue accreditation-based training programs that take a fundamentally different approach to training as an *alternative* to PER–005–2 (i.e., the programs would not satisfy the requirements of PER–005–2), that approach would require revision of PER–005–2 and/or development of a new standard governing such alternative programs, and a demonstration that such an approach meets FPA section 215’s requirements for proposed standards.

27. Accordingly, we approve Reliability Standard PER–005–2 pursuant to FPA section 215(d)(2), as we find that it is just, reasonable, not unduly discriminatory or preferential, and in the public interest. We also approve NERC’s proposed implementation plan for the revised standard, including the retirement of currently-effective Reliability Standard PER–005–1, and the proposed violation risk factors and violation severity levels. Finally, we approve the new Glossary term “Operations Support Personnel” and the proposed changes to the

²⁹ Reliability Standard PER–005–2, R5 (emphasis added).

³⁰ PJM Comments at 2.

Glossary term “System Operator” as described in NERC’s petition.

V. Information Collection Statement

28. The collection of information contained in this order is subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.³¹ OMB’s regulations require approval of certain information collection requirements imposed by agency rules.³² Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements will not be penalized for failing to respond to this collection of information unless the collection of information displays a valid OMB control number.

29. This order is effective immediately; however, the revised information collection requirements will not be effective or enforceable until OMB approves the information collection changes described in this order. Comments are solicited on the need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents’ burden, including the use of automated information techniques. Specifically, the Commission asks that any revised burden or cost estimates submitted by commenters be supported by sufficient detail to understand how the estimates are generated. Comments regarding this proposed information collection must be received on or before August 25, 2014.

30. Through issuance of this order, the Commission is approving Reliability Standard PER–005–2, and the retirement of Reliability Standard PER–005–1 when PER–005–2 goes into effect. Reliability Standard PER–005–2 will ensure that personnel performing or supporting real-time operations on the Bulk Electric System are trained using a systematic approach.

31. *Public Reporting Burden:* Proposed Reliability Standard PER–005–2 does not require responsible entities to file information with the Commission. However, the Reliability Standard requires applicable entities to develop and maintain certain information, subject to audit. In particular, reliability coordinators, balancing authorities, transmission operators, transmission owners and

³¹ 44 U.S.C. 3507(d) (2012).

³² 5 CFR 1320.11 (2013).

generator operators, must “have evidence” to show use of a systematic approach to develop and implement a training program for their system operators, for certain operations support personnel, for certain personnel in centrally located dispatch centers, and for certain local transmission control center personnel. Reliability Standard PER-005-2 does not create entirely new obligations with respect to the development, implementation, and maintenance of records related to training programs, but expands the

scope of entities and personnel that may be subject to the standard’s requirements. The burden estimate below accounts only for the increase in burden due to the expanded scope of PER-005-2.

32. Our estimate below regarding the number of respondents is based on the NERC compliance registry as of April 30, 2014. According to the NERC compliance registry, NERC has registered 15 reliability coordinators, 107 balancing authorities, 182 transmission operators, 337 transmission owners and 848 generator

operators. However, under NERC’s compliance registration program, entities may be registered for multiple functions, so these numbers incorporate some double counting. The number of unique entities responding will be approximately 387 entities registered as a reliability coordinator, balancing authority, transmission operator, transmission owner, or generator operator.

33. The Commission estimates the additional annual reporting burden and cost as follows:

FERC-725A, AS REVISED IN DOCKET NO. RD14-7

	Number and type of respondents ³³	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ³⁴
	(1)	(2)		(3)	(1)×(2)×(3)	
(One-time) Development of a training program and materials, and task list [R2].	TO (337) ³⁵	1	337	15 hrs. & \$59.62/hour.	5,055 hours & \$301,379.10.	\$894.30
(One-time) Development of a training program [R5].	RC, BA, TOP (216) ..	1	216	15 hrs. & \$59.62/hour.	3,240 hours & \$193,168.80.	894.30
(One-time) Development of a training program [R6].	GOP (848)	1	848	15 hrs. & \$59.62/hour.	12,720 hours & \$758,366.40.	894.30
(Ongoing) Annual Evaluation and update of training program and task list [R2 and R6].	TO (337), GOP (848)	1	³⁶ 1,050	6 hrs. & \$59.62/hour	6,300 hours & \$375,606.	357.72
(Ongoing) Retention of records [M2, M6, and C.1.3].	TO (337), GOP (848)	1	1,050	10 hrs. & \$28.95/hour.	10,500 hrs. & \$303,975.	289.50
(Ongoing) Verification and retention of evidence of capabilities of personnel [R3, M3, C1.3], and creation and retention of records on simulation training [R4 and M4].	TO (337)	1	337	10 hrs. & \$28.95/hour.	3,370 hrs. & \$97,561.50.	289.50

³³ TO=Transmission Owner; RC=Reliability Coordinator; BA=Balancing Authority; TOP=Transmission Operator; GOP=Generator Operator.

³⁴ The estimated hourly costs (salary plus benefits) are based on Bureau of Labor and Statistics (BLS) information (available at http://bls.gov/oes/current/naics3_221000.htm#17-0000) for an electrical engineer (\$59.62/hour for review and documentation), and for a file clerk (\$28.95/hour for record retention).

³⁵ Not all transmission owners are expected to have personnel who will be subject to the revised personnel training requirements, but this estimate conservatively includes all registered TOs. The same approach is taken with respect to generator operators.

³⁶ Some transmission owners are also generator operators. To eliminate double counting some

Title: Mandatory Reliability Standards for the Bulk-Power System.

Action: Proposed Revisions to FERC-725A.

OMB Control No: 1902-0244.

Respondents: Businesses or other for-profit institutions; not-for-profit institutions.

Frequency of Responses: One-time and ongoing.

Necessity of the Information: The Operations Personnel Training Standard, if adopted, would implement the Congressional mandate of the

entities, this figure reflects the number of unique entities (1,050) within the group of TOs and GOPs. That approach is used throughout the table.

Energy Policy Act of 2005 to develop mandatory and enforceable Reliability Standards to better ensure the reliability of the nation’s Bulk-Power System. Specifically, the purpose of the proposed Reliability Standard is to ensure that personnel performing or supporting real-time operations on the Bulk Electric System are trained using a systematic approach. The proposed Reliability Standard requires entities to maintain records subject to review by the Commission and NERC to ensure compliance with the Reliability Standard.

Internal Review: The Commission has reviewed the requirements pertaining to

the proposed Reliability Standard for the Bulk-Power System and determined that the proposed requirements are necessary to meet the statutory provisions of the Energy Policy Act of 2005. These requirements conform to the Commission's plan for efficient information collection, communication and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

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

VI. Effective Date

35. This order will become effective upon issuance.

The Commission orders:

(A) Reliability Standard PER-005-2 is hereby approved as just, reasonable, not unduly discriminatory, and in the public interest.

(B) The proposed revisions to NERC's Glossary of Terms are approved, as discussed in the body of this order, along with NERC's proposed implementation plan for Reliability Standard PER-005-2 and the proposed violation severity levels and violation risk factors.

By the Commission.

Issued: June 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014-14938 Filed 6-25-14; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2012-0460; FRL 9912-37-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Correction of Misreported Chemical Substances on the Toxic Substances Control Act Chemical Substances Inventory (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and

Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (EPA ICR No. 1741.07, OMB Control No. 2070-0145). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on November 29, 2013 (78 FR 71603). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments to (1) EPA, referencing Docket ID Number EPA-HQ-OPPT-2012-0460, online using <http://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB, referencing OMB Desk Officer for EPA and OMB Control No. 2070-0145, via email to oir_submission@omb.eop.gov.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Pamela Myrick, Deputy Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202-554-1404; fax number: 202-564-8251; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket: The ICR, which explains in detail the information collection activities and the related burden and cost estimates, is summarized in this document and is available in the docket for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

ICR Title: Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory.

ICR numbers: EPA ICR No. 1741.07, OMB Control No. 2070-0145.

ICR status: The current OMB approval for this ICR is scheduled to expire on June 30, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: Section 8(b) of TSCA requires EPA to compile and keep current an inventory of chemical substances in commerce, which is a listing of chemical substances manufactured, imported, and processed for commercial purposes in the United States. The purpose of the Inventory is to define, for the purpose of TSCA, what chemical substances exist in U.S. commerce. Since the Inventory thereby performs a regulatory function by distinguishing between existing chemicals and new chemicals, which TSCA regulates in different ways, it is imperative that the Inventory be accurate.

However, from time to time, EPA or respondents discover that substances have been incorrectly described by reporting companies. Reported substances have been unintentionally misidentified as a result of simple typographical errors, the misidentification of substances, or the lack of sufficient technical or analytical information to characterize fully the exact chemical substances. EPA has developed guidelines (45 FR 50544, July 29, 1980) under which incorrectly described substances listed in the Inventory can be corrected. The correction mechanism ensures the accuracy of the Inventory without imposing an unreasonable burden on the chemical industry. Without the Inventory correction mechanism, a company that submitted incorrect information would have to file a pre-manufacture notification (PMN) under TSCA section 5 to place the correct chemical substance on the Inventory whenever the previously reported substance is found to be misidentified. This would impose a much greater burden on both EPA and the submitter than the existing correction mechanism. This information collection applies to reporting and recordkeeping activities associated with the correction of misreported chemical substances found on the TSCA Inventory.

Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the

extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form Numbers: EPA Form 7710-3C.

Respondents/affected entities: Entities potentially affected by this action include manufacturers or importers of chemical substances, mixtures or categories listed on the TSCA Inventory and regulated under TSCA section 8, who had reported to EPA during the initial effort to establish the TSCA Inventory in 1979, and who need to make a correction to that submission.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 9.

Frequency of response: On occasion.

Total estimated burden: 20 hours per year. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$1,265 per year, includes \$0 annualized capital or operation and maintenance costs.

Changes in the Estimates: There is no change in the number of hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14902 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2007-0478, FRL-9912-29-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Regulation of Fuels and Fuel Additives: Gasoline Volatility (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Regulation of Fuels and Fuel Additives: Gasoline Volatility (Renewal) (EPA ICR No. 1367.11, OMB Control No. 2060-0178) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through July 31, 2014. Public comments were previously requested via the **Federal Register** (79 FR 3199) on January 17, 2014 during a 60-day

comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2007-0478, to (1) EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2801; email address: caldwell.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: Gasoline volatility, as measured by Reid Vapor Pressure (RVP) in pounds per square inch (psi), is controlled in the spring and summer in order to minimize evaporative hydrocarbon emissions from motor vehicles. RVP is subject to a Federal standard of 7.8 psi or 9.0 psi, depending on location. The addition of ethanol to gasoline increases the RVP by about 1 psi. Gasoline that contains 9 volume

percent to 10 volume percent ethanol is subject to a standard that is 1.0 psi greater. As an aid to industry compliance and EPA enforcement, the product transfer document, which is prepared by the producer or importer and which accompanies a shipment of gasoline containing ethanol, is required by regulation to contain a legible and conspicuous statement that the gasoline contains ethanol and the percentage concentration of ethanol. This is intended to deter the mixing within the distribution system, particularly in retail storage tanks, of gasoline that contains ethanol in the 9 to 10 percent range with gasoline that does not contain ethanol in that range. Such mixing would likely result in a gasoline that is in violation of its RVP standard. Also, a party wishing a testing exemption for research on gasoline that is not in compliance with the applicable volatility standard must submit certain information to EPA.

Form Numbers: None.

Respondents/affected entities: Entities who produce or import gasoline containing ethanol or who wish to obtain a testing exemption.

Respondent's obligation to respond: Mandatory per 40 CFR 80.27(d) and (e).

Estimated number of respondents: 2,000.

Frequency of response: On occasion.

Total estimated burden: 12,330 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$1,060,400, which includes \$20 annualized capital or operation & maintenance costs.

Changes in estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The use of ethanol in gasoline has increased slightly, but that has been offset by a slight decrease in gasoline consumption.

Spencer Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14920 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2013-0459; FRL 9912-36-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Request for Contractor Access to TSCA Confidential Business Information (Renewal)**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Request for Contractor Access to TSCA Confidential Business Information (CBI) (EPA ICR No. 1250.10, OMB Control No. 2070-0075). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on November 29, 2013 (78 FR 71603). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OPPT-2013-0459, to (1) EPA online using <http://www.regulations.gov> (our preferred method), by email to oppt.ncic@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Pamela Myrick, Deputy Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408-M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington,

DC 20460; telephone number: 202-554-1404; fax number: 202-564-8251; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket: The ICR, which explains in detail the information collection activities and the related burden and cost estimates, is summarized in this document and is available in the docket for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's docket, visit <http://www.epa.gov/dockets>.

ICR Title: Request for Contractor Access to TSCA Confidential Business Information (CBI).

ICR numbers: EPA ICR No. 1250.10, OMB Control No. 2070-0075.

ICR status: The current OMB approval for this ICR is scheduled to expire on June 30, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: Certain employees of companies working under contract to EPA require access to CBI collected under the authority of TSCA in order to perform their official duties. The Office of Pollution Prevention and Toxics (OPPT), which is responsible for maintaining the security of TSCA confidential business information, requires that all individuals desiring access to TSCA CBI obtain and annually renew official clearance to TSCA CBI. As part of the process for obtaining TSCA CBI clearance, OPPT requires certain information about the contracting company and about each contractor employee requesting TSCA CBI clearance, primarily the name, EPA badge number or other identification of the employee, the type of TSCA CBI clearance requested and the justification for such clearance, and the signature of the employee to an agreement with respect to access to and use of TSCA CBI. This collection addresses the above information requirements.

Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Respondents/affected entities: Entities potentially affected by this action are companies under contract to the Environmental Protection Agency to

provide certain services, whose employees must have access to Toxic Substances Control Act (TSCA) confidential business information to perform their duties.

Respondent's obligation to respond: Voluntary. Failure to provide the requested information, however, will prevent a contractor employee from obtaining clearance to TSCA CBI.

Estimated number of respondents: 20 (total).

Frequency of response: On occasion.

Total estimated burden: 483 hours per year. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$25,875 per year, includes \$0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is a decrease of 118 hours (from 601 hours to 483 hours) in the burden estimated for this request compared with the information request most recently approved by OMB. This decrease reflects EPA's reduction in the estimated number of contractor employees needing clearance. This change is an adjustment.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14888 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2013-0312; FRL-9912-93-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Emission Guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) Units (Renewal)**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), "Emission Guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) Units (40 CFR part 60, Subpart DDDD) (Renewal)" (EPA ICR No. 2385.06, OMB Control No. 2060-0664) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through June 30, 2014. Public comments were previously requested via the **Federal**

Register (78 FR 35023) on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2013-0312, to (1) EPA online using www.regulations.gov (our preferred method), by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes or additions to the Provisions specified at 40 CFR part 60, subpart DDDD. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners and operators are also required to

maintain records of the occurrence and duration of any startup, shutdown or malfunction in the operation of an affected facility, or any period when the monitoring system is inoperative.

Form Numbers: None.

Respondents/affected entities: Owners or operators of commercial and industrial solid waste incineration units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DDDD).

Estimated number of respondents: 57 (total).

Frequency of response: Initially, occasionally, semiannually, and annually.

Total estimated burden: 7,378 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$8,694,601 (per year), includes \$8,271,404 annualized capital or operation & maintenance costs.

Changes in the Estimates: The change in the burden and cost estimates occurred because the standard has been in effect for more than three years and the requirements are different during initial compliance as compared to on-going compliance. The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities. This includes purchasing monitoring equipment, conducting performance tests and establishing recordkeeping systems. This ICR, by in large, reflects the on-going burden and costs for existing facilities. Activities for existing source include continuously monitoring of pollutants and the submission of annual performance test results and semiannual reports of exceedances. The overall result is a decrease in burden hours and labor costs. However, there is an increase in the total O&M costs as this ICR reflects the burden associated with annual performance testing requirement of the Emission Guidelines.

In addition to the changes above, this ICR revises the number of respondents using the latest Agency estimates, and corrects the number of responses as the previous ICR incorrectly included internal records as a response. This attributes to a decrease in the number of respondents and number of responses.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14934 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2013-0458; FRL 9912-35-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Chemical-Specific Rules, TSCA Section 8(a) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Chemical-Specific Rules, TSCA Section 8(a) (EPA ICR No. 1198.10, OMB Control No. 2070-0067). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on November 22, 2013 (78 FR 70037). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OPPT-2013-0458, to (1) EPA online using <http://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, or information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Pamela Myrick, Deputy Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Mail code: 7408M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202-554-1404; fax number: 202-564-8251; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates which is summarized in this document, are available in the docket for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, William Jefferson Clinton (WJC) West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

ICR Title: Chemical-Specific Rules, TSCA Section 8(a).

ICR numbers: EPA ICR No. 1198.10, OMB Control No. 2070-0067.

ICR status: The current OMB approval for this ICR is scheduled to expire on June 30, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: Section 8(a) of the Toxic Substances Control Act (TSCA) authorizes EPA to promulgate rules that require persons who manufacture, import or process chemical substances and mixtures, or who propose to manufacture, import, or process chemical substances and mixtures, to maintain such records and submit such reports to EPA as may be reasonably required. Any chemical covered by TSCA for which EPA or another Federal agency has a reasonable need for information and which cannot be satisfied via other sources is a proper potential subject for a Chemical-Specific TSCA Section 8(a) Rulemaking. Information that may be collected under TSCA section 8(a) includes, but is not limited to, chemical names; categories of use; production or processing volume, byproducts of chemical production, processing, use or disposal; existing data concerning environmental and health effects; exposure data; and disposal information.

Generally, EPA uses chemical-specific information under TSCA section 8(a) to evaluate the potential for adverse human health and environmental effects caused by the manufacture (including import), processing, use or disposal of identified chemical substances and mixtures. Additionally, EPA may use TSCA section 8(a) information to assess the need or set priorities for testing and/or further regulatory action. To the extent that the submitter considers the reported information not to be confidential, environmental groups, environmental justice advocates, state

and local government entities and other members of the public will also have access to this information for their use.

Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Respondents/affected entities: Entities potentially affected by this action are primarily those businesses that fall under NAICS codes 325, Chemical Manufacturers and Processors, and 324110, Petroleum Refineries.

Respondent's obligation to respond: Mandatory (see 40 CFR 704).

Estimated number of respondents: 4 (total).

Frequency of response: On occasion.

Total estimated burden: 275 hours per year. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$16,551 per year, includes \$0 annualized capital or operation and maintenance costs.

Changes in the estimates: There is no change in the number of hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14887 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2013-0494; FRL 9912-34-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Plant Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*): Plant Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting (EPA ICR No. 1693.08, OMB Control No. 2070-0142). EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal**

Register on September 25, 2013 (78 FR 59014). With this submission, EPA is providing an additional 30 days for public comments. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OPP-2013-0494, to (1) EPA online using <http://www.regulations.gov> (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Scott Drewes, Field and External Affairs Division, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 347-0107; email address: drewes.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

Docket: The ICR, which explains in detail the information collection activities and the related burden and cost estimates, is summarized in this document and is available in the docket for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's docket, visit <http://www.epa.gov/dockets>.

ICR Title: Plant Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting.

ICR numbers: EPA ICR No. 1693.08, OMB Control No. 2070-0142.

ICR status: The current OMB approval for this ICR is scheduled to expire on June 30, 2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: This ICR addresses the two information collection requirements

described in regulations pertaining to pesticidal substances that are produced by plants (plant-incorporated protectants) and which are codified in 40 CFR part 174. A plant-incorporated protectant is defined as “the pesticidal substance that is intended to be produced and used in a living plant and the genetic material necessary for the production of such a substance.” Many, but not all, plant-incorporated protectants are exempt from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Registrants sometimes include in a submission to EPA for registration of plant-incorporated protectants information that they claim to be confidential business information (CBI). CBI is protected by FIFRA and generally cannot be released to the public. Under 40 CFR part 174, whenever a registrant claims that information submitted to EPA in support of a registration application for plant-incorporated protectants contains CBI, the registrant must substantiate such claims when they are made, rather than provide it later upon request by EPA. In addition, manufacturers of plant-incorporated protectants that are otherwise exempted from the requirements of registration must report adverse effects of the plant-incorporated protectant to the Agency. Such reporting will allow the Agency to determine whether further action is needed to prevent unreasonable adverse effects to the environment.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this ICR include producers and importers of Plant Incorporated Protectants (PIPs). The North American Industrial Classification System (NAICS) codes for respondents under this ICR include: 325320 (Pesticide and other Agricultural Chemical Manufacturing), 325414 (Biological Products (except Diagnostic) Manufacturing), 422910 (Farm Supplies Wholesalers), 422930 (Flower, Nursery Stock, and Florists's Suppliers), 541710 (Research and Development in the Physical, Engineering, and Life Sciences), and 611310 (Colleges, Universities, and Professional Schools).

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 20.

Frequency of response: On occasion.

Total estimated burden: 432 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$31,371 (per year). There are no annualized capital or operation & maintenance costs associated with this ICR.

Changes in the Estimates: There is increase of 43 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase reflects EPA's updating of burden estimates for this collection based upon historical information on the number of CBI substantiations per year. Based upon revised estimates, the number of CBI substantiations per year has increased from 18 to 20, with a corresponding increase in the associated burden. This change is an adjustment.

Spencer W. Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14901 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2013-0356; FRL-9912-43-OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Group I Polymers and Resins (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), NESHAP for Group I Polymers and Resins (40 CFR Part 63, Subpart U) (Renewal) (EPA ICR No. 2410.03, OMB Control No. 2060-0665), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through June 30, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 28, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2013-0356, to: (1) EPA online using www.regulations.gov (our preferred method), or by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T,

1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT:

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564-2970; fax number: (202) 564-0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit: <http://www.epa.gov/dockets>.

Abstract: EPA promulgated revisions for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Group I Polymers and Resins. Potential respondents subject to the new requirements of the NESHAP include an estimated 5 existing facilities that produce butyl rubber, epichlorohydrin elastomer, ethylenepropylene rubber, neoprene rubber, and nitrile butadiene rubber. The burden attributable to this ICR consist of notification of front-end process vent limits, notification of backend operation limits, recordkeeping related to the new limits, and reports submitted to satisfy affirmative defense provisions.

Form Numbers: None.

Respondents/affected entities:

Owners and operators of facilities that produce butyl rubber, epichlorohydrin elastomer, ethylenepropylene rubber, neoprene rubber, and nitrile butadiene rubber.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart U).

Estimated number of respondents: 5 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 315 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$16,791 (per year), includes no annualized capital/startup nor any operation & maintenance costs.

Changes in the Estimates: There is an increase of 64 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to an adjustment, not due to any program changes. The respondent burden increased because this ICR revised the hours associated with affirmative defense, using latest estimates provided by industry during consultation. The previous ICR covers the burden associated with initial compliance of the final standard, including one-time notification of performance tests and notifications of the back-end process limits. This burden decreased because this ICR assumes that existing facilities have already submitted initial notifications and reports, and covers the burden associated with on-going compliance.

Spencer Clark,

Acting Director, Collection Strategies Division.

[FR Doc. 2014-14903 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2004-0019; FRL-9912-94-OW]

Extension of Request for Scientific Views for External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of the request for scientific views.

SUMMARY: The Environmental Protection Agency (EPA) is re-opening the comment period for the external peer review draft aquatic life ambient water quality criterion for selenium announced in a previous notice entitled “External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014.” In response to stakeholder requests, the EPA is extending the period of time in which the Agency will accept scientific views for an additional 30 days.

DATES: Scientific views must be received on or before July 28, 2014. Scientific views postmarked after this

date may not receive the same consideration.

The comment period was originally scheduled to end on June 13, 2014.

ADDRESSES: Submit your scientific views, identified by Docket ID No. EPA-HQ-OW-2004-0019, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* ow-docket@epa.gov. Attention Docket No. EPA-HQ-OW-2004-0019.
- *Mail:* EPA Water Docket, Environmental Protection Agency, Mailcode: 2822-IT, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Attention Docket No. EPA-HQ-OW-2004-0019. Please include a total of two copies (including references).
- *Hand Delivery:* EPA Water Docket, EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004, Docket No. EPA-HQ-OW-2004-0019. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

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

viruses. For additional information about EPA’s public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to Section III of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the EPA-HQ-OW-2004-0019 Docket, EPA/DC, William Jefferson Clinton Building West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Water Docket is (202) 566-2426.

FOR FURTHER INFORMATION CONTACT:

Kathryn Gallagher at U.S. EPA, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: (202) 564-1398; or email: gallagher.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION: On May 14, 2014, the EPA announced the availability of the external peer review draft national recommended aquatic life water quality criterion for selenium in a previous notice entitled “External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014” in the **Federal Register** (79 FR 27601). EPA’s recommended aquatic life water quality criteria provide technical information for states and authorized tribes to adopt water quality standards under the Clean Water Act to protect aquatic life.

EPA is re-opening the public comment period of the External Peer Review Draft Aquatic Life Ambient Water Quality Criterion for Selenium—Freshwater 2014 (EPA-822-P-14-001). The original comment deadline was June 13, 2014. This action re-opens the comment period for 30 days. Written scientific views must now be received by July 28, 2014. This external peer review draft criterion document does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination.

Following closure of the public comment period, an EPA contractor will organize and conduct an independent expert external letter peer review of the draft criterion document. Public comments will be made available to the peer reviewers for consideration during their review. Following peer review, EPA will consider the peer reviewer and public comments, and revise the document as necessary. EPA will then publish a **Federal Register** notice announcing the availability of the draft proposed selenium criterion and soliciting scientific views from the public. EPA will then revise the document as necessary and issue a final updated selenium criterion document.

Dated: June 18, 2014.

Elizabeth Southerland,

Director, Office of Science and Technology.

[FR Doc. 2014-14995 Filed 6-25-14; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

The Commission gives notice that the following applicants have filed an application for an Ocean Transportation Intermediary (OTI) license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF) pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101). Notice is also given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a licensee.

Interested persons may contact the Office of Ocean Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523-5843 or by email at OTI@fmc.gov.

A Active Freezone Cargo Inc. (NVO), 2315 NW 107th Avenue, Box 55, Suite IM33, Miami, FL 33172, Officers: Pauk Mak, Operation Manager (QI), Chenyu Cai, President, Application Type: QI Change.

Braid Projects (USA), LLC (OFF), 5642 Shirley Lane, Houston, TX 77032, Officers: Kostas G. Chalos, President (QI), Shane Watson, Vice President, Application Type: New OFF License.

Core One Logistics LLC (NVO & OFF), 2665 S. Park Lane, Pembroke Park, FL 33009, Officer: Etan Raz, Manager/Member (QI), Application Type: New NVO & OFF License.

Domex Superfresh Growers, LLC dba DSG Logistics (OFF), 151 Low Road, Yakima, Washington 98908, Officers: Kevin Kershaw, Director of DSG

Logistics (QI), Robert Kershaw, President, Application Type: New OFF License.

FA Logistics International Corp. (NVO), 8070 NW 71st Street, Miami, FL 33166, Officers: Franklin Almeida, President (QI), Rosi Lucendo, Vice President, Application Type: New NVO License.

Iramat Shipping and Logistics LLC (OFF), 947 Main Street, Rear Building A, West Warwick, RI 02893, Officer: Hakeem B. Alabi, Managing Member (QI), Application Type: New OFF License.

M & S Logistics, L.L.C. (NVO), 6302 Broadway Street, Suite 120, Pearland, TX 77581, Officers: Willem J. Roldaan, Manager (QI), David R. Kew, Manager, Application Type: Add Trade Name M&S Logistics.

Odessa Imports, Corp. (NVO & OFF), 8209 Northwest 68th Street, Miami, FL 33166, Officer: Gustavo A. Lozano, President (QI), Application Type: New NVO & OFF License.

Paza Motors, Inc. (NVO & OFF), 5433 Buffalo Avenue, Suite B, Jacksonville, FL 32208, Officers: Mona A. Hussein, President (QI), Mohammad A. Hussein, Vice President, Application Type: New NVO & OFF License.

Superior International Group Inc. (NVO), 3833 Schaefer Avenue, Suite F, Chino, CA 91710, Officers: Steven Wong, President (QI), Lisa Wong, Secretary, Application Type: Transfer to VMS International Inc.

USTC Global, Inc. (NVO), 20695 S. Western Avenue, Suite 132, Torrance, CA 90501, Officers: Michael Suh, CEO (QI), Youngeui Kim, CFO, Application Type: QI Change.

By the Commission.

Dated: June 20, 2014.

Karen V. Gregory,
Secretary.

[FR Doc. 2014-14957 Filed 6-25-14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns the Pilot Program of Mailed Fecal Immunochemical Tests to Increase Colorectal Cancer Screening Rates, Special Interest Projects (SIP) 14-012; the Understanding the Barriers to Colorectal Cancer Screening among

South Central Asian Immigrants in the United States, SIP-14-013; and the Development and Evaluation of Active Surveillance Decision aid for Men with Low-grade, Local-stage Prostate Cancer, SIP-14-014, Panel D, initial review.

Summary: This document corrects a notice that was published in the **Federal Register** on June 6, 2014 (79 FR 32737-32738). The time and date should read as follows:

Time and Date: 9:30 a.m.-3:30 p.m., June 19, 2014 (Closed).

For Further Information Contact:

Gwendolyn H. Cattledge, Ph.D., M.S.E.H., F.A.C.E., Deputy Associate Director for Science, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341, Telephone: (770) 488-4655, GXC8@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014-14975 Filed 6-25-14; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Health Promotion and Disease Prevention Research Centers: Special Interest Project Competitive Supplements DP-14-011, initial review.

Summary: This document corrects a notice that was published in the **Federal Register** on June 12, 2014 (79 FR 33755). This meeting is cancelled in its entirety.

Contact Person for More Information:

M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F-80, Atlanta, Georgia 30341, Telephone: (770) 488-3585, EEO6@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the

Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014-14974 Filed 6-25-14; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns the Agricultural, Forestry and Fishing Safety and Health Research (U01) PAR-14-175, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:00 p.m.–4:30 p.m., July 15, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to “Agricultural, Forestry and Fishing Safety and Health Research (U01) PAR-14-175.”

Contact Person for More Information: Joan F. Karr, Ph.D., Scientific Review Officer, CDC/NIOSH, 1600 Clifton Road, Mailstop E-74, Atlanta, Georgia 30333, Telephone: (404) 498-2506.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014-14976 Filed 6-25-14; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-0797]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Pilot Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with the Medical Device ISO 13485:2003 Voluntary Audit Report Submission Pilot Program.

DATES: Submit either electronic or written comments on the collection of information by August 25, 2014.

ADDRESSES: Submit electronic comments on the collection of information to <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE-14526, Silver Spring, MD 20993-0002, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44

U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Pilot Program—(OMB Control Number 0910-0700)—Extension

Under section 228 of the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110-85), as amended by section 704(g)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(7)), the owner or operator of an establishment may submit an audit report that assesses conformance with appropriate quality system standards set by the International Organization for Standardization (ISO) and identified by the Secretary in public notice.

The “Guidance for Industry, Third Parties and FDA Staff: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program” describes how FDA’s Center for Devices and Radiological Health and Center for Biologics Evaluation and Research are implementing this provision of the law and providing public notice as required. The proposed collections of information are necessary to satisfy the previously mentioned statutory requirements for implementing this voluntary submission program. The collected information is used for setting risk-based inspectional priorities.

The “Guidance for Industry, Third Parties, and FDA Staff: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program” describes how FDA’s Center for Devices and

Radiological Health and Center for Biologics Evaluation and Research are implementing this provision of the law and providing public notice as required.

The proposed collections of information are necessary to satisfy the previously mentioned statutory requirements for

implementing this voluntary submission program.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
(One time only burden) First year, electronic setup and verification certificate ¹	1,700	1	1,700	² 42	71,400	\$51,000
(Recurring burden) Audit report submission	1,700	1	1,700	3	5,100	51,000

¹ There are no capital costs associated with this information collection.

² Respondent may already have a valid WebTrader account established for other FDA electronic submissions.

Based on FDA’s experience with the founding regulatory members of the Global Harmonization Task Force (GHTF), FDA expects that the vast majority of manufacturers who will participate in the Voluntary Audit Report Submission Program will be

manufacturers who are certified by Health Canada under ISO 13485:2003.

In addition, FDA only expects firms that do not have major deficiencies or observations in their ISO 13485:2003 audits to be willing to submit their audit reports to FDA under the Voluntary Audit Report Submission Program. FDA

analyzed its inspection data from Fiscal Year (FY) 2013 (October 1, 2012 to October 1, 2013) and determined that the total number of inspections finalized in FY 2013 for medical devices was 2,404. The breakdown for the 2,404 compliance decisions is as follows:

TABLE 2—COMPLIANCE DECISIONS FY 2013

Compliance decision	Number	Approximate percentage
Official Action Indicated	169	7
Voluntary Action Indicated	902	38
No Action Indicated	1,083	45
Pending Final Decision	249	10

Because FDA only expects firms who do not have major deficiencies or observations to be willing to submit their audit reports to FDA under the Voluntary Audit Report Submission Program, FDA only expects to receive audit reports that would have been classified by FDA as No Action Indicated (NAI).

Assuming that the percentage breakdown of compliance decisions for all inspections conducted in FY 2013 can be extrapolated and applied to audits of manufacturers certified under ISO 13485:2003 by Health Canada, FDA can estimate the number of Canadian establishments that would have had an inspection classified as an NAI. Because 45 percent of all compliance decisions resulted in an NAI decision, FDA estimates that 1,546 of the facilities certified under ISO 13485:2003 by Health Canada (45 percent of the total 3,436 facilities) would have had an inspection classified as an NAI.

Because FDA expects that the vast majority of manufacturers who will participate in the Voluntary Audit Report Submission Program will be manufacturers certified by Health

Canada under ISO 13485:2003, FDA expects the number of reports to be submitted from manufacturers certified by regulatory systems established by other founding GHTF members to be minimal. For purposes of calculating the reporting burden, FDA estimates that approximately 10 percent of total audit reports submitted under this program will be from these other manufacturers. Because 90 percent of the audit reports are expected to be submitted by manufacturers certified by Health Canada (approximately 1,500 audit reports), the total number of audit reports FDA expects to receive in a year is approximately 1,700 audit reports.

FDA estimates from past experience with the Electronic Submission Gateway system, WebTrader, that the first year to set up the account and to receive the verification certificate takes approximately 40 hours. This burden may be minimized if the respondent already has an established account in WebTrader for other electronic submissions to FDA, but FDA is assuming that all respondents to this new pilot program will be setting up a WebTrader account for the first time in

the first year. For subsequent years, the burden hours are estimated at 1 hour to renew the yearly required verification certification.

FDA further estimates that the gathering, scanning, and submission of the audit reports, certificates, and related correspondence would take approximately 2 hours utilizing the eSubmitter system.

Therefore, the first year will include 40 hours for the WebTrader system plus 2 hours for the eSubmitter submission process, resulting in 42 hours per response for the first year. For subsequent years, it is estimated that only 1 hour will be necessary for the WebTrader system plus the 2 hours for the eSubmitter submission process, resulting in 3 hours per response each year thereafter.

There are operating and maintenance costs associated with this information collection. The costs are \$30 per year to establish and maintain the Electronic Submission Gateway verification certificate.

This guidance also refers to previously approved collections of information found in FDA regulations. These collections of information are

subject to review by OMB under the PRA. The collections of information in 21 CFR part 820 have been approved under OMB control number 0910-0073, and the collections of information for the Inspection by Accredited Persons Program have been approved under OMB control number 0910-0569.

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14924 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-0809]

Agency Information Collection Activities; Proposed Collection; Comment Request; Requirements for Submission of Bioequivalence Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the requirement for an abbreviated new drug application (ANDA) applicant to submit data from all bioequivalence (BE) studies the applicant conducts on a drug product formulation submitted for approval.

DATES: Submit either electronic or written comments on the collection of information by August 25, 2014.

ADDRESSES: Submit electronic comments on the collection of information to <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm.

1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE-14526, Silver Spring, MD 20993-0002, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Requirements for Submission of In Vivo Bioequivalence Data—21 CFR Parts 314 and 320; OMB Control Number 0910-0630—Extension

In the **Federal Register** of January 16, 2009 (74 FR 2849), the Agency

published a final rule revising FDA regulations to require applicants to submit data on all BE studies, including studies that do not meet passing bioequivalence criteria, which are performed on a drug product formulation submitted for approval under an ANDA, or in an amendment or supplement to an ANDA that contains BE studies. In the final rule, FDA amended §§ 314.94(a)(7)(i), 314.96(a)(1), 320.21(b)(1), and 314.97 (21 CFR 314.94(a)(7)(i), 314.96(a)(1), 320.21(b)(1), and 314.97) to require an ANDA applicant to submit information from all BE studies, both passing and nonpassing, conducted by the applicant on the same drug product formulation as that submitted for approval under an ANDA, amendment, or supplement.

In table 1 of this document, FDA has estimated the reporting burden associated with each section of this requirement. FDA believes that the majority of additional BE studies will be reported in ANDAs (submitted under § 314.94), rather than supplements (reported in § 314.97) because it is unlikely than an ANDA holder will conduct BE studies with a drug after the drug has been approved. With respect to the reporting of additional BE studies in amendments (submitted under § 314.96), this should also account for a small number of reports because most BE studies will be conducted on a drug prior to the submission of the ANDA and will be reported in the ANDA itself.

FDA estimates applicants will require approximately 120 hours of staff time to prepare and submit each additional complete BE study report and approximately 60 hours of staff time for each additional BE summary report. The Agency believes that a complete report will be required approximately 20 percent of the time, while a summary will suffice approximately 80 percent of the time. Based on a weighted-average calculation using the information presented previously in this document, the submission of each additional BE study is expected to take 72 hours of staff time ((120 × 0.2) + [60 × 0.8]).

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
314.94(a)(7)	84	1	84	72	6,048

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹—Continued

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
314.96(a)(1)	1	1	1	72	72
314.97	1	1	1	72	72
Total					6,192

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14927 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2013-N-1423]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Importer's Entry Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Importer's Entry Notice" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE-14526, Silver Spring, MD 20993-0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: On June 9, 2014, the Agency submitted a proposed collection of information entitled "Importer's Entry Notice" to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910-0046. The approval expires on June 30, 2017. A copy of the supporting statement for this information collection is available on the Internet at <http://www.reginfo.gov/public/do/PRAMain>.

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14925 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-N-0016]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Recordkeeping and Records Access Requirements for Food Facilities

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 28, 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 0910-0560. 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.

Recordkeeping and Records Access Requirements for Food Facilities—21 CFR 1.337, 1.345, and 1.352 (OMB Control Number 0910-0560—Extension)

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) (Pub. L. 107-188) added section 414 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 350c), which requires that persons who manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States establish and maintain records identifying the immediate previous sources and immediate subsequent recipients of food. Sections 1.326 through 1.363 of our regulations (21 CFR 1.326 through 1.363) set forth the requirements for recordkeeping and records access. The requirement to establish and maintain records improves our ability to respond to, and further contain, threats of serious adverse health consequences or death to humans or animals from accidental or deliberate contamination of food.

Information maintained under these regulations will help us to identify and locate quickly contaminated or potentially contaminated food and to inform the appropriate individuals and food facilities of specific terrorist threats. Our regulations require that records for non-transporters include the name and full contact information of sources, recipients, and transporters, an adequate description of the food including the quantity and packaging, and the receipt and shipping dates (§§ 1.337 and 1.345). Required records for transporters include the names of consignor and consignee, points of origin and destination, date of shipment, number of packages, description of freight, route of movement and name of each carrier participating in the transportation, and transfer points through which shipment moved (§ 1.352). Existing records may be used if they contain all of the

required information and are retained for the required time period.

Section 101 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) amended section 414(a) of the FD&C Act and expanded our access to records. Specifically, FSMA expanded our access to records beyond records relating to the specific suspect article of food to records relating to any other article of food that we reasonably believe is likely to be affected in a similar manner. In addition, we can access records if we believe that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that we reasonably believe is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals. To gain access to these records, our officer or employee must present appropriate credentials and a written notice, at

reasonable times and within reasonable limits and in a reasonable manner.

On February 23, 2012, we issued an interim final rule in the **Federal Register** (77 FR 10658) (the 2012 IFR) amending § 1.361 to be consistent with the current statutory language in section 414(a) of the FD&C Act, as amended by section 101 of FSMA. In the 2012 IFR, we concluded that the information collection provisions of § 1.361 were exempt from OMB review under 44 U.S.C. 3518(c)(1)(B)(ii) and 5 CFR 1320.4(a)(2) as collections of information obtained during the conduct of a civil action to which the United States or any official or agency thereof is a party, or during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities (77 FR 10658 at 10661). The regulations in 5 CFR 1320.3(c) provide that the exception in 5 CFR 1320.4(a)(2)

applies during the entire course of the investigation, audit, or action, but only after a case file or equivalent is opened with respect to a particular party. Such a case file would be opened as part of the request to access records under § 1.361. Accordingly, we have not included an estimate of burden hours associated with § 1.361 in table 1.

Description of Respondents: Persons that manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States are required to establish and maintain records, including persons that engage in both interstate and intrastate commerce.

In the **Federal Register** of April 17, 2014 (79 FR 21767) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate 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 recordkeeping	Total hours
1.337, 1.345, and 1.352 (Records maintenance)	379,493	1	379,493	13.228	5,020,000
1.337, 1.345, and 1.352 (Learning for new firms)	18,975	1	18,975	4.790	90,890
Total					5,110,890

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

This estimate is based on our estimate of the number of facilities affected by the final rule entitled “Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002,” published in the **Federal Register** of December 9, 2004 (69 FR 71562 at 71650). With regard to records maintenance, we estimate that approximately 379,493 facilities will spend 13.228 hours collecting, recording, and checking for accuracy of the limited amount of additional information required by the regulations, for a total of 5,020,000 hours annually. In addition, we estimate that new firms entering the affected businesses will incur a burden from learning the regulatory requirements and understanding the records required for compliance. In this regard, the Agency estimates the number of new firms entering the affected businesses to be 5 percent of 379,493, or 18,975 firms. Thus, we estimate that approximately 18,975 facilities will spend 4.790 hours learning about the recordkeeping and records access requirements, for a total of 90,890 hours annually. We estimate that approximately the same number of

firms (18,975) will exit the affected businesses in any given year, resulting in no growth in the number of total firms reported on line 1 of table 1. Therefore, the total annual recordkeeping burden is estimated to be 5,110,890 hours.

Dated: June 23, 2014.
Leslie Kux,
Assistant Commissioner for Policy.
 [FR Doc. 2014–14977 Filed 6–25–14; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2005–N–0404]

Small Entity Compliance Guide: Gluten-Free Labeling of Foods; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a

guidance for industry entitled “Gluten-Free Labeling of Foods—Small Entity Compliance Guide.” The small entity compliance guide (SECG) is being issued for a final rule published in the **Federal Register** of August 5, 2013, and is intended to set forth in plain language the requirements of the regulation and to help small businesses understand the regulation.

DATES: Submit either electronic or written comments on FDA guidances at any time.

ADDRESSES: Submit written requests for single copies of the SECG to the Food Labeling and Standards Staff, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the SECG.

Submit electronic comments on the SECG 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: Felicia B. Billingslea, 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:

I. Background

In the **Federal Register** of August 5, 2013 (78 FR 47154), we issued a final rule that established a regulatory definition of the term “gluten-free” for voluntary use in the labeling of foods. The final rule, which is codified at 21 CFR 101.91, became effective on September 4, 2013, but has a compliance date of August 5, 2014.

We examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601-612) and determined that the final rule could have a significant economic impact on a substantial number of small entities. In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104-121), we are making available this SECG to explain the actions that a small entity must take to comply with the rule.

We are issuing this SECG consistent with our good guidance practices regulation (21 CFR 10.115(c)(2)). This SECG represents our current thinking on establishing a regulatory definition of the term “gluten-free” for voluntary use in the labeling of foods. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding the guidance to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

III. Electronic Access

Persons with access to the Internet may obtain the guidance at either <http://www.fda.gov/FoodGuidances> or <http://www.regulations.gov>. Use the FDA Web site listed in the previous

sentence to find the most current version of the guidance.

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14929 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-0001]

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 31, 2014, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993-0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.fda.gov/AdvisoryCommittees/default.htm>; under the heading “Resources for You,” click on “Public Meetings at the FDA White Oak Campus.” Please note that visitors to the White Oak Campus must enter through Building 1.

For those unable to attend in person, the meeting will also be Webcast. The Webcast will be available at the following link: <https://collaboration.fda.gov/bpac714/>.

Contact Person: Bryan Emery, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6132, Silver Spring, MD 20993-0002, 240-402-8054; or Pearline Muckelvene, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6129, Silver Spring, MD 20993-0002, 240-402-8129; or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the

Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On the morning of July 31, 2014, the committee will meet in open session to discuss Baxter Healthcare Corporation's biologics license application for HyQvia, Immune Globulin Infusion 10 percent (human) combined with Recombinant Human Hyaluronidase for the treatment of patients with primary immune deficiency disorders. In the afternoon, the Committee will meet in open session to discuss reentry of blood donors deferred on the basis of Chagas disease test results.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before July 24, 2014. Oral presentations from the public will be scheduled for July 31, 2014, between approximately 10:30 a.m. to 11 a.m., and 3:30 p.m. to 4 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 16, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled

open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 17, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets. Seating for this meeting may be limited, so the public is encouraged to watch the free webcast if you are unable to attend. The link for the webcast will be available on July 31, 2014, at 8 a.m.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14922 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-0001]

General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on August 1, 2014, from 8 a.m. to 6 p.m.

Location: Hilton Washington DC North/Gaithersburg, salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel telephone number is 301-977-8900.

Contact Person: Abbas Bandukwala, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G465, Silver Spring MD 20993-0002, abbas.bandukwala@fda.hhs.gov, 301-796-6386, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On August 1, 2014, the committee will discuss, make recommendations and vote on information regarding the premarket application (PMA) for the TissuGlu Surgical Adhesive device sponsored by Cohera Medical, Inc. The proposed indication for use for the TissuGlu Surgical Adhesive device, as stated in the PMA is as follows: TissuGlu Surgical Adhesive is indicated for the approximation of tissue layers where subcutaneous dead space exists between the tissue planes in large flap surgical procedures such as abdominoplasty.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before July 10, 2014. Oral

presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 1, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 2, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, annmarie.williams@fda.hhs.gov or 301-796-5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14923 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-0001]

Pulmonary-Allergy Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pulmonary-Allergy Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on August 14, 2014, from 8 a.m. to 4 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993-0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.fda.gov/AdvisoryCommittees/default.htm>; under the heading "Resources for You," click on "Public Meetings at the FDA White Oak Campus." Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Cindy Hong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, FAX: 301-847-8533, email: PADAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss new drug application (NDA) 21936, for tiotropium bromide inhalation spray, submitted by Boehringer Ingelheim Pharmaceuticals, Inc., for the long-term, once-daily maintenance treatment of bronchospasm associated with chronic obstructive pulmonary disease (COPD) and for reducing COPD exacerbations. The discussion will include efficacy data, including the data to support the claim for reduction of COPD exacerbations, but the focus will be on safety findings from the clinical development program and the results of a large safety trial comparing tiotropium

bromide inhalation spray and tiotropium bromide inhalation powder.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before July 31, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 23, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 24, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Cindy Hong at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 20, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-14921 Filed 6-25-14; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of K99 Grant Applications.

Date: July 22, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Robert Horowitz, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18I, Bethesda, MD 20892, 301-594-6904, horowitr@mail.nih.gov.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Peer Review of T32 Grant Applications.

Date: July 29, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.34, Bethesda, MD 20892.

Contact Person: Lisa A. Newman, SCD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3As.18A, Bethesda, MD 20892, 301-594-2704, newmanla2@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and

Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 19, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014-14933 Filed 6-25-14; 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; Fellowships: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: July 16, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301-435-1154, dianne.hardy@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Diabetes and Obesity.

Date: July 24, 2014.

Time: 10:00 a.m. to 2:00 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: Reed A. Graves, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 402-6297, gravesr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular and Cellular Diabetes and Endocrinology.

Date: July 24, 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: Nancy Sheard, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046-E, MSC 7892, Bethesda, MD 20892, 301-408-9901, sheardn@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 20, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014-14930 Filed 6-25-14; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Subcommittee—C.

Date: July 17-18, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Lorien Hotel, 1600 King Street, Alexandria, VA 22314.

Contact Person: Mona R. Trempe, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12A, Bethesda, MD 20892-4874, 301-594-3998, trempepmo@mail.nih.gov.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; R-13/U13 Conference Grant Review.

Date: July 17, 2014.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.22, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892-6200, 301-402-2783, sidorova@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 19, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014-14932 Filed 6-25-14; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye 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 Eye Institute Special Emphasis Panel; NEI Glaucoma and Posterior Eye Research and Training Grant Applications.

Date: July 31, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Anne E. Schaffner, Ph.D., Chief, Scientific Review Branch, Division of

Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892-9300, (301) 451-2020, aes@nei.nih.gov.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Translational and basic research grant applications.

Date: August 1, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301-451-2020, hoshawb@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS).

Dated: June 19, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014-14931 Filed 6-25-14; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2014-0405]

Navigation Safety Advisory Council; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the Navigation Safety Advisory Council. The Navigation Safety Advisory Council provides advice and recommendations to the Secretary of Homeland Security, through the Commandant of the U.S. Coast Guard, on matters relating to maritime collisions, rammings, and groundings; Inland Rules of the Road; International Rules of the Road; navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

DATES: Applicants must submit a cover letter and resume on or before July 30, 2014.

ADDRESSES: Applicants should submit a cover letter and resume via one of the following methods:

- By mail: Commandant (CG-NAV)/NAVSAC Attn: Mr. Mike Sollosi, Alternate Designated Federal Officer, Commandant (CG-NAV), U.S. Coast Guard 2703 Martin Luther King Avenue

SE., STOP 7418, Washington, DC 20593-7418;

- By fax to 202-372-1991; or
- By email to Mike.M.Sollosi@uscg.mil

FOR FURTHER INFORMATION CONTACT: Mr. Mike Sollosi, the NAVSAC Alternate Designated Federal Officer, telephone 202-372-1545, fax 202-372-1991, or email Mike.M.Sollosi@uscg.mil; or Mr. Burt Lahn, NAVSAC coordinator, telephone 202-372-1526, or email Burt.A.Lahn@uscg.mil.

SUPPLEMENTARY INFORMATION: The Navigation Safety Advisory Council is a Federal advisory committee authorized by 33 U.S.C. 2073 and chartered under the *Federal Advisory Committee Act* (FACA), 5 U.S.C. App. Pub. L. 92-463, 86 Stat. 770, as amended). The Navigation Safety Advisory Council provides advice and recommendations to the Secretary, through the Commandant of the U.S. Coast Guard, on matters relating to maritime collisions, rammings, and groundings; Inland Rules of the Road; International Rules of the Road; navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

The Navigation Safety Advisory Council is expected to meet at least twice each year, or more often with the approval of the Designated Federal Officer. All members serve at their own expense and receive no salary from the Federal Government, although travel reimbursement and per diem may be provided for called meetings. The Navigation Safety Advisory Council is composed of not more than 21 members who all will have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Each member will be appointed to represent the viewpoints and interests of one of the following groups or organizations, and at least one member will be appointed to represent each membership category:

- Commercial vessel owners or operators;
- Professional mariners;
- Recreational boaters;
- The recreational boating industry;
- State agencies responsible for vessel or port safety; and
- The Maritime Law Association.

Members serve as representatives and are not Special Government Employees as defined in 18 U.S.C. 202(a).

The Coast Guard will consider applications for seven positions that expire or become vacant on November 4, 2014, in the following categories:

- Professional mariners;
- Recreational boaters;
- Recreational Boating Industry;
- State agencies responsible for vessel or port safety; and
- Maritime Law Association.

To be eligible, you should have experience in one of the categories listed above. Members serve terms of office of up to three (3) years. Members may be considered to serve up to two (2) consecutive terms. In the event the Navigation Safety Advisory Council terminates, all appointments to the Council terminate.

Registered lobbyists are not eligible to serve on Federal advisory committees. Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (Public Law 104-65 as amended).

The Department of Homeland Security does not discriminate in selecting Council members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Council, submit your complete application package to Mr. Mike Sollosi, the Navigation Safety Advisory Council Assistant Designated Federal Officer via one of the transmittal methods provided above by the deadline in the **DATES** section of this notice. Indicate the specific position you request to be considered for and specify your area of expertise, knowledge and experience that qualifies you for service on the Navigation Safety Advisory Council. Note that during the vetting process, applicants may be asked to provide their date of birth and social security number. All email submittals will receive email receipt confirmation.

To visit our online docket, go to <https://www.regulations.gov>. Enter the docket number for this notice (USCG-2014-0405) in the Search box, and click "Search". Please do not post your resume on this site.

Dated: June 18, 2014.

G.C. Rasicot,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2014-14909 Filed 6-25-14; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard**

[Docket No. USCG–2014–0205]

National Preparedness for Response Exercise Program—Cycle Change**AGENCY:** Coast Guard, DHS.**ACTION:** Notice and request for comments.

SUMMARY: The Coast Guard announces that it is changing from a three-year to a four-year cycle for conducting National Preparedness for Response Exercise Program (PREP) area exercises. The changes are intended to promote the Coast Guard's maritime safety and stewardship missions.

DATES: Comments must be submitted to the online docket via <http://www.regulations.gov>, or reach the Docket Management Facility, on or before September 5, 2014.

ADDRESSES: Submit any comments using one of these methods:

Online—<http://www.regulations.gov> following Web site instructions.

Fax—202–493–2251.

Mail or hand deliver—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. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: For information about this document call or email LCDR Jerry Butwid, Coast Guard; telephone 202–372–2263; email jerry.d.butwid@uscg.mil. For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:**Discussion**

Coast Guard units manage risk by leveraging opportunities to exercise with public, government, and industry stakeholders. Under 33 U.S.C. 1321(j), the Coast Guard has been required since 1990 to periodically conduct oil spill response exercises to ensure that personnel and equipment are ready to respond to oil spills. The schedule for these exercises is largely determined by the Coast Guard but maintained by the National Schedule Coordination Committee (NSCC), which comprises representatives from the Coast Guard, the Environmental Protection Agency,

the Department of Transportation's Pipeline and Hazardous Materials Safety Administration, and the Department of the Interior's Bureau of Safety and Environmental Enforcement (BSEE). Exercises are held in partnership with NSCC agencies and with private industry. Although the statute does not specify how often these exercises must be held, it has been Coast Guard practice since 1994 to hold area exercises once in every three years according to the PREP Guidelines in each of the Coast Guard's 42 Captain of the Port (COTP) zones and in each of the Environmental Protection Agency's 10 Regions. We have decided to extend the area exercise cycle to four years. This will ensure that exercises focus on quality, not quantity, by providing exercise coordinators sufficient time to process and implement area exercise lessons learned and best practices into the preparedness cycle.

On March 25, 2014, BSEE published a notice¹ on behalf of the NSCC, requesting public comments on the NSCC's latest draft PREP Guidelines update. The notice specifically stated that area exercises follow a three year cycle. We noted the possibility of changing to a four year cycle when we met with our NSCC partners at the NSCC's January 2014 meeting, and the NSCC agreed that BSEE would make no mention of a cycle change in its notice unless we first reached our decision on whether to proceed with the change. We did not reach our decision prior to March 18, when BSEE's notice was signed. The draft PREP Guidelines update to which that notice refers will be updated to reflect the new four year cycle.

For the next four fiscal years, beginning October 1, 2014, the start of Fiscal Year 2015, the PREP area exercise schedule will be:

2015: Industry-led exercises in Sectors Delaware Bay, San Juan, Mobile Guam, and Juneau; government-led exercises in Sectors Hampton Roads, New Orleans, and Buffalo.

2016: Industry-led exercises in Marine Safety Units Savannah, Duluth, and Valdez, and in Sectors Key West, Corpus Christi, Los Angeles/Long Beach (South), San Francisco, and Columbia River; government-led exercises in Sectors New York and Jacksonville.

2017: Industry-led exercises in MSU Port Arthur and in Sectors Northern New England, Charleston, Lake Michigan, and Puget Sound; government-led exercises in MSU Morgan City and in Sectors Boston, Baltimore, and Long Island Sound.

2018: Industry-led exercises in Sectors Southeastern New England, St. Petersburg, Houston-Galveston, Sault St. Marie, San Diego, Los Angeles/Long Beach (North), and Anchorage; government-led exercises in Sectors North Carolina, Miami, Detroit, and Honolulu.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: May 29, 2014

P.J. Brown,

Rear Admiral, U.S. Coast Guard Assistant Commandant for Response Policy.

[FR Doc. 2014–14906 Filed 6–25–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–FHC–2014–N121;
FVHC98130406900–XXX–FF04G01000]

Deepwater Horizon Oil Spill; Final Programmatic and Phase III Early Restoration Plan and Final Early Restoration Programmatic Environmental Impact Statement

AGENCY: Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), notice is hereby given that the Federal *Deepwater Horizon* natural resource trustee agencies and the State *Deepwater Horizon* natural resource trustee agencies for Louisiana, Mississippi, Alabama, and Florida (Participating Trustees) have prepared a Final Programmatic and Phase III Early Restoration Plan and Final Early Restoration Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS, or Plan). This notice announces the availability of the Final Phase III ERP/PEIS. The Texas natural resource trustee agencies are not joining in the issuance of the Final Phase III ERP/PEIS at this time.

The Final Phase III ERP/PEIS considers programmatic alternatives comprised of early restoration project types that would restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill and related response actions. The Participating Trustees additionally propose to select 44 specific early restoration projects for implementation that are consistent with the proposed preferred early restoration program alternative. The Participating Trustees have developed restoration alternatives and projects to utilize funds for early restoration being provided under the

¹ 79 FR 16363.

Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill (Framework Agreement) discussed below. The Final Phase III ERP/PEIS evaluates these programmatic restoration alternatives and projects under criteria set forth in the natural resource damage assessment regulations and the Framework Agreement. The Final Phase III ERP/PEIS also evaluates the environmental consequences of the restoration alternatives and projects under NEPA. The purpose of this notice is to inform the public of the availability of the Final Phase III ERP/PEIS.

ADDRESSES: Obtaining Documents: You may download the Final Phase III ERP/PEIS at <http://www.gulfspillrestoration.noaa.gov> or <http://www.doi.gov/deepwaterhorizon>. You may also view the Final Phase III ERP/PEIS at any of the public repositories listed at <http://www.gulfspillrestoration.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, nanciann_regalado@fws.gov.

SUPPLEMENTARY INFORMATION:

Introduction

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon*, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over a million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The State and Federal natural resource trustees (Trustees) are conducting the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses of natural resource services, and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration,

rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete. Pursuant to the process articulated in the Framework Agreement, the Trustees have previously selected, and BP has agreed to fund, a total of 10 early restoration projects, expected to total approximately \$71 million, through the Phase I Early Restoration Plan/Environmental Assessment (Phase I ERP) and Phase II Early Restoration Plan/Environmental Review (Phase II ERP). These plans are available at <http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/>.

The *Deepwater Horizon* Trustees currently are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (USEPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission;
- Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality, which are not joining in the issuance of this Final Phase III ERP/PEIS at this time;
- The Department of Defense (DOD) is also a trustee of natural resources associated with DOD-managed land on the Gulf Coast, which is included in the ongoing NRDA; however DOD is not a signatory of the Framework Agreement nor a participant in this Phase III Early Restoration Plan.

Background

On April 20, 2011, BP agreed to provide up to \$1 billion toward early

restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The Framework Agreement represents a preliminary step toward the restoration of injured natural resources. The Framework Agreement is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The Framework Agreement provides a mechanism through which the Trustees and BP can work together “to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable” prior to the resolution of the Trustees’ natural resource damages claim.

The Trustees actively solicited public input on restoration project ideas through a variety of mechanisms, including convening public meetings, distributing electronic communications, and use of the Trustee-wide public Web site and database to share information and receive public project submissions. The key objective in pursuing early restoration is to secure tangible recovery of natural resources and natural resource services for the public’s benefit while the longer term process of fully assessing injury and damages is under way. The Trustees released, after public review of a draft, a Phase I Early Restoration Plan/Environmental Assessment (Phase I ERP/EA) on April 20, 2012 (77 FR 23741). Subsequently, the Trustees released, after public review of a draft, a Phase II Early Restoration Plan/Environmental Review (Phase II ERP/ER) in December 2012 (78 FR 8184).

The Trustees considered hundreds of projects leading to the identification of a potential 28 future early restoration projects announced in the May 6, 2013, **Federal Register** notice (78 FR 26319). On June 4, 2013 (78 FR 33431), the Trustees announced their intent to prepare a Programmatic Environmental Impact Statement (PEIS) under OPA and the National Environmental Policy Act (NEPA) to evaluate the environmental consequences of early restoration project types, as well as to propose a Phase III Early Restoration Plan to address injuries from the *Deepwater Horizon* oil spill that would include the 28 early restoration projects announced in the May 6, 2013, **Federal Register** notice and an additional 16 projects. In accordance with NEPA, the Trustees conducted scoping to identify the concerns of the affected public, Federal agencies, States, and Indian tribes; involved the public in the decision making process; facilitated efficient

early restoration planning and environmental review; defined the issues and alternatives that would be examined in detail; and saved time by ensuring that draft documents adequately addressed relevant issues. A scoping process reduces paperwork and delay by ensuring that important issues are considered early in the decision making process. To gather public input, the Trustees hosted six public meetings and accepted written comment electronically and via U.S. mail during the scoping period.

Notice of availability of the Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (Draft Phase III ERP/PEIS) was published in the **Federal Register** on December 6, 2013 (78 FR 73555). The Draft Phase III ERP/PEIS considered programmatic alternatives for early restoration and proposed 44 early restoration projects in Phase III of early restoration consistent with the project types included in the proposed programmatic alternative. The Trustees provided the public with 75 days to review and comment on the Draft Phase III ERP/PEIS (including a 15-day extension of the original announced 60-day comment period). The Trustees also held public meetings in Mobile, Alabama; Long Beach, Mississippi; Belle Chasse, Thibodaux, and Lake Charles, Louisiana; Port Arthur, Galveston, and Corpus Christi, Texas; and Pensacola, Florida to facilitate public participation. The Participating Trustees considered the public comments received, which informed the Participating Trustees' analyses of programmatic alternatives and specific early restoration projects in the Final Phase III ERP/PEIS. A summary of the public comments received and the Participating Trustees' responses to those comments are addressed in Chapter 13 of the Final Phase III ERP/PEIS.

Overview of the Phase III ERP/PEIS

The Final Phase III ERP/PEIS is being released in accordance with the Oil Pollution Act (OPA), the Natural Resource Damage Assessment (NRDA) regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*).

The Final Phase III ERP/PEIS proposes early restoration programmatic alternatives and evaluates the potential environmental effects and cumulative effects of those alternatives. The Final Phase III ERP/PEIS groups 12 project types into two categories: (1) Contribute to Restoring Habitats and Living Coastal

and Marine Resources, and (2) Contribute to Providing and Enhancing Recreational Opportunities. These categories provide the basis for defining the list of four alternatives considered in the document:

- Alternative 1: No Action (No Additional Early Restoration);
- Alternative 2: Contribute to Restoring Habitats and Living Coastal and Marine Resources;
- Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities; and
- Alternative 4 (Preferred Alternative): Contribute to Restoring Habitats, Living Coastal and Marine Resources, and Recreational Opportunities.

The Participating Trustees propose to select 44 projects as described in the Final Phase III ERP/PEIS, totaling an estimated cost of approximately \$627 million.

The proposed restoration projects are intended to continue the process of using early restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The Participating Trustees considered both ecological and recreational use restoration projects to restore injuries caused by the *Deepwater Horizon* oil spill, addressing both the physical and biological environment, as well as the relationship people have with the environment.

The projects proposed in Phase III are not intended to, and do not, fully address all injuries caused by the spill or provide the extent of restoration needed to make the public and the environment whole. The Participating Trustees anticipate that additional early restoration projects will be proposed in the future as the early restoration process continues.

Next Steps

In accordance with NEPA, a Federal agency must prepare a concise public Record of Decision (ROD) at the time the agency makes a decision in cases involving an EIS (40 CFR 1505.2). The ROD for the Final Phase III ERP/PEIS would provide and explain the Trustees' decisions regarding the selection of a programmatic early restoration alternative and specific early restoration projects. The Trustees will issue the ROD no earlier than 30 days after the Environmental Protection Agency publishes a notice in the **Federal Register** announcing the availability of the Final Phase III ERP/PEIS (40 CFR § 1506.10).

Administrative Record

An Administrative Record has been established and can be viewed electronically at <http://www.doi.gov/deepwaterhorizon/adminrecord/index.cfm>.

Authorities

The authorities of this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing Natural Resource Damage Assessment regulations found at 15 CFR 990, NEPA, and the Framework Agreement.

Cynthia K. Dohner,

DOI Authorized Official.

[FR Doc. 2014-14952 Filed 6-25-14; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. FWS-R9-ES-2011-0104; 120206102-4517-02; 4500030114]

RIN 1018-AX87; 0648-BB82

Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the "Services" or "we"), announce the extension of the public comment period on our May 12, 2014, draft policy regarding implementation of section 4(b)(2) of the Endangered Species Act. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final policy.

DATES: We will accept comments from all interested parties until October 9, 2014. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** section, below), the deadline for submitting an electronic comment is 11:59 p.m. Eastern Time on this date.

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

• *Federal eRulemaking Portal*: <http://www.regulations.gov>. In the Search box, enter the docket number for the draft policy, which is FWS–R9–ES–2011–0104. You may submit a comment by clicking on “Comment Now!” Please ensure that you have found the correct rulemaking before submitting your comment.

• *U.S. mail*: Public Comments Processing, Attn: Docket No. FWS–R9–ES–2011–0104; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203. 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: Douglas Krofta, U.S. Fish and Wildlife Service, Division of Conservation and Classification, 4401 N. Fairfax Drive, Suite 420, Arlington, VA 22203; telephone 703/358–2171; facsimile 703/358–1735; or Marta Nammack, National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301/713–8469; facsimile 301/713–0376. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800/877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this extended comment period on our draft policy regarding implementation of section 4(b)(2) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), that was published in the **Federal Register** on May 12, 2014 (79 FR 27052). We will consider information we receive from all interested parties on or before the close of the comment period (see **DATES**).

If you submitted comments or information during the public comment period that began May 12, 2014, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in the preparation of our final policy.

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

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.

Background

On May 12, 2014, we published three related documents concerning designation and implementation of critical habitat under the Act: Two proposed regulation amendments and one draft policy. This notice extends the comment period for the draft policy, and a separate document published elsewhere in today’s issue of the **Federal Register** extends the comment periods for the two proposed regulation amendments. The document for which we are extending the comment period in this notice announces a draft policy regarding implementation of section 4(b)(2) of the Act.

Specifically, the draft policy on exclusions from critical habitat under the Act provides the Services’ position on how we consider partnerships and conservation plans, conservation plans permitted under section 10 of the Act, tribal lands, national security and homeland security impacts and military lands, Federal lands, and economic impacts in the exclusion process. The draft policy is meant to complement the amendments to our regulations regarding impact analyses of critical habitat designations and is intended to clarify expectations regarding critical habitat and provide for a credible, predictable, and simplified critical-habitat-exclusion process.

Authors

The primary authors of this notice are the staff members of the Endangered Species Program, Headquarters Office, 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 17, 2014.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Dated: June 17, 2014.

Samuel D. Rauch III,

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

[FR Doc. 2014–14773 Filed 6–25–14; 8:45 am]

BILLING CODE 4310–55–P; 3510–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B814.IA001213]

Renewal of Agency Information Collection for Application for Job Placement and Training Services

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is submitting to the Office of Management and Budget (OMB) a request for renewal of the approval for the collection of information in the Application for Job Placement and Training Services. The information collection is currently authorized by OMB Control Number 1076–0062, which expires June 30, 2014.

DATES: Interested persons are invited to submit comments on or before July 28, 2014.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or by email to: OIRA_Submission@omb.eop.gov. Please send a copy of your comments to Jack Stevens, Division Chief, Office of Indian Energy and Economic Development, Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., MS–20 SIB, Washington, DC 20240; facsimile: (202) 208–4564; email: Jack.Stevens@bia.gov.

FOR FURTHER INFORMATION CONTACT: Jack Stevens, telephone: (202) 208–6764.

You may review the information collection request online at <http://www.reginfo.gov>. Follow the instructions to review Department of the Interior information collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Office of Indian Energy and Economic Development (IEED) is seeking renewal of the approval for the information collection conducted under 25 CFR part 26 to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within service areas approved by the Bureau of Indian Affairs (BIA). Information is collected through the form, BIA–8205,

Application for Job Placement and/or Training Assistance.

II. Request for Comments

The IEED requests your comments on this information collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076-0062.

Title: Application for Job Placement and Training Services.

Brief Description of Collection: Submission of this information allows IEED to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within service areas approved by the BIA. Information is collected through the form, BIA-8205, Application for Job Placement and/or Training Assistance. Response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Individuals seeking and currently participating, and employers participating, in the IEED job placement and training program.

Number of Respondents: 4,900 per year, on average.

Number of Responses: 7,450 per year, on average.

Frequency of Response: Once annually to apply for services, quarterly to provide progress reports, on occasion to provide information regarding job opportunities.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Hour Burden: 3,726 hours.

Estimated Total Annual Non-Hour Dollar Cost: \$0.

Dated: June 20, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014-14966 Filed 6-25-14; 8:45 am]

BILLING CODE 4310-G1-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12200000.AL 0000 Fund: 14XL1109AF]

Meeting of the Desert Renewable Energy Conservation Plan Subcommittee of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92-463 and 94-579, that the Desert Renewable Energy Conservation Plan (DRECP) Subcommittee of the California Desert District Advisory Council (DAC) to the Bureau of Land Management (BLM), U.S. Department of the Interior, will meet on Tuesday, July 1, 2014 from 4:00 p.m. to 6:00 p.m. at the Bureau of Land Management, California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley CA, 92553. Final agenda will be posted on the subcommittee Web page at <http://www.blm.gov/ca/st/en/info/rac/dac/DesertRenewableEnergyConservationPlanSubcommittee.html> when finalized.

SUPPLEMENTARY INFORMATION: The DRECP, a major component of California's renewable energy planning efforts, is intended to help provide effective protection and conservation of desert ecosystems while allowing for the appropriate development of renewable energy projects.

The DAC DRECP subcommittee was formed in order to develop comments on the overall plan ahead of actual availability of the DRECP Draft EIR/EIS. Subcommittees are considered an internal working group of the council and comprised of council members only.

All DAC subcommittee meetings are open to the public. Time for public

comment may be made available by the subcommittee chairman during the presentation of various agenda items.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, CA 92553. Written comments also are accepted at the time of the meeting.

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs, (951) 697-5217.

Dated: June 8, 2014.

Timothy J. Wakefield,

Associate California Desert District Manager.

[FR Doc. 2014-14958 Filed 6-25-14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAC01000 L10100000.XZ0000 LXSI0VHD0000]

Notice of Public Meeting of the Central California Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Central California Resource Advisory Council (RAC) will meet as indicated below.

DATES: Business meetings will be held Thursday and Friday, July 17-18, 2014, at the BLM Mother Lode Field Office, 5152 Hillside Circle, El Dorado Hills, CA. Members of the public are welcome to attend.

On July 17, the RAC will meet from noon to 6 p.m. On July 18, the RAC will meet from 8 a.m. to 11 a.m. Time for public comment is reserved from 9 a.m. to 10 a.m. on July 18.

FOR FURTHER INFORMATION CONTACT: BLM Central California District Manager Este Stifel, (916) 978-4626; or BLM Public Affairs Officer David Christy, (916) 941-3146.

SUPPLEMENTARY INFORMATION: The 12-member council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the Central California District, which includes the Bishop, Bakersfield, Hollister, Ukiah and Mother

Lode field offices. At this meeting, agenda topics will include an update on resource management issues by the Field Managers including Lake Berryessa, Clear Creek Management Area and oil and gas. Additional ongoing business will be discussed by the council. All meetings are open to the public. Members of the public may present written comments to the council. Each formal council meeting will have time allocated for public comments. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. The meeting is open to the public. Individuals who plan to attend and need special assistance, such as sign language interpretation and other reasonable accommodations, should contact the BLM as provided above.

Dated: June 13, 2014.

David Christy,

Public Affairs Officer.

[FR Doc. 2014-14959 Filed 6-25-14; 8:45 am]

BILLING CODE 4310-40-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Light Reflectors and Components, Packaging, and Related Advertising Thereof, DN 3019*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS*¹, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E

Street SW., Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC*.² The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS*.³ Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Sunlight Supply, Inc., and IP Holdings, LLC on June 20, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light reflectors and components, packaging, and related advertising thereof. The complaint name as respondents Sinowell (Shanghai) Co., Ltd. of China; Sinohydro Ltd. of China; Groco Enterprises, LLC of Bellevue, WA; Good Nature Garden Supply of Sacramento, CA; Aqua Serene, Inc. of Eugene, OR; Aurora Innovations, Inc. of Eugene, OR; Big Daddy Garden Supply, Inc. of Ukiah, CA; Bizright, LLC of City of Industry, CA; Coinstar Procurement, LLC of Bellevue, WA; The Hydro Source II, Inc. of Santa Fe Springs, CA; Insun, LLC of Bellevue, WA; Lumz' N. Blooms, Ltd. Corp. of Apopka, FL; Parlux LP of Snohomish, WA; Silversun, Inc. of Gig Harbor, WA; and Zimbali Group, Inc. of Bellevue, WA. The complainant requests that the Commission issue a general exclusion order, or in the alternative, a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States

economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No.3019") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*⁴). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents

² United States International Trade Commission (USITC): <http://edis.usitc.gov>.

³ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

⁴ Handbook for Electronic Filing Procedures: http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.

¹ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.⁵

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 20, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014-14943 Filed 6-25-14; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337-TA-867/861 (Consolidated)]

Issuance of General Exclusion Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to issue a general exclusion order ("GEO") in this investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3042. 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 Inv. No. 337-

TA-861 on November 16, 2012, based on a complaint filed by Speculative Product Design, LLC of Mountain View, California ("Speck"). 77 FR 68828 (Nov. 16, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cases for portable electronic devices by reason of infringement of various claims of United States Patent No. 8,204,561 ("the '561 patent"). The complaint named several respondents.

The Commission instituted Inv. No. 337-TA-867 on January 31, 2013, based on a complaint filed by Speck. 78 FR 6834 (Jan. 31, 2013). That complaint also alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cases for portable electronic devices by reason of infringement of various claims of the '561 patent. The complaint named several additional respondents. On January 31, 2013, the Commission consolidated the two investigations. *Id.*

All of the respondents that participated in the investigation were terminated from the investigation. Specifically, respondents JWIN Electronics Corp., d/b/a iLuv of Port Washington, New York and Fellowes, Inc. of Itasca, Illinois were terminated from the investigation based upon settlement agreements. Respondents Project Horizon, Inc., d/b/a InMotion Entertainment of Jacksonville, Florida and En Jinn Industrial Co., Ltd. of New Taipei City, Taiwan were terminated from the investigation based upon consent order stipulations. Respondents Superior Communications, Inc. of Irwindale, California and Shengda Huanqiu Shijie of Shenzhen, China were terminated from the investigation based upon withdrawal of allegations pertaining to them from the complaint. Respondent Jie Sheng Technology of Tainan City, Taiwan was terminated from the investigation based upon amendment to the complaint and notice of investigation. Respondent Body Glove International, LLC of Redondo Beach, California was terminated from the investigation based upon a finding that it had committed no acts in violation of section 337.

The following respondents were found in default: Anbess Electronics Co. Ltd. of Shenzhen, China; ROCON Digital Technology Corp. of Shenzhen, China; Trait Technology (Shenzhen) Co., Ltd. of Shenzhen, China; Hongkong Wexun

Ltd. of Guangdong, China; SW-Box.com (aka Cellphonezone Limited) of Sheung Wan, Hong Kong; and Global Digital Star Industry, Ltd. of Shenzhen City, China. Accordingly, the only parties remaining active in this investigation are Speck and the Commission investigative attorney ("IA").

On August 19, 2013, Speck filed a motion for summary determination that it has satisfied the domestic industry requirement under sections 337(a)(3)(A), (B), and (C) (not including licensing). On August 19, 2013, the IA filed a response in support of Speck's motion that it has satisfied the domestic industry requirement under section 337(a)(3)(C). On September 10, 2013, the ALJ issued an ID (Order No 15) granting Speck's motion in part. Specifically, the ALJ found that Speck established a domestic industry for the '561 patent under section 337(a)(3)(C). On October 23, 2013, the Commission determined not to review the ID.

On September 30, 2013, the ALJ granted a motion by Speck to terminate the investigation as to claims 1-3, 6-8, 10, and 12-16 of the '561 patent. On November 11, 2013, the Commission determined not to review. Thus, claims 4, 5, 9, and 11 remain pending in the investigation.

On November 15, 2013, Speck filed a motion for summary determination of violation with respect to the defaulting respondents. On November 26, 2013, the IA filed a response in support of Speck's motion. On February 21, 2014, the presiding ALJ issued his final initial determination on violation and recommendation on remedy ("ID/RD"), Order No. 28, granting the motion. The ALJ recommended issuance of a general exclusion order and the imposition of a bond of 100 percent of entered value during the period of Presidential review. On April 8, 2014, the Commission issued notice of its determination not to review the ALJ's final determination on violation. 79 Fed. Reg. 20228-30 (Apr. 11, 2014).

The Commission has determined that the appropriate form of relief is a GEO under 19 U.S.C. § 1337(d)(2), prohibiting the unlicensed entry of cases for portable electronic devices covered by one or more claims 4, 5, 9, and 11 of U.S. Patent No. 8,204,561 ("the '561 patent").

The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the GEO. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) shall be in the amount of 100

⁵ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

percent of the entered value of the imported articles that are subject to the order. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

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 20, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014-14945 Filed 6-25-14; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Complaint Involving Employment Discrimination by a Federal Contractor or Subcontractor

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Federal Contract Compliance Programs (OFCCP) sponsored information collection request (ICR) revision titled, "Complaint Involving Employment Discrimination by a Federal Contractor or Subcontractor," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (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 28, 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=201406-1250-002 (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 sending an email to 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-OFCCP, 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 sending an email to DOL_PRA_PUBLIC@dol.gov.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Complaint Involving Employment Discrimination by a Federal Contractor or Subcontractor, Form CC-4, that an individual prepares to allege illegal discrimination by a Federal contractor or subcontractor under any OFCCP administered program. This information collection has been classified as a revision, because the OFCCP has made several changes to Form CC-4 to clarify information sought and otherwise shorten and simplify the form. Rehabilitation Act of 1973 section 503, 29 U.S.C. 793; Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. 4212; and E.O. 11246, Equal Employment Opportunity, As Amended section 206 authorize this information collection.

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 1250-0002. The current approval is scheduled to expire on June 30, 2014; however, the DOL notes that

existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 5, 2014 (79 FR 6924).

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 1250-0002. 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-OFCCP.

Title of Collection: Complaint Involving Employment Discrimination by a Federal Contractor or Subcontractor.

OMB Control Number: 1250-0002.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 747.

Total Estimated Number of Responses: 747.

Total Estimated Annual Time Burden: 747 hours.

Total Estimated Annual Other Costs Burden: \$52.

Dated: June 20, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014-14978 Filed 6-25-14; 8:45 am]

BILLING CODE 4510-CM-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**[Notice (14-057)]****Aerospace Safety Advisory Panel; Meeting.****AGENCY:** National Aeronautics and Space Administration (NASA).**ACTION:** Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, July 24, 2014, 2:00 p.m. to 3:30 p.m., Local Time.**ADDRESSES:** NASA Headquarters, Room 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Aerospace Safety Advisory Panel Administrative Officer, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-4452 or mnorris@nasa.gov.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Third Quarterly Meeting for 2014. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

- Updates on the Exploration Systems Development
- Updates on the Commercial Crew Program
- Updates on the International Space Station Program
- Overview of NASA Headquarters Aircraft Management Division

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number (800) 857-7040; pass code 2820756. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth;

citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Marian Norris via email at mnorris@nasa.gov or by fax at (202) 358-3099. U.S. citizens and green card holders are requested to submit their name and affiliation 3 working days prior to the meeting to Marian Norris. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Harmony Myers,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014-14964 Filed 6-25-14; 8:45 am]

BILLING CODE 7510-13-P**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****[Notice (14-056)]****NASA Advisory Council; Science Committee; Heliophysics Subcommittee; Meeting****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Heliophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Thursday, July 17, 2014, 2:00 p.m. to 5:30 p.m., and Friday, July 18, 2014, 10:00 a.m. to 3:00 p.m., Local Time.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-0750, fax (202) 358-2779, or ann.b.delo@nasa.gov.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public telephonically and by WebEx. Any interested person may call the USA toll free conference call number 800-857-4254, Passcode 6732, to participate in this meeting by telephone. This toll free number and passcode will be used on

July 17 and July 18, 2014. The WebEx link is <https://nasa.webex.com/>, meeting number 994-941-564, password *HPS@July2014* will be used on July 17, 2014. The WebEx link is <https://nasa.webex.com/>, meeting number 998-276-132, password *HPS@July2014* will be used on July 18, 2014.

The agenda for the meeting includes the following topics:

- Heliophysics Division Overview and Program Status
- Flight Mission Status Report
- Heliophysics Budget
- Heliophysics Roadmap for Science and Technology 2013-2033 Status

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Harmony Myers,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2014-14963 Filed 6-25-14; 8:45 am]

BILLING CODE 7510-13-P**NUCLEAR REGULATORY COMMISSION****[Docket No. 50-264; NRC-2012-0026]****Dow Chemical Company, Dow TRIGA Research Reactor****AGENCY:** Nuclear Regulatory Commission.**ACTION:** License renewal; notice of issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Renewed Facility Operating License No. R-108, held by the Dow Chemical Company. The renewed license would authorize the Dow Chemical Company to operate the Dow TRIGA (Training, Research, Isotope Production, General Atomics) Research Reactor (DTRR), for 20 years from its date of issuance.

DATES: The issuance date of Renewed Facility Operating License No. R-108 is June 18, 2014.

ADDRESSES: Please refer to Docket ID NRC-2012-0026 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0026. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov. For technical questions, contact the

individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. For the convenience of the reader, the ADAMS Accession Numbers for the application for renewal are provided in a table in the "Availability of Documents" section of this document.

- *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.

Availability of Documents

License renewal application and supplemental documents:

April 1, 2009	ML092150443
September 24, 2010	ML102720859
January 12, 2011	ML110130501
February 11, 2011	ML110490391
April 20, 2011	ML113460120
May 12, 2011	ML11136A229
May 27, 2011	ML112150327
August 12, 2011	ML11228A116
August 31, 2011	ML11249A043
October 12, 2011	ML112930035
November 10, 2011	ML113410168
December 6, 2011	ML113460038
January 13, 2012	ML12019A007
January 20, 2012	ML12026A152
	(attachment 1)
	ML12025A089
	(attachment 2)
February 7, 2012	ML12040A128
June 11, 2012	ML12164A784
August 10, 2012	ML12226A401
July 11, 2013	ML13196A299
September 16, 2013	ML13261A026
April 9, 2014	ML14100A349

Licensee's annual reports for years ending:

2005	ML061010776
2006	ML070920302
2007	ML080790521
2008	ML090720161
2009	ML100490399
2010	ML110680094
2011	ML12066A128
2012	ML13059A459
2013	ML14070A179

FOR FURTHER INFORMATION CONTACT:

Geoffrey Wertz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0893; email: Geoffrey.Wertz@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC has issued Renewed Facility Operating License No. R-108, held by the Dow Chemical Company, which authorizes continued operation of the Dow TRIGA (Training, Research, Isotope Production, General Atomics) Research Reactor (DTRR), located in Midland, Michigan. The DTRR is a pool-type, natural convection, light-water cooled, and shielded reactor. The DTRR is licensed to operate at a steady-state thermal power level of 300 kilowatts. The Renewed Facility Operating License No. R-108 will expire 20 years from its date of issuance.

The renewed facility operating license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in Title 10, Chapter 1, of the *Code of Federal Regulations*, and sets forth those findings in the renewed facility operating license. The agency afforded an opportunity for hearing in the Notice of Opportunity for Hearing published in the **Federal Register** on February 13, 2012 (77 FR 7613-7618). The NRC received no request for a hearing or petition for leave to intervene following the notice.

The NRC staff prepared a safety evaluation report for the renewal of Facility Operating License No. R-108 and concluded, based on that evaluation, the licensee can continue to operate the facility without endangering the health and safety of the public. The NRC staff also prepared an Environmental Assessment and Finding of No Significant Impact for the renewal of the facility operating license, noticed in the **Federal Register** on July 20, 2012 (77 FR 42771-42774), as supplemented on May 8, 2013 (78 FR 26811-26812), and concluded that renewal of the facility operating license will not have a significant impact on the quality of the human environment.

Dated at Rockville, Maryland, this 19 day of June 2014.

For the Nuclear Regulatory Commission.

Linh N. Tran,

Acting Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2014-15009 Filed 6-25-14; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2014-0114]

In the Matter of All Operating Reactor Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Revised Director's decision under 10 CFR 2.206; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a revised director's decision with regard to a petition dated July 27, 2011, filed by Mr. Geoff Fettus, Senior Project Attorney for the Natural Resources Defense Council (the petitioner), requesting that the NRC take action with regard to all operating reactor licensees. The petitioner's request, the director's decision, the letter to the petitioner, and the letter to the licensees (which includes a listing of all operating reactor licensees affected by this revised director's decision) are discussed in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Please refer to Docket ID NRC-2014-0114 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for NRC-2014-0114. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov.

- *NRC's Agency wide 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 Proposed Director's Decision and the Letter to the Petitioner are available in ADAMS under Accession Nos. ML13282A373 and ML13282A358. The Letter to the Licensees, which includes a listing of all operating reactor licensees affected by this proposed director's decision, is available in ADAMS under Accession No. ML13282A372.

- *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.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Deputy Director, Office of Nuclear Reactor Regulation, has issued a revision to a director's decision (ADAMS Accession No. ML14098A166) dated May 6, 2014, on a petition filed by the petitioner on July 27, 2011, (ADAMS Accession No. ML11216A085). A listing of all operating reactor licensees affected by this director's decision is available in the Letter to Licensees, available in ADAMS under Accession No. ML13282A372.

The petitioner requested that the NRC order licensees to comply with 12 specific recommendations in the NRC Near-Term Task Force (NTTF) Report, "Recommendations for Enhancing Reactor Safety in the 21st Century," issued July 12, 2011, (ADAMS Accession No. ML111861807). The petitioner cited the NTTF Report as the rationale for and basis of the petition.

The NRC sent a copy of the proposed director's decision to the petitioner and the licensees for comment on March 11, 2014. The petitioner and the licensees were asked to provide comments within 15 days on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. The staff did not receive any comments on the proposed director's decision.

The NRC issued a director's decision (ADAMS Accession No. ML14098A166) on May 6, 2014. Subsequently, the NRC found two revisions necessary. The NRC's response to the petitioner's Request 7 is corrected to reference the *final* regulatory basis issued on October 1, 2013 (ML13101A344), instead of the draft regulatory basis as originally stated. The NRC's response to the part of Request 8 stating that licensees should be required to "maintain ERDS [Emergency Response Data System] capability throughout the accident" is corrected to state that the request will be addressed by an advance notice of proposed rulemaking (ANPR).

As stated in the initial director's decision, the Deputy Director of the Office of Nuclear Reactor Regulation has determined that the petitioner's request to order licensees to comply with 12 specific recommendations in the NRC NTTF Report, "Recommendations for Enhancing Reactor Safety in the 21st Century," issued July 12, 2011, was resolved through the issuance of orders, written statements in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR), rulemaking, and the Emergency Response Data System

initiative. The reasons for this decision are explained in this revised director's decision (DD-14-02), which the NRC is issuing pursuant to 10 CFR 2.206 of the Commission's regulations.

The NRC will file a copy of the revised director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 17th day of June of 2014.

For the Nuclear Regulatory Commission.

Jennifer L. Uhle,

*Deputy Director for Reactor Safety Programs,
Office of Nuclear Reactor Regulation.*

[FR Doc. 2014-15006 Filed 6-25-14; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. CP2013-45; Order No. 2099]

Amendment to Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting an amendment to Priority Mail Express & Priority Mail Contract 13 on 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 30, 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:

Table of Contents

- I. Introduction
- II. Notice of Filings
- III. Ordering Paragraphs

I. Introduction

On June 19, 2014, the Postal Service filed notice that it has agreed to an Amendment to the existing Priority Mail

Express & Priority Mail Contract 13 negotiated service agreement approved in this docket.¹ In support of its Notice, the Postal Service includes a redacted copy of the Amendment and a certification of compliance with 39 U.S.C. 3633(a), as required by 39 CFR 3015.5.

The Postal Service also filed the unredacted Amendment and supporting financial information under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.*

The Amendment changes the rates for Priority Mail pieces sent under the negotiated service agreement. It also extends the term of the negotiated service agreement from five years to seven years.

The Postal Service intends for the Amendment to become effective one business day after the date that the Commission completes its review of the Notice. Notice at 1. The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. Notice, Attachment B at 1.

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than June 30, 2014. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Kenneth R. Moeller to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2013-45 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than June 30, 2014.

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

¹ Notice of United States Postal Service of Change in Prices Pursuant to Amendment to Priority Mail Express & Priority Mail Contract 13, June 19, 2014 (Notice).

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014-14992 Filed 6-25-14; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL REGULATORY COMMISSION

[Docket No. CP2011-49; Order No. 2098]

Amendment to Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting an amendment to Priority Mail Contract 33. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 30, 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:

Table of Contents

- I. Introduction
- II. Notice of Filings
- III. Ordering Paragraphs

I. Introduction

On June 19, 2014, the Postal Service filed notice that it has agreed to an Amendment to the existing Priority Mail Contract 33 negotiated service agreement approved in this docket.¹ In support of its Notice, the Postal Service includes a redacted copy of the Amendment.

The Postal Service also filed the unredacted Amendment under seal. The Postal Service seeks to incorporate by reference the Application for Non-Public Treatment originally filed in this docket for the protection of information that it has filed under seal. *Id.* at 1.

The Amendment modifies Section I.C. of the contract to assign unique payment methods for the customer. Section I.D. is also amended to change the contract prices.

The Postal Service intends for the Amendment to become effective one

business day after the date that the Commission completes its review of the Notice. *Id.* The Postal Service asserts that the Amendment will not impair the ability of the contract to comply with 39 U.S.C. 3633. *Id.*

II. Notice of Filings

The Commission invites comments on whether the changes presented in the Postal Service's Notice are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than June 30, 2014. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Pamela A. Thompson to represent the interests of the general public (Public Representative) in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. CP2011-49 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Pamela A. Thompson to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than June 30, 2014.

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

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014-14985 Filed 6-25-14; 8:45 am]

BILLING CODE 7710-FW-P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding three Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3)

ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Financial Disclosure Statement; OMB 3220-0127.

Under Section 10 of the Railroad Retirement Act and Section 2(d) of the Railroad Unemployment Insurance Act, the RRB may recover overpayments of annuities, pensions, death benefits, unemployment benefits, and sickness benefits that were made erroneously. An overpayment may be waived if the beneficiary was not at fault in causing the overpayment and recovery would cause financial hardship. The regulations for the recovery and waiver of erroneous payments are contained in 20 CFR parts 255 and CFR part 340. The RRB utilizes Form DR-423, Financial Disclosure Statement, to obtain information about the overpaid beneficiary's income, debts, and expenses if that person indicates that (s)he cannot make restitution for the overpayment. The information is used to determine if the overpayment should be waived as wholly or partially uncollectible. If waiver is denied, the information is used to determine the size and frequency of installment payments. The beneficiary is made aware of the overpayment by letter and is offered a variety of methods for recovery. One response is requested of each respondent. Completion is voluntary. However, failure to provide the requested information may result in a denial of the waiver request.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (79 FR 20251 on April 11, 2014) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Financial Disclosure Statement.

OMB Control Number: 3220-0127.

Form(s) submitted: DR-423.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under the Railroad Retirement and the Railroad Unemployment Insurance Acts, the Railroad Retirement Board has authority

¹ Notice of United States Postal Service of Amendment to Priority Mail Contract 33, June 19, 2014 (Notice).

to secure from an overpaid beneficiary a statement of the individual's assets

and liabilities if waiver of the overpayment is requested.
Changes proposed: The RRB proposes no revisions to Form DR-423.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
DR-423	1,200	85	1,700

2. Title and purpose of information collection: Statement Regarding Contributions and Support of Children; OMB 3220-0195.

Section 2(d)(4) of the Railroad Retirement Act (RRA), provides, in part, that a child is deemed dependent if the conditions set forth in Section 202(d)(3), (4) and (9) of the Social Security Act are met. Section 202(d)(4) of the Social Security Act, as amended by Public Law 104-121, requires as a condition of dependency, that a child receives one-half of his or her support from the stepparent. This dependency impacts upon the entitlement of a spouse or survivor of an employee whose entitlement is based upon having a stepchild of the employee in care, or on an individual seeking a child's annuity as a stepchild of an employee. Therefore, depending on the employee for at least one-half support is a condition affecting eligibility for increasing an employee or spouse annuity under the social security overall minimum provisions on the basis of the presence of a dependent child, the

employee's natural child in limited situations, adopted children, stepchildren, grandchildren and step-grandchildren and equitably adopted children. The regulations outlining child support and dependency requirements are prescribed in 20 CFR 222.50-57.

In order to correctly determine if an applicant is entitled to a child's annuity based on actual dependency, the RRB uses Form G-139, Statement Regarding Contributions and Support of Children, to obtain financial information needed to make a comparison between the amount of support received from the railroad employee and the amount received from other sources. Completion is required to obtain a benefit. One response is required of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (79 FR 20252 on April 11, 2014) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Statement Regarding Contributions and Support of Children.

OMB Control Number: 3220-0195.
Form(s) submitted: G-139.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Dependency on the employee for at least one-half support is a condition for increasing an employee or spouse annuity under the social security overall minimum provisions on the basis of the presence of a dependent child, the employee's natural child in limited situations, adopted children, stepchildren, grandchildren and step-grandchildren. The information collected solicits financial information needed to determine entitlement to a child's annuity based on actual dependency.

Changes proposed: The RRB proposes no changes to Form G-139.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-139	500	60	500

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751-4981 or Dana.Hickman@RRB.GOV.

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or Charles.Mierzwa@RRB.GOV and to the OMB Desk Officer for the RRB, Fax: 202-395-6974, Email address: OIRA_Submission@omb.eop.gov.

Charles Mierzwa,
 Chief of Information Resources Management.
 [FR Doc. 2014-14917 Filed 6-25-14; 8:45 am]

BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31090; 812-14230]

Cohen & Steers ETF Trust, et al., Notice of Application

June 20, 2014.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from

sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit: (a) Series of certain open-end management investment companies to issue shares ("Shares") redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value ("NAV"); (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and

unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

APPLICANTS: Cohen & Steers ETF Trust (the "Trust"), Cohen & Steers Capital Management, Inc. ("Cohen & Steers"), and Cohen & Steers Securities, LLC (the "Distributor").

DATES: Filing Dates: The application was filed on October 30, 2013, and amended on December 19, 2013 and April 16, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 14, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090; Applicants: Cohen & Steers Capital Management, Inc., 280 Park Avenue, 10th Floor, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Laura J. Riegel, Senior Counsel, at (202) 551-6873, or Mary Kay Frech, Branch Chief, at (202) 551-6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Applicants' Representations

1. The Trust is a Maryland statutory trust and is registered under the Act as an open-end management investment company with multiple series. Each series will operate as an exchange-traded fund ("ETF"). The initial series of the Trust ("Initial Fund") will be a Self-Indexing Fund (as defined below).

2. Cohen & Steers will be the investment adviser to the Initial Fund. Cohen & Steers is, and any other Adviser (as defined below) will be, registered as an investment adviser

under the Investment Advisers Act of 1940 ("Advisers Act"). The Adviser may enter into sub-advisory agreements with one or more investment advisers to act as sub-advisers to particular Funds (as defined below) (each sub-adviser, a "Sub-Adviser"). Any Sub-Adviser will either be registered under the Advisers Act or will not be required to register thereunder.

3. The Trust has entered into a distribution agreement with the Distributor. The Distributor is a broker-dealer ("Broker") registered under the Securities Exchange Act of 1934 ("Exchange Act") and will act as distributor and principal underwriter of one or more of the Funds. Applicants request that the order apply to any Broker that will act as principal underwriter and distributor to one or more Funds ("Future Distributor"), provided that any such Future Distributor complies with the terms and conditions of the application. The Distributor is not, and no Future Distributor will be, affiliated with any Exchange (as defined below).

4. Applicants request that the order apply to the Initial Fund and any additional series of the Trust, and any other open-end management investment company or series thereof, that may be created in the future ("Future Funds" and together with the Initial Fund, "Funds"), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an "Underlying Index"). Any Future Fund will (a) be advised by Cohen & Steers or an entity controlling, controlled by, or under common control with Cohen & Steers (each, an "Adviser") and (b) comply with the terms and conditions of the application.¹

5. Each Fund holds or will hold certain securities ("Portfolio Securities") selected to correspond generally to the performance of its Underlying Index. The Underlying Indexes will be comprised of equity and/or fixed income securities issued by one or more of the following categories of issuers: (i) Domestic issuers and (ii) non-domestic issuers meeting the requirements for trading in U.S. markets. Other Funds will be based on Underlying Indexes that will be comprised of foreign and domestic or

solely foreign equity and/or fixed income securities ("Foreign Funds").

6. Applicants represent that each Fund will invest at least 80% of its assets (excluding securities lending collateral) in the component securities of its respective Underlying Index ("Component Securities") and TBA Transactions,² and in the case of Foreign Funds, Component Securities and Depositary Receipts³ representing Component Securities. Each Fund may also invest up to 20% of its assets in certain index futures, options, options on index futures, swap contracts or other derivatives, as related to its respective Underlying Index and its Component Securities, cash and cash equivalents, other investment companies, as well as in securities and other instruments not included in its Underlying Index but which the Adviser believes will help the Fund track its Underlying Index. A Fund may also engage in short sales in accordance with its investment objective.

7. Each Trust may offer Funds that seek to track Underlying Indexes constructed using 130/30 investment strategies ("130/30 Funds") or other long/short investment strategies ("Long/Short Funds"). Each Long/Short Fund will establish: (i) Exposures equal to approximately 100% of the long positions specified by the Long/Short Index⁴ and (ii) exposures equal to approximately 100% of the short positions specified by the Long/Short Index. Each 130/30 Fund will include strategies that: (i) Establish long positions in securities so that total long exposure represents approximately 130% of a Fund's total net assets; and (ii) simultaneously establish short positions in other securities so that total short exposure represents

² A "to-be-announced transaction" or "TBA Transaction" is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, amount and price. The actual pools delivered generally are determined two days prior to settlement date.

³ Depositary receipts representing foreign securities ("Depositary Receipts") include American Depositary Receipts and Global Depositary Receipts. The Funds may invest in Depositary Receipts representing foreign securities in which they seek to invest. Depositary Receipts are typically issued by a financial institution (a "depository bank") and evidence ownership interests in a security or a pool of securities that have been deposited with the depository bank. A Fund will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated person of a Fund, the Adviser or any Sub-Adviser will serve as the depository bank for any Depositary Receipts held by a Fund.

⁴ Underlying Indexes that include both long and short positions in securities are referred to as "Long/Short Indexes."

¹ All existing entities that intend to rely on the requested order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the order. A Fund of Funds (as defined below) may rely on the order only to invest in Funds and not in any other registered investment company.

approximately 30% of such Fund's total net assets. Each Business Day (as defined below), for each Long/Short Fund and 130/30 Fund, the Adviser will provide full portfolio transparency on the Fund's publicly available Web site ("Web site") by making available the Fund's Portfolio Holdings (as defined below) before the commencement of trading of Shares on the Listing Exchange (as defined below).⁵ The information provided on the Web site will be formatted to be reader-friendly.

8. A Fund will utilize either a replication or representative sampling strategy to track its Underlying Index. A Fund using a replication strategy will invest in the Component Securities of its Underlying Index in the same approximate proportions as in such Underlying Index. A Fund using a representative sampling strategy will hold some, but not necessarily all, of the Component Securities of its Underlying Index. Applicants state that a Fund using a representative sampling strategy will not be expected to track the performance of its Underlying Index with the same degree of accuracy as would an investment vehicle that invested in every Component Security of the Underlying Index with the same weighting as the Underlying Index. Applicants expect that each Fund will have an annual tracking error relative to the performance of its Underlying Index of less than 5%.

9. Each Fund will be entitled to use its Underlying Index pursuant to either a licensing agreement with the entity that compiles, creates, sponsors or maintains the Underlying Index (each, an "Index Provider") or a sub-licensing arrangement with the Adviser, which will have a licensing agreement with such Index Provider.⁶ A "Self-Indexing Fund" is a Fund for which an affiliated person, as defined in section 2(a)(3) of the Act ("Affiliated Person"), or an affiliated person of such person ("Second-Tier Affiliate"), of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor or Future Distributor (each, an "Affiliated Index Provider") will serve as the Index Provider. In the

⁵ Under accounting procedures followed by each Fund, trades made on the prior Business Day ("T") will be booked and reflected in NAV on the current Business Day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

⁶ The licenses for the Self-Indexing Funds will specifically state that the Affiliated Index Provider (as defined below), or in case of a sub-licensing agreement, the Adviser, must provide the use of the Affiliated Indexes (as defined below) and related intellectual property at no cost to the Trust and the Self-Indexing Funds.

case of Self-Indexing Funds, an Affiliated Index Provider will create a proprietary, rules-based methodology to create Underlying Indexes (each an "Affiliated Index").⁷ Except with respect to the Self-Indexing Funds, no Index Provider is or will be an Affiliated Person, or a Second-Tier Affiliate, of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor.

10. Applicants recognize that Self-Indexing Funds could raise concerns regarding the ability of the Affiliated Index Provider to manipulate the Underlying Index to the benefit or detriment of the Self-Indexing Fund. Applicants further recognize the potential for conflicts that may arise with respect to the personal trading activity of personnel of the Affiliated Index Provider who have knowledge of changes to an Underlying Index prior to the time that information is publicly disseminated.

11. Applicants propose that each day that a Fund, the New York Stock Exchange, and the national securities exchange (as defined in section 2(a)(26) of the Act) (an "Exchange") on which the Fund's Shares are primarily listed ("Listing Exchange") are open for business, including any day that a Fund is required to be open under section 22(e) of the Act (a "Business Day"), each Self-Indexing Fund will post on its Web site, before commencement of trading of Shares on the Listing Exchange, the identities and quantities of the portfolio securities, assets, and other positions held by the Fund that will form the basis for the Fund's calculation of its NAV at the end of the Business Day ("Portfolio Holdings"). Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will also provide an additional mechanism for addressing any such potential conflicts of interest.

12. In addition, applicants do not believe the potential for conflicts of

⁷ The Affiliated Indexes may be made available to registered investment companies, as well as separately managed accounts of institutional investor and privately offered funds that are not deemed to be "investment companies" in reliance on section 3(c)(1) or 3(c)(7) of the Act for which the Adviser acts as adviser or subadviser ("Affiliated Accounts") as well as other such registered investment companies, separately managed accounts and privately offered funds for which it does not act either as adviser or subadviser ("Unaffiliated Accounts"). The Affiliated Accounts and the Unaffiliated Accounts, like the Funds, would seek to track the performance of one or more Underlying Index(es) by investing in the constituents of such Underlying Indexes or a representative sample of such constituents of the Underlying Index. Consistent with the relief requested from section 17(a), the Affiliated Accounts will not engage in Creation Unit transactions with a Fund.

interest raised by the Adviser's use of the Underlying Indexes in connection with the management of the Self-Indexing Funds and the Affiliated Accounts will be substantially different from the potential conflicts presented by an adviser managing two or more registered funds. Both the Act and the Advisers Act contain various protections to address conflicts of interest where an adviser is managing two or more registered funds and these protections will also help address these conflicts with respect to the Self-Indexing Funds.⁸

13. Each Adviser and any Sub-Adviser has adopted or will adopt, pursuant to Rule 206(4)-7 under the Advisers Act, written policies and procedures designed to prevent violations of the Advisers Act and the rules thereunder. These include policies and procedures designed to minimize potential conflicts of interest among the Self-Indexing Funds and the Affiliated Accounts, such as cross trading policies, as well as those designed to ensure the equitable allocation of portfolio transactions and brokerage commissions. In addition, Cohen & Steers has adopted policies and procedures as required under section 204A of the Advisers Act, which are reasonably designed in light of the nature of its business to prevent the misuse, in violation of the Advisers Act or the Exchange Act or the rules thereunder, of material non-public information by Cohen & Steers or an associated person ("Inside Information Policy"). Any other Adviser or Sub-Adviser will be required to adopt and maintain a similar Inside Information Policy. In accordance with the Code of Ethics⁹ and Inside Information Policy of the Adviser and any Sub-Adviser, personnel of those entities with knowledge about the composition of the Portfolio Deposit¹⁰ will be prohibited from disclosing such information to any other person, except as authorized in the course of their employment, until such information is made public. In addition, an Index Provider will not provide any information relating to changes to an Underlying Index's

⁸ See, e.g., Rule 17j-1 under the Act and Section 204A under the Advisers Act and Rules 204A-1 and 206(4)-7 under the Advisers Act.

⁹ The Adviser has also adopted or will adopt a code of ethics pursuant to Rule 17j-1 under the Act and Rule 204A-1 under the Advisers Act, which contains provisions reasonably necessary to prevent Access Persons (as defined in Rule 17j-1) from engaging in any conduct prohibited in Rule 17j-1 ("Code of Ethics").

¹⁰ The instruments and cash that the purchaser is required to deliver in exchange for the Creation Units it is purchasing is referred to as the "Portfolio Deposit."

methodology for the inclusion of component securities, the inclusion or exclusion of specific component securities, or methodology for the calculation or the return of component securities, in advance of a public announcement of such changes by the Index Provider. The Adviser will also include under Item 10.C of Part 2 of its Form ADV a discussion of its relationship to any Affiliated Index Provider and any material conflicts of interest resulting therefrom, regardless of whether the Affiliated Index Provider is a type of affiliate specified in Item 10.

14. To the extent the Self-Indexing Funds transact with an Affiliated Person of the Adviser or Sub-Adviser, such transactions will comply with the Act, the rules thereunder and the terms and conditions of the requested order. In this regard, each Self-Indexing Fund's board of directors or trustees ("Board") will periodically review the Self-Indexing Fund's use of an Affiliated Index Provider. Subject to the approval of the Self-Indexing Fund's Board, the Adviser, Affiliated Persons of the Adviser ("Adviser Affiliates") and Affiliated Persons of any Sub-Adviser ("Sub-Adviser Affiliates") may be authorized to provide custody, fund accounting and administration and transfer agency services to the Self-Indexing Funds. Any services provided by the Adviser, Adviser Affiliates, Sub-Adviser and Sub-Adviser Affiliates will be performed in accordance with the provisions of the Act, the rules under the Act and any relevant guidelines from the staff of the Commission. Applications for prior orders granted to Self-Indexing Funds have received relief to operate such funds on the basis discussed above.¹¹

15. The Shares of each Fund will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments ("Deposit Instruments"), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments ("Redemption Instruments").¹² On any given Business

Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions)¹³ except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;¹⁴ (c) TBA Transactions, short positions, derivatives and other positions that cannot be transferred in kind¹⁵ will be excluded from the Deposit Instruments and the Redemption Instruments;¹⁶ (d) to the extent the Fund determines, on a given Business Day, to use a representative sampling of the Fund's portfolio;¹⁷ or (e) for temporary periods, to effect changes in the Fund's portfolio as a result of the rebalancing of its Underlying Index (any such change, a "Rebalancing"). If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Deposit Instruments or Redemption Instruments exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the "Cash Amount").

Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 ("Securities Act"). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the Funds will comply with the conditions of rule 144A.

¹³ The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for the Business Day.

¹⁴ A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

¹⁵ This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

¹⁶ Because these instruments will be excluded from the Deposit Instruments and the Redemption Instruments, their value will be reflected in the determination of the Cash Amount (as defined below).

¹⁷ A Fund may only use sampling for this purpose if the sample: (i) Is designed to generate performance that is highly correlated to the performance of the Fund's portfolio; (ii) consists entirely of instruments that are already included in the Fund's portfolio; and (iii) is the same for all Authorized Participants (as defined below) on a given Business Day.

16. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount; (b) if, on a given Business Day, the Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, the Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash;¹⁸ (d) if, on a given Business Day, the Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the National Securities Clearing Corporation ("NSCC") or The Depository Trust Company ("DTC"); or (ii) in the case of Foreign Funds holding non-U.S. investments, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if the Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Foreign Fund holding non-U.S. investments would be subject to unfavorable income tax

¹⁸ In determining whether a particular Fund will sell or redeem Creation Units entirely on a cash or in-kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Units either on an all cash basis or in-kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling portfolio holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in-kind redemption. As a result, tax consideration may warrant in-kind redemptions.

¹¹ See, e.g., Guggenheim Funds Investment Advisors, LLC, Investment Company Act Release Nos. 30560 (June 14, 2013) (notice) and 30598 (July 10, 2013) (order); Sigman Investment Advisors, LLC, Investment company Act Release Nos. 30559 (June 14, 2013) (notice) and 30597 (July 10, 2013) (order).

¹² The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption

treatment if the holder receives redemption proceeds in kind.¹⁹

17. Creation Units will consist of specified large aggregations of Shares (e.g., 25,000 Shares) as determined by the Adviser, and it is expected that the initial price of a Creation Unit will range from \$1 million to \$10 million. All orders to purchase Creation Units must be placed with the Distributor by or through an "Authorized Participant" which is either (1) a "Participating Party," i.e., a Broker or other participant in the Continuous Net Settlement System of the NSCC, a clearing agency registered with the Commission, or (2) a participant in DTC ("DTC Participant"), which, in either case, has signed a participant agreement with the Distributor. The Distributor will be responsible for transmitting the orders to the Funds and will furnish to those placing such orders confirmation that the orders have been accepted, but applicants state that the Distributor may reject any order which is not submitted in proper form.

18. Each Business Day, before the open of trading on the Listing Exchange, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Instruments and the Redemption Instruments, as well as the estimated Cash Amount (if any), for that day. The list of Deposit Instruments and Redemption Instruments will apply until a new list is announced on the following Business Day, and there will be no intra-day changes to the list except to correct errors in the published list. Each Listing Exchange will disseminate, every 15 seconds during regular Exchange trading hours, through the facilities of the Consolidated Tape Association, an amount for each Fund stated on a per individual Share basis representing the sum of (i) the estimated Cash Amount and (ii) the current value of the Deposit Instruments.

19. Transaction expenses, including operational processing and brokerage costs, will be incurred by a Fund when investors purchase or redeem Creation Units in-kind and such costs have the potential to dilute the interests of the Fund's existing shareholders. Each Fund will impose purchase or redemption transaction fees ("Transaction Fees") in connection with effecting such purchases or redemptions of Creation Units. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management

investment companies offering redeemable securities. Since the Transaction Fees are intended to defray the transaction expenses as well as to prevent possible shareholder dilution resulting from the purchase or redemption of Creation Units, the Transaction Fees will be borne only by such purchasers or redeemers.²⁰ The Distributor will be responsible for delivering the Fund's prospectus to those persons acquiring Shares in Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it. In addition, the Distributor will maintain a record of the instructions given to the applicable Fund to implement the delivery of its Shares.

20. Shares of each Fund will be listed and traded individually on an Exchange. It is expected that one or more member firms of an Exchange will be designated to act as a market maker (each, a "Market Maker") and maintain a market for Shares trading on the Exchange. Prices of Shares trading on an Exchange will be based on the current bid/offer market. Transactions involving the sale of Shares on an Exchange will be subject to customary brokerage commissions and charges.

21. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Market Makers, acting in their roles to provide a fair and orderly secondary market for the Shares, may from time to time find it appropriate to purchase or redeem Creation Units. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.²¹ The price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

22. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from the Fund, or tender such Shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation

Unit. Redemption requests must be placed through an Authorized Participant. A redeeming investor may pay a Transaction Fee, calculated in the same manner as a Transaction Fee payable in connection with purchases of Creation Units.

23. Neither the Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or a "mutual fund." Instead, each such Fund will be marketed as an "ETF." All marketing materials that describe the features or method of obtaining, buying or selling Creation Units, or Shares traded on an Exchange, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and will disclose that the owners of Shares may acquire those Shares from the Fund or tender such Shares for redemption to the Fund in Creation Units only. The Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to beneficial owners of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c-1 under the Act, under section 12(d)(1)(j) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(j) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of section 12(d)(1) if the

¹⁹ A "custom order" is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

²⁰ Where a Fund permits an in-kind purchaser to substitute cash-in-lieu of depositing one or more of the requisite Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing such Deposit Instruments.

²¹ Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or the DTC Participants.

exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an “open-end company” as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the owner, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer’s current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Funds to register as open-end management investment companies and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units and redeem Creation Units from each Fund. Applicants further state that because Creation Units may always be purchased and redeemed at NAV, the price of Shares on the secondary market should not vary materially from NAV.

Section 22(d) of the Act and Rule 22c-1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through an underwriter, except at a current public offering price described in the prospectus. Rule 22c-1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in a Fund’s prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c-1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c-1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c-1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or

preferential treatment among buyers, and (c) ensure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve a Fund as a party and will not result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants state that settlement of redemptions for Foreign Funds will be contingent not only on the settlement cycle of the United States market, but also on current delivery cycles in local markets for underlying foreign securities held by a Foreign Fund. Applicants state that the delivery cycles currently practicable for transferring Redemption Instruments to redeeming investors, coupled with local market holiday schedules, may require a delivery process of up to fourteen (14) calendar days. Accordingly, with respect to Foreign Funds only, applicants hereby request relief under section 6(c) from the requirement imposed by section 22(e) to allow Foreign Funds to pay redemption proceeds within fourteen calendar days following the tender of Creation Units for redemption.²²

²² Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations Applicants may otherwise have under rule 15c6-1 under the Exchange Act requiring that most securities transactions be settled within three business days of the trade date.

8. Applicants believe that Congress adopted section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants propose that allowing redemption payments for Creation Units of a Foreign Fund to be made within fourteen calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants suggest that a redemption payment occurring within fourteen calendar days following a redemption request would adequately afford investor protection.

9. Applicants are not seeking relief from section 22(e) with respect to Foreign Funds that do not effect creations and redemptions of Creation Units in-kind.

Section 12(d)(1)

10. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring securities of an investment company if such securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter and any other broker-dealer from knowingly selling the investment company’s shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company’s voting stock, or if the sale will cause more than 10% of the acquired company’s voting stock to be owned by investment companies generally.

11. Applicants request an exemption to permit registered management investment companies and unit investment trusts (“UITs”) that are not advised or sponsored by the Adviser, and not part of the same “group of investment companies,” as defined in section 12(d)(1)(G)(ii) of the Act as the Funds (such management investment companies are referred to as “Investing Management Companies,” such UITs are referred to as “Investing Trusts,” and Investing Management Companies and Investing Trusts are collectively referred to as “Funds of Funds”), to acquire Shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any Broker registered under the Exchange Act, to sell Shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act.

12. Each Investing Management Company will be advised by an investment adviser within the meaning of section 2(a)(20)(A) of the Act (the "Fund of Funds Adviser") and may be sub-advised by investment advisers within the meaning of section 2(a)(20)(B) of the Act (each, a "Fund of Funds Sub-Adviser"). Any investment adviser to an Investing Management Company will be registered under the Advisers Act. Each Investing Trust will be sponsored by a sponsor ("Sponsor").

13. Applicants submit that the proposed conditions to the requested relief adequately address the concerns underlying the limits in sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees and overly complex fund structures. Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

14. Applicants believe that neither a Fund of Funds nor a Fund of Funds Affiliate would be able to exert undue influence over a Fund.²³ To limit the control that a Fund of Funds may have over a Fund, applicants propose a condition prohibiting a Fund of Funds Adviser or Sponsor, any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor, and any investment company and any issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by a Fund of Funds Adviser or Sponsor, or any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor ("Fund of Funds Advisory Group") from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any Fund of Funds Sub-Adviser, any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Fund of Funds Sub-Adviser or any person controlling, controlled by or under

common control with the Fund of Funds Sub-Adviser ("Fund of Funds Sub-Advisory Group").

15. Applicants propose other conditions to limit the potential for undue influence over the Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate ("Affiliated Underwriting"). An "Underwriting Affiliate" is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Fund of Funds Adviser, Fund of Funds Sub-Adviser, employee or Sponsor of the Fund of Funds, or a person of which any such officer, director, member of an advisory board, Fund of Funds Adviser or Fund of Funds Sub-Adviser, employee or Sponsor is an affiliated person (except that any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

16. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. The board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not "interested persons" within the meaning of section 2(a)(19) of the Act ("disinterested directors or trustees"), will find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. In addition, under condition B.5., a Fund of Funds Adviser, or a Fund of Funds' trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b-1 under the Act) received from a Fund by the Fund of Funds Adviser, trustee or Sponsor or an affiliated person of the Fund of Funds Adviser, trustee or Sponsor, other than any advisory fees paid to the Fund of Funds Adviser, trustee or Sponsor or its affiliated person by a Fund, in connection with the investment by the Fund of Funds in the Fund. Applicants state that any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to

a fund of funds as set forth in NASD Conduct Rule 2830.²⁴

17. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes. To ensure a Fund of Funds is aware of the terms and conditions of the requested order, the Fund of Funds will enter into an agreement with the Fund ("FOF Participation Agreement"). The FOF Participation Agreement will include an acknowledgement from the Fund of Funds that it may rely on the order only to invest in the Funds and not in any other investment company.

18. Applicants also note that a Fund may choose to reject a direct purchase of Shares in Creation Units by a Fund of Funds. To the extent that a Fund of Funds purchases Shares in the secondary market, a Fund would still retain its ability to reject any initial investment by a Fund of Funds in excess of the limits of section 12(d)(1)(A) by declining to enter into a FOF Participation Agreement with the Fund of Funds.

Sections 17(a)(1) and (2) of the Act

19. Sections 17(a)(1) and (2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines "affiliated person" of another person to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with the power to vote by the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act defines "control" as the power to exercise a controlling influence over the management or policies of a company, and provides that a control relationship will be presumed where

²³ A "Fund of Funds Affiliate" is a Fund of Funds Adviser, Fund of Funds Sub-Adviser, Sponsor, promoter, and principal underwriter of a Fund of Funds, and any person controlling, controlled by, or under common control with any of those entities. A "Fund Affiliate" is an investment adviser, promoter, or principal underwriter of a Fund and any person controlling, controlled by or under common control with any of these entities.

²⁴ Any references to NASD Conduct Rule 2830 include any successor or replacement FINRA rule to NASD Conduct Rule 2830.

one person owns more than 25% of a company's voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser or an entity controlling, controlled by or under common control with an Adviser (an "Affiliated Fund"). Any investor, including Market Makers, owning 5% or holding in excess of 25% of the Trust or such Funds, may be deemed affiliated persons of the Trust or such Funds. In addition, an investor could own 5% or more, or in excess of 25% of the outstanding shares of one or more Affiliated Funds making that investor a Second-Tier Affiliate of the Funds.

20. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act pursuant to sections 6(c) and 17(b) of the Act to permit persons that are Affiliated Persons of the Funds, or Second-Tier Affiliates of the Funds, solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25%, of the outstanding Shares of one or more Funds; (b) an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds, to effectuate purchases and redemptions "in-kind."

21. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making "in-kind" purchases or "in-kind" redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for "in-kind" purchases of Creation Units and the redemption procedures for "in-kind" redemptions of Creation Units will be effected in exactly the same manner for all purchases and redemptions, regardless of size or number. There will be no discrimination between purchasers or redeemers. Deposit Instruments and Redemption Instruments for each Fund will be valued in the identical manner as those Portfolio Securities currently held by such Fund and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that "in-kind" purchases and redemptions will result in abusive self-dealing or overreaching, but rather assert that such procedures will be implemented consistently with each Fund's objectives and with the general purposes of the Act. Applicants

believe that "in-kind" purchases and redemptions will be made on terms reasonable to Applicants and any affiliated persons because they will be valued pursuant to verifiable objective standards. The method of valuing Portfolio Securities held by a Fund is identical to that used for calculating "in-kind" purchase or redemption values and therefore creates no opportunity for affiliated persons or Second-Tier Affiliates of applicants to effect a transaction detrimental to the other holders of Shares of that Fund. Similarly, applicants submit that, by using the same standards for valuing Portfolio Securities held by a Fund as are used for calculating "in-kind" redemptions or purchases, the Fund will ensure that its NAV will not be adversely affected by such securities transactions. Applicants also note that the ability to take deposits and make redemptions "in-kind" will help each Fund to track closely its Underlying Index and therefore aid in achieving the Fund's objectives.

22. Applicants also seek relief under sections 6(c) and 17(b) from section 17(a) to permit a Fund that is an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds to sell its Shares to and redeem its Shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.²⁵ Applicants state that the terms of the transactions are fair and reasonable and do not involve overreaching. Applicants note that any consideration paid by a Fund of Funds for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.²⁶ Applicants believe that any

²⁵ Although applicants believe that most Funds of Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund, a Fund of Funds might seek to transact in Creation Units directly with a Fund that is an affiliated person of a Fund of Funds. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between a Fund of Funds and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to a Fund of Funds and redemptions of those Shares. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

²⁶ Applicants acknowledge that the receipt of compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by the Fund of Funds of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to a Fund of Funds, may be prohibited by section 17(e)(1) of the Act. The FOF

proposed transactions directly between the Funds and Funds of Funds will be consistent with the policies of each Fund of Funds. The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the investment restrictions of any such Fund of Funds and will be consistent with the investment policies set forth in the Fund of Funds' registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and are appropriate in the public interest.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of index-based ETFs.

2. As long as a Fund operates in reliance on the requested order, the Shares of such Fund will be listed on an Exchange.

3. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire those Shares from the Fund and tender those Shares for redemption to a Fund in Creation Units only.

4. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the midpoint of the bid/ask spread at the time of the calculation of such NAV ("Bid/Ask Price"), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

5. Each Self-Indexing Fund, Long/Short Fund and 130/30 Fund will post on the Web site on each Business Day, before commencement of trading of Shares on the Exchange, the Fund's Portfolio Holdings.

6. No Adviser or any Sub-Adviser to a Self-Indexing Fund, directly or indirectly, will cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may

Participation Agreement also will include this acknowledgment.

transact with the Self-Indexing Fund) to acquire any Deposit Instrument for a Self-Indexing Fund through a transaction in which the Self-Indexing Fund could not engage directly.

B. Fund of Funds Relief

1. The members of a Fund of Funds' Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of a Fund of Funds' Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Fund of Funds' Advisory Group or the Fund of Funds' Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Fund of Funds' Sub-Advisory Group with respect to a Fund for which the Fund of Funds' Sub-Adviser or a person controlling, controlled by or under common control with the Fund of Funds' Sub-Adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in a Fund to influence the terms of any services or transactions between the Fund of Funds or Fund of Funds Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to ensure that the Fund of Funds Adviser and Fund of Funds Sub-Adviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or a Fund of Funds Affiliate from a Fund or Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of a Fund exceeds the limits in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the disinterested directors or trustees will determine that any consideration paid by the Fund to the Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (i) is fair and reasonable in relation to the

nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Fund of Funds Adviser, or trustee or Sponsor of an Investing Trust, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b-1 under the Act) received from a Fund by the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, or an affiliated person of the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, other than any advisory fees paid to the Fund of Funds Adviser, trustee or Sponsor of an Investing Trust, or its affiliated person by the Fund, in connection with the investment by the Fund of Funds in the Fund. Any Fund of Funds Sub-Adviser will waive fees otherwise payable to the Fund of Funds Sub-Adviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Fund of Funds Sub-Adviser, or an affiliated person of the Fund of Funds Sub-Adviser, other than any advisory fees paid to the Fund of Funds Sub-Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Fund of Funds Sub-Adviser. In the event that the Fund of Funds Sub-Adviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in any Affiliated Underwriting.

7. The Board of a Fund, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly

from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Fund. The Board will consider, among other things: (i) whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), a Fund of Funds and the Trust will execute a FOF Participation Agreement stating, without limitation, that their respective boards of directors or trustees and their investment advisers, or trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), a Fund of Funds will notify the Fund of the investment. At such time, the Fund of

Funds will also transmit to the Fund a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Fund of Funds will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be fully recorded in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund will acquire securities of an investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent the Fund acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to acquire securities of one or more investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2014-14944 Filed 6-25-14; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-9603; 34-72448; File No. 265-28]

Investor Advisory Committee Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

SUMMARY: The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting. The public is invited to submit written statements to the Committee.

DATES: The meeting will be held on Thursday, July 10, 2014 from 10:00 a.m. until 4:00 p.m. (EDT). Written statements should be received on or before July 10, 2014.

ADDRESSES: The meeting will be held in Multi-Purpose Room LL-006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The meeting will be webcast on the Commission's Web site at www.sec.gov. Written statements may be submitted by any of the following methods:

Electronic Statements

- Use the Commission's Internet submission form (<http://www.sec.gov/rules/other.shtml>); or
- Send an email message to rules-comments@sec.gov. Please include File No. 265-28 on the subject line; or

Paper Statements

- Send paper statements to Kevin M. O'Neill, Deputy Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File No. 265-28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Marc Sharma, Senior Special Counsel, Office of the Investor Advocate, at (202) 551-3302, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public, except during portions of the meeting reserved for meetings of the

Committee's subcommittees. Persons needing special accommodations to take part because of a disability should notify the contact person listed in **FOR FURTHER INFORMATION CONTACT**.

The agenda for the meeting includes: Remarks from Commissioners; a public administrative session; a discussion of the definition of accredited investor (which may include a recommendation of the Investor as Purchaser subcommittee); a discussion of elder fraud; a briefing by Commission staff on market structure and the proposed Market Structure Advisory Committee; and nonpublic subcommittee meetings.

Dated: June 23, 2014.

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2014-15013 Filed 6-25-14; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-72442; File No. SR-NASDAQ-2014-066]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay Implementation of the Nasdaq Opening Cross Contingency

June 20, 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 13, 2014, The NASDAQ Stock Market LLC ("NASDAQ" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ proposes a rule change to delay implementation of the Opening Cross Contingency.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change and discussed

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to delay implementation of the Opening Cross Contingency, which was adopted by the Exchange on May 13, 2014³ but is not yet implemented. The Exchange had originally anticipated implementing the Opening Cross Contingency in mid-June 2014 at the conclusion of the 30 day operative delay provided by Rule 19b-4(f)(6)(iii) under the Act.⁴ The Exchange, however, has experienced an unanticipated delay in the development of the new process, which has made the original implementation date unachievable. The Exchange will implement the Opening Cross Contingency in the third quarter of 2014 and will provide at least 30 days prior notice of the implementation date to members and investors via an Equity Trader Alert.⁵

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,⁶ in general, and with Section 6(b)(5) of the Act,⁷ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the Opening Cross Contingency will promote transparency in the process for handling

failures of the Opening Cross in calculating an opening price for System securities, and will promote consistent results in handling such Opening Cross failures. Delaying implementation of the Opening Cross Contingency for a brief period so that NASDAQ may implement the changes necessary to ensure the process operates as planned promotes fair and orderly markets, the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.⁸ The Exchange believes that the proposal is irrelevant to competition because it is not driven by, and will have no impact on, competition. Specifically, the proposal is representative of the Exchange's efforts in contingency planning. Such efforts are never used by exchanges for competitive purposes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) impose any significant burden on competition; and
- (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)⁹ of the Act and Rule 19b-4(f)(6)¹⁰ thereunder.

A proposed rule change filed under Rule 19b-4(f)(6) of the Act¹¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii) of the Act,¹² the Commission may designate a shorter time if such action is consistent with the protection

of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing and it may delay implementation of the Opening Cross Contingency until the third quarter of 2014. According to the Exchange, this delay will allow sufficient time to make necessary programming changes to ensure that the Opening Cross Contingency performs as the Exchange originally intended. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because waiver will allow the Exchange to immediately delay implementation and provide the Exchange with additional time to make necessary programming changes to ensure the Opening Cross Contingency will operate in the manner intended. The Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.¹³

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2014-066 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.

¹³ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

³ Securities Exchange Act Release No. 72226 (May 22, 2014), 79 FR 30905 (May 29, 2014) (SR-NASDAQ-2014-054).

⁴ 17 CFR 240.19b-4(f)(6)(iii).

⁵ Equity Trader Alerts may be found at this Web address: http://www.nasdaqtrader.com/Trader.aspx?id=archiveheadlines&cat_id=2.

⁶ 15 U.S.C. 78f.

⁷ 15 U.S.C. 78f(b)(5).

⁸ 15 U.S.C. 78f(b)(8).

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹¹ 17 CFR 240.19b-4(f)(6).

¹² 17 CFR 240.19b-4(f)(6)(iii).

All submissions should refer to File Number SR–NASDAQ–2014–066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–066, and should be submitted on or before July 17, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2014–14941 Filed 6–25–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72441; File No. SR–OC–2014–02]

Self-Regulatory Organizations; OneChicago, LLC; Notice of Filing of Proposed Rule Change To Update OCX's Rulebook for Filings Previously Made with the Commodity Futures Trading Commission

June 20, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (the "Act")¹, notice is hereby given that on May 14, 2014, OneChicago, LLC ("OneChicago," "OCX," or the

"Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule changes described in Items I 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 changes from interested persons. OneChicago has previously filed these rule changes with the Commodity Futures Trading Commission ("CFTC"). OneChicago filed written certifications with the CFTC under Section 5c(c) of the Commodity Exchange Act ("CEA")² between June 19, 2012, and July 9, 2013 (the "Review Period").

I. Self-Regulatory Organization's Description of the Proposed Rule Change

OneChicago is proposing to file with the SEC certain rule changes and Notices to Members ("NTMs") that the Exchange has previously filed with the CFTC, but did not file with the SEC. Those rule filings and NTMs relate to reporting, sales practices, and OCX's obligation to enforce the securities laws.

Rule Changes Relating to Reporting

During the Review Period, OneChicago issued one NTM interpreting OCX's reporting requirements. NTM 2012–13, which was filed with the CFTC on June 19, 2012, provides guidance with regard to the requirement that market participants trading bilateral blocks and Exchange of Future for Physical ("EFPs") on OCX report the trades "without delay."

NTM 2012–13

Market participants trading bilateral EFPs in accordance with OCX Rule 416 or bilateral blocks in accordance with OCX Rule 417 must report their trade to the Exchange without delay. The requirement that bilateral block trades be reported without delay is codified in OCX Rule 417(c). NTM 2012–13 clarifies the term "without delay" with regard to the reporting of a block trade, and also extends the "without delay" reporting requirement to EFPs.

In order for trade prices to accurately reflect current market conditions, OneChicago requires market participants trading blocks and EFPs bilaterally to report their block and EFP trades to the Exchange without delay. NTM 2012–13 provides guidance by interpreting the term "without delay." NTM 2012–13 provides that the term "without delay" means that a bilateral block trade or EFP trade must be

reported to the Exchange within five minutes of the deal being completed.

The NTM notes that the five minute requirement exists during normal market conditions. There may be extenuating circumstances in which it is not possible for, or reasonable to expect, a market participant to report a trade or series of trades within five minutes. For example, firms may require additional time to report a trade when reporting multiple fills simultaneously. Furthermore, since OneChicago's Block and EFP Trading System ("OCX.BETS") requires that one party post and the other party accept a trade, the NTM explains that the posting party must post the trade within five minutes, and the accepting party then has five minutes from the time of posting to accept the trade.

Rule Changes Relating to Sales Practices

During the Review Period OCX made three filings related to Sales Practices. Two of those filings, NTM 2012–14 and NTM 2013–09, relate to the requirement that an executing firm fully disclose the price of EFP trades to its customer. These two filings apply to all EFPs executed on OneChicago, regardless whether executed bilaterally or electronically. The other filing, NTM 2013–12, relates to the requirement that a firm engaging in a payment for order flow arrangement disclose the existence of such an arrangement to its customers.

NTM 2012–14

On July 2, 2012, OneChicago filed NTM 2012–14 with the CFTC. NTM 2012–14 allows for the practice of "marking up" or "marking down" (collectively "marking") the cash leg of an EFP when trading an EFP for a customer.³ An EFP involves the simultaneous purchase (sale) of futures and sale (purchase) of stock. The price of the EFP is represented by the difference between the stock price and the futures price. For example, if an EFP buyer buys futures at \$30.75 and sells the underlying stock at \$30.25, that EFP buyer is said to have paid \$0.50 for the EFP.

NTM 2012–14 imposes the requirement that a firm executing EFPs for a customer provide the original stock price that the executing firm received on the trade. This requirement allows EFP

³ OCX issued NTM 2012–14 to provide guidance to its market participants because uncertainty had developed regarding the permissibility of markups and markdowns in EFP trades. Markups (and by extension markdowns) are generally permissible in the securities industry. See NASD IM–2440–1; Securities Exchange Act Release No. 3574 (June 1, 1944); Securities Exchange Act Release No. 3623 (Nov. 25, 1944). See also FINRA Regulatory Notice 13–07 (January 2013).

¹⁴ 17 CFR 200.30–3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(7).

² 7 U.S.C. 7a–2(c).

customers to be fully informed as to amounts they are being charged by the executing firm for transacting an EFP. Pursuant to NTM 2012–14, if an EFP executing firm is able to execute the EFP for \$0.40, but wishes to charge a \$0.10 execution fee/commission, the firm may adjust the stock portion of the EFP to account for the fee. For example, if the stock price of the EFP is \$30.35, the executing firm may give the customer a stock sell price of only \$30.25. However, that executing firm must disclose to the customer that it was able to sell the stock for \$30.35. Essentially, NTM 2012–14 requires firms executing EFPs on behalf of customers to fully disclose the “built in” commissions they are charging their customers.

The NTM goes on to allow member firms facilitating EFP trades to execute the stock leg of the transaction as principal, provided that the member firm can demonstrate that the stock leg was passed through to the customer who traded the EFP.

NTM 2013–09

On April 3, 2013, OCX filed NTM 2013–09 with the CFTC. NTM 2013–09 expands upon the disclosure requirement imposed by NTM 2012–14. In addition to providing the execution price to customers, the executing firm must also provide the net and gross price of executing the EFP. In other words, the EFP customer must be provided with the EFP execution price on its own, and the EFP execution price including the markup or markdown. In the example above, the EFP executing firm built its commission into the stock leg of the EFP. The firm received a stock sale price of \$30.35 (for a gross EFP cost of \$0.40 to the customer), but marked the sale price down to \$30.25 (for a net EFP cost of \$0.50 to the customer) in order to receive its \$0.10 commission. In such a case, the executing firm must provide the gross EFP price (\$0.40) and the net EFP price (\$0.50), which includes any markup or markdown. OneChicago believes imposing this additional requirement allows customers to be fully informed as to the commissions they are paying to transact an EFP because displaying the gross and net EFP price makes it easy for customers to determine fees they have been charged.

NTM 2013–12

On July 9, 2013, OCX filed NTM 2013–12 with the CFTC. NTM 2013–12 requires market participants engaging in payment for order flow arrangements to disclose such arrangements to its customers. Payment for order flow commonly refers to the practice

whereby a firm routes orders to a liquidity provider in exchange for a fee paid from the liquidity provider to the referring firm. Before issuing NTM 2013–12, OneChicago became aware that firms trading OCX products were engaging in payment for order flow arrangements. Without endorsing or prohibiting such arrangements, NTM 2013–12 imposes the requirement that firms engaging in payment for order flow must disclose that fact to their customers. The NTM goes on to explain how firms may comply with the disclosure requirement, including (i) by providing notice within the customer confirmation; (ii) by placing a notice on the firm’s public Web site; or (iii) by incorporating the disclosure within its customer account agreements.

Rule Changes Effectuating OneChicago’s Obligation To Enforce the Securities Laws

During the Review Period, OneChicago filed several rule changes relating to its obligation to enforce the securities laws. OCX Rule 701 provides the Exchange authority to enforce Exchange Rules and Applicable Law, which the OCX Rulebook defines as “the CEA, [CFTC] Regulations, the [Securities] Exchange Act [of 1934], Exchange Act Regulations and margin rules adopted by the Board of Governors of the Federal Reserve System, all as amended from time to time.”⁴ Therefore, rule changes to OCX’s disciplinary process, which is generally contained in OCX Rulebook Chapter 7, relate to OneChicago’s obligation to enforce the securities laws. Between July 20, 2012 and March 4, 2013, OneChicago made a series of rule changes to its rules relating to its disciplinary process. OneChicago made the below rule changes to generally comply with the Core Principles and Other Requirements for Designated Contract Markets,⁵ which implements Section 735 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.⁶

July 20, 2012 Rule Changes

On July 20, 2012, OneChicago filed (revised filing submitted August 1, 2013) rule changes to amend OCX Rules 701 (General), 702 (Respondent Review of Evidence), 703 (Conducting Hearings of Disciplinary Proceedings), 704 (Decision of Disciplinary Panel), 705 (Sanctions), and 706 (Appeal from Disciplinary Panel Decision, Summary

Impositions of Fines and Other Summary Actions).

Rule 701 generally grants the Exchange jurisdiction to enforce its rules as well as Applicable Law. The Rule specifically permits Exchange staff to carry out investigations and requires market participants to comply with those investigations. Rule 701(d) in particular allows market participants to be represented by counsel during any OCX inquiry, investigation, or disciplinary proceeding. OneChicago proposes to amend Rule 701 by prohibiting market participants from choosing counsel that may have a conflict of interest. Specifically, the rule provides that “counsel may not be a member of the Board [of Directors of OneChicago] or disciplinary panel, any employee of the exchange or any person substantially related to the underlying investigation such as a material witness or respondent.”

OCX Rule 712(a) allows respondents in a disciplinary hearing commenced by OneChicago to “review all books, records, documents, papers, transcripts of testimony and other tangible evidence in the possession or under the control of the Exchange that the Department will use to support the allegations and proposed sanctions in the notice of charges or which the chairman of the Disciplinary Panel deems relevant to the disciplinary proceedings.” OneChicago proposes to amend Rule 712(a) by clarifying that although respondents in disciplinary hearings are permitted broad access to OCX documents that will be entered in a disciplinary proceeding against the respondent, the respondent will not have the right to inspect documents prepared by an Exchange employee that will not be entered into evidence in the disciplinary proceedings, any documents that may disclose guidelines or investigative techniques, or any other documents from a confidential source. OneChicago believes this rule change will allow respondents to access documents related to a disciplinary proceeding, without compromising Exchange work product, investigatory techniques, or confidential sources. The proposed rule change preserves the Exchange’s ability as a self-regulatory organization to enforce its rules and the securities laws.

OCX Rule 713 generally outlines the procedure OneChicago staff must follow in conducting a disciplinary proceeding. OCX Rule 713(g) allows for the recording or transcription of any hearing conducted in connection with a disciplinary proceeding. OneChicago is proposing to amend Rule 713(g) to state

⁴ OCX Rule 104.

⁵ 77 FR 36612 (June 19, 2012).

⁶ Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

that such recordings will become part of the record of the proceedings.

OCX Rule 714 describes the process by which the Disciplinary Panel must issue an order rendering its decision. Rule 714(b) requires that an order contain certain items and lists those items. OneChicago is proposing to make technical amendments to Rule 714(b) to more specifically describe the items required to be included in an order. The amendments proposed by OneChicago do not materially alter the contents of the order; rather, the amendments will require more specificity from the order, particularly with regard to an explanation of the evidentiary basis for the Disciplinary Panel's finding.

OCX Rule 715 grants OneChicago authority to impose sanctions on a respondent after notice and opportunity for a hearing in accordance with the OCX Rulebook. Rule 715 lists the type of sanctions that the Exchange may impose on a respondent. OneChicago is proposing to add subparagraph (c) to OCX Rule 715 in order to clarify that any sanction imposed by the Exchange against a respondent must be sufficient to deter recidivism and must take into account the respondent's disciplinary history.

OCX Rule 716 allows a respondent to appeal from a Disciplinary Panel Decision. Rule 716(i) requires the Appeals Panel to render its decision in a statement of findings of fact and conclusions. OneChicago is proposing to amend Rule 716(i) to require, in addition to such statement of findings of fact and conclusions, a complete explanation of the evidentiary and other basis for such finding and conclusions.

August 3, 2012 Rule Changes

On August 3, 2012, OneChicago filed (revised filing submitted August 6, 2012) rule changes to amend OCX Rule 307 and the cover page of the OCX Rulebook. OCX Rule 307 lays out OneChicago's jurisdiction and requires market participants to be bound by all Exchange Rules. The list of market participants over whom OneChicago has jurisdiction is specified in OCX Rule 307(a). OCX Rule 307(a) imposes jurisdiction on Clearing Members, Exchange Members or Access Persons who access or enter any order into the OneChicago System. OneChicago is proposing to expand its jurisdiction to capture "any person initiating or executing a transaction on or subject to the Rules of the Exchange directly or through an intermediary, and any Person for whose benefit such a transaction has been initiated or executed." The proposed amendment further states that such persons are

subject to the requirement that they comply with investigations and disciplinary processes initiated by OneChicago. This amendment will expand the scope of OneChicago's jurisdiction and allow it to gather more information in its investigations in order to more accurately and fairly enforce Exchange Rules.

In addition to modifying OCX Rule 307, the amendment adds a disclaimer to the cover page of the OCX Rulebook. That disclaimer mirrors the language of the amendment to OCX Rule 307(a). The purpose of this amendment is to make clear the scope of OCX's jurisdiction to market participants upon first accessing the OCX Rulebook.

The foregoing amendments were prepared and filed in consultation and in unison with other Designated Contract Markets registered with the CFTC. Additionally, the language of the above rule changes was approved by the CFTC prior to filing.

August 29, 2012 Rule Changes

The August 29, 2012 rule change further modifies OCX Rule 307. Specifically, OneChicago proposes to add subparagraph (d) to OCX Rule 307. Subparagraph (d) clarifies that any person who is not a Clearing Member, Exchange Member, or Access Person, but who is still subject to OneChicago's jurisdiction pursuant to OCX Rule 307, is bound to comply with Exchange Rules to the same extent that the aforementioned market participants are. Proposed OCX Rule 307(d) then lists the Exchange Rules that such market participants are bound to comply with. The listed rules span most of the Exchange Rulebook, including chapters 4, 5, and 6, which generally deal with business practices and trading rules.

February 27, 2013 Rule Changes

OCX Rule 127 defines the Disciplinary Panel, which oversees Disciplinary Proceedings. Previously, Rule 127 required that the Disciplinary Panel consist of three individuals from the Exchange's Board and/or Exchange Members. The February 27, 2013 amendment (substantively revised March 3, 2013) proposes to remove the requirement that Disciplinary Panel members be Exchange Members, and allows for Disciplinary Panel members to be selected from the public (and who would otherwise meet the requirements of selection as a Public Director). OneChicago believes this amendment will broaden the scope of market participants and members of the public that are eligible to serve as members of the Disciplinary Panel, thereby

increasing the diversity of views and interests represented by the panel.

The rule filings and NTMs are attached as *Exhibit 4* to the filing submitted by the Exchange but are not attached to the published notice of the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OneChicago included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of OneChicago's filing is to update the OCX Rulebook to account for various filings OneChicago has previously made with the CFTC, but has not made concurrently with the SEC. Specifically, the purpose of rule filings and NTMs are to (1) clarify the obligations of market participants with regard to reporting requirements; (2) require certain disclosures relating to sales practices; and (3) update OneChicago's disciplinary process to comply with the Core Principles and Other Requirements for Designated Contract Markets, which implements Section 735 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

2. Statutory Basis

OneChicago believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is designed to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and national market system. OneChicago believes that clarifying its reporting requirements helps foster regulatory certainty for its market participants who trade bilateral blocks and EFPs. Furthermore, requiring

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78(f)(b)(5).

certain disclosures be made by firms trading on behalf of customers helps ensure a free and open market in which customers are made fully aware of transactions executed by executing firms on their behalf. Finally, the changes to OCX's disciplinary process will allow the Exchange to more effectively regulate trading activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

OneChicago does not believe that the rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule changes are equitable and not unfairly discriminatory because they merely clarify the obligations of parties that transact EFPs, enhance customer protection through disclosure, apply to all market participants equally, and strengthen OCX's disciplinary process to ensure that trading activity and the disciplinary processes on the Exchange remains fair, equitable, and competitive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the OneChicago proposed rule change have not been solicited and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

OneChicago filed the proposed rule changes with the CFTC between June 19, 2012 and July 9, 2013. OneChicago did not file the proposed rule changes concurrently with the SEC. Instead, OneChicago filed the proposed rule changes on May 14, 2014.⁹

At any time within 60 days of the date of effectiveness¹⁰ of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.¹¹

⁹ Section 19(b)(7)(B) of the Act provides that a proposed rule change filed with the SEC pursuant to section 19(b)(7)(A) of the Act shall be filed concurrently with the CFTC.

¹⁰ Section 19(b)(7)(C) of the Act provides, *inter alia*, that "[a]ny proposed rule change of a self-regulatory organization that has taken effect pursuant to [Section 19(b)(7)(B) of the Act] may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law."

¹¹ 15 U.S.C. 78s(b)(1).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-OC-2014-02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-OC-2014-02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-OC-2014-02, and should be submitted on or before July 17, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Kevin M. O'Neill,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-72445; File No. SR-EDGX-2014-05]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt a New Order Type Called the Mid-Point Discretionary Order

June 20, 2014.

I. Introduction

On March 7, 2014, EDGX Exchange, Inc. ("Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its rules to add a new order type called the Mid-Point Discretionary Order ("MDO") and to reflect the priority of MDOs. The proposed rule change was published for comment in the **Federal Register** on March 25, 2014.³ On May 2, 2014, the Commission extended the time period in which to either approve or disapprove the proposed rule change to June 23, 2014.⁴ The Commission received no comment letters on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act⁵ to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

A. Proposed Mid-Point Discretionary Order

The Exchange proposes to add a new order type—called the Mid-Point Discretionary Order or MDO. An MDO would be a limit order to buy that is displayed and pegged to the National Best Bid ("NBB"), with discretion to execute at prices up to and including

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 71747 (March 19, 2014), 79 FR 16401 (March 25, 2014) ("Notice").

⁴ See Securities Exchange Act Release No. 72086 (May 2, 2014), 79 FR 26473 (May 8, 2014).

⁵ 15 U.S.C. 78s(b)(2)(B).

the mid-point of the NBBO,⁶ and a limit order to sell that is displayed and pegged to the National Best Offer (“NBO”), with discretion to execute at prices down to and including the mid-point of the NBBO.⁷ The displayed price of an MDO would be re-priced to track changes in the NBBO.⁸ An MDO’s sole time stamp would be the one assigned to the order at its displayed price, and it would only change when the displayed price is adjusted to track changes in the NBB or NBO to which it is pegged. Therefore, if the discretionary range of an MDO changes due to a change in the mid-point of the NBBO (*i.e.*, if the NBO changes for an MDO to buy or if the NBB changes for an MDO to sell), an MDO’s time stamp would not change.

An MDO would not independently establish or maintain the NBB or NBO; rather, the displayed price of the MDO would be derived from the NBB or NBO. Accordingly, an MDO would be cancelled if no NBBO exists. An MDO would also be cancelled if a trading halt is declared by the listing market.⁹ An MDO would be able to join the Exchange BBO when the Exchange BBO equals the NBBO and the EDGX Book is locked or crossed by another market.¹⁰ However, if an MDO displayed on the Exchange would create a locked or crossed market, the System would automatically adjust the price of the order¹¹ to one minimum price variation below the current NBO (for an MDO to

buy) or to one minimum price variation above the current NBB (for an MDO to sell) with no discretion to execute to the mid-point of the NBBO.¹²

Upon entry into the System, an MDO would not be eligible to execute immediately at its displayed price; however, it would be eligible to execute at the mid-point of the NBBO.¹³ An MDO would be eligible to execute at its displayed price only after it has been posted to the EDGX Book.¹⁴

An MDO would not be eligible to execute against resting Discretionary Orders,¹⁵ including contra-side MDOs.¹⁶ An MDO would only be eligible to execute at the mid-point of the NBBO against Mid-Point Match Orders¹⁷ and incoming liquidity-removing orders when their limit price is equal to the mid-point of the NBBO.¹⁸ An MDO in a stock priced at \$1.00 or more would only be executed in sub-penny increments when executed at the mid-point of the NBBO against contra-side Mid-Point Match Orders.¹⁹ In addition, an MDO would not be eligible for routing pursuant to EDGX Rule 11.9(b)(2).²⁰

An MDO could include a limit price, by which its displayed price and discretion to the mid-point of the NBBO would be bound.²¹ Specifically, an MDO to buy or sell with a limit price that is less than the prevailing NBB or greater than the prevailing NBO, respectively, is posted to the EDGX Book at its limit price.²² Further, for example, if an MDO to buy is entered with a limit price that is less than the prevailing mid-point of the NBBO, it would have discretion to buy only up to its limit price, not the mid-point of the NBBO. Conversely, if an MDO to buy is entered with a limit price that is greater than the prevailing NBO, it would have

discretion to buy up to the mid-point of the NBBO and not to its limit price.²³

The Exchange also proposes to address how an MDO would comply with the National Market System Plan, also known as Limit Up/Limit Down (“LULD”), established pursuant to Rule 608 of the Act, to address extraordinary market volatility (“LULD Plan”).²⁴ Specifically, an MDO to buy would be re-priced to the Upper Price Band and not the Protected Bid where the price of the Upper Price Band moves below an existing Protected Bid, and an MDO to sell would be re-priced to the Lower Price Band and not the Protected Offer where the price of the Lower Price Band moves above an existing Protected Offer.²⁵ An MDO would only execute at its displayed price and not within its discretionary ranges when: (i) The price of the Upper Price Band equals or moves below an existing Protected Bid; or (ii) the price of the Lower Price Band equals or moves above an existing Protected Offer.²⁶ When those conditions no longer exist, an MDO would resume trading against other orders in its discretionary range and being displayed at and pegged to the NBBO.²⁷

C. Proposed Amendments to EDGX Rule 11.8(a)—Priority

The Exchange proposes to amend EDGX Rule 11.8(a) to reflect the priority an MDO would have when it is executed within its discretionary range. Specifically, current EDGX Rule 11.8(a)(2) states that the EDGX System shall execute equally priced trading interest in time priority in the following order: (i) Displayed size of limit orders; (ii) Mid-Point Match Orders; (iii) non-displayed limit orders and the reserve quantity of Reserve Orders;²⁸ (iv) discretionary range of Discretionary Orders as set forth in current Rule

⁶ EDGX Rule 1.5(o) defines “NBBO” as “the national best bid or offer.” See also Rule 600(b)(42) of Regulation NMS under the Act.

⁷ See proposed EDGX Rule 11.5(c)(14). The Exchange represents that the proposed MDO is based on and would operate similarly to the Mid-Point Discretionary Order on EDGA Exchange, Inc. (“EDGA”). See Notice, *supra* note 3, at 16402. However, the Exchange identifies and explains four differences, which it attributes to the different fee structures used by EDGA and EDGX. *Id.* at 16403–05. The differences are that an MDO on EDGX, unlike an MDO on EDGA: (1) Would not be eligible to execute immediately upon entry at its displayed price; (2) would not be eligible to execute against resting Discretionary Orders, including contra-side MDOs; (3) would only be eligible to execute at the mid-point of the NBBO against Mid-Point Match Orders and incoming liquidity-removing orders when their limit prices are equal to the mid-point of the NBBO; and (4) would be immediately canceled in the event a trading halt is declared by the listing market. *Id.*; see also *infra* notes 9, 13–18 and accompanying text.

⁸ See proposed EDGX Rule 11.5(c)(14).

⁹ *Id.* In the Notice, the Exchange explains rationale for this behavior. See *supra*, note 3, at 16404–05; note 7.

¹⁰ See proposed EDGX Rule 11.5(c)(14). EDGX Rule 1.5(d) defines “EDGX Book” as the “System’s electronic file of orders.”

¹¹ EDGX Rule 1.5(cc) defines “System” as “the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.”

¹² See proposed EDGX Rule 11.5(c)(14).

¹³ *Id.*

¹⁴ In the Notice, the Exchange explains the rationale for this behavior and it identifies order types on other exchanges that it believes operate in the same manner. See *supra* note 3, at 16403–04; note 7.

¹⁵ See EDGX Rule 11.5(c)(13).

¹⁶ See proposed EDGX Rule 11.5(c)(14). In the Notice, the Exchange explains the rationale for this behavior. See *supra*, note 3, at 16404; note 7.

¹⁷ See EDGX Rule 11.5(c)(7).

¹⁸ See proposed EDGX Rule 11.5(c)(14). In the Notice, the Exchange explains the rationale for this behavior. See *supra*, note 3, at 16404; note 7.

¹⁹ See proposed EDGX Rule 11.5(c)(14). An MDO would execute against all other order types solely in whole penny increments, would not be eligible to execute against a contra-side MDO at the mid-point of the NBBO, and would not be displayed or ranked in sub-penny increments.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ The Exchange notes that an MDO’s discretion to trade to and including the mid-point of the NBBO may be limited where the only available contra-side liquidity at the mid-point is represented by MDOs or Non-Displayed Orders resting on the EDGX Book. See Notice, *supra* note 3, at 16402.

²⁴ See Appendix A to Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

²⁵ See proposed EDGX Rule 11.5(c)(14); EDGX Rule 11.9(a)(3). EDGX Rule 1.5(gg) states that “[t]he terms . . . Upper Price Band and Lower Price Band . . . shall have the definitions and meanings ascribed to them under the [LULD] Plan.” EDGX Rule 1.5(v) defines “Protected Bid” and “Protected Offer” as “a bid or offer in a stock that is (i) displayed by an automated trading center; (ii) disseminated pursuant to an effective national market system plan; and (iii) an automated quotation that is the best bid or best offer of a national securities exchange or association.”

²⁶ See proposed EDGX Rule 11.5(c)(14).

²⁷ *Id.*

²⁸ See EDGX Rule 11.5(c)(1).

11.5(c)(13); and (v) Route Peg Orders as set forth in current Rule 11.5(c)(17). The Exchange proposes that, when an MDO executes at its displayed price, the MDO would have the same priority as that of the displayed size of a limit order, in accordance with EDGX Rule 11.8(a)(2)(A). The Exchange also proposes that, when an MDO executes within its discretionary range, the MDO would have the same priority as the discretionary range of a Discretionary Order, as set forth in Rule 11.8(a)(2)(D).²⁹

In addition, the Exchange proposes to address the priority of orders when an MDO is posted to the EDGX Book. Where orders to buy (or sell) are made at the same price, EDGX Rule 11.8(a)(2) requires that the order clearly established as the first entered into the System at that price shall have precedence up to the number of shares of stock specified in the order.³⁰ As described above, an MDO would not be eligible to execute immediately upon entry into the System at its displayed price.³¹ Instead, an MDO would be eligible to execute at its displayed price only after it has been posted to the EDGX Book (*i.e.*, at the displayed price, it functions as a “post-only” order type). Therefore, the Exchange proposes to add subparagraph (9) to EDGX Rule 11.8(a) to provide that, in accordance with proposed Rule 11.5(c)(14), where an MDO does not execute against certain marketable contra-side interest resting on the EDGX Book, it would, notwithstanding EDGX Rule 11.8(a)(2) described above, be posted directly to the EDGX Book and would be eligible to execute against later-arriving marketable contra-side orders.

For example, assume that the NBBO is \$10.00 × \$10.01, and that User A³² has submitted a Discretionary Order (a non-“post-only” order type) to buy at \$10.00 with discretion to \$10.01 that rests on the EDGX Book. If User B

submits an MDO to sell with a limit price of \$10.01, User B’s MDO would not be able to execute against User A’s resting Discretionary Order to buy, despite otherwise being marketable against User A. User B’s MDO to sell instead would be posted to the EDGX Book and displayed at \$10.01 with discretion to execute down to the mid-point of the NBBO, \$10.005. If User C submits an order identical to User A’s Discretionary Order, User C’s Discretionary Order to buy would execute against User B’s MDO Order to sell at \$10.01, and User A’s Discretionary Order to buy would remain on the EDGX Book, despite User A being first in time priority. The Exchange believes that precluding MDOs from executing against resting Discretionary Orders would promote just and equitable principles of trade by permitting the Exchange to offer a low-cost pricing structure while also offering an order type that provides Users the opportunity to achieve price improvement to and including the mid-point of the NBBO.³³ The Exchange also argues that, once a User’s order is posted to the book (User A in the example above), such User expects to receive a rebate, and, thus, would be willing to forgo an execution against a later-arriving MDO at the displayed price.³⁴ The Exchange further argues that, if a User is willing to pay a fee for broader execution opportunities at the mid-point of the NBBO, that User could utilize a Mid-Point Match Order, rather than an MDO.³⁵ The Exchange further states that amending its general priority structure to accommodate scenarios similar to the one noted above is appropriate because the Exchange believes that Users could then post aggressively-priced liquidity (by submitting an MDO) because they will have certainty as to the fee or rebate they would pay or receive from the Exchange if their orders are executed.³⁶

III. Proceedings To Determine Whether To Approve or Disapprove SR–EDGX–2014–05 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act³⁷ to determine whether the proposed rule change should be approved or disapproved.³⁸ Institution of such proceedings is appropriate at this time in view of the legal and policy issues that are raised by the proposal and are discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to comment on the proposal and provide the Commission with additional comment to inform the Commission’s analysis whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The sections of the Act applicable to the proposed rule change that provide the grounds for approval or disapproval under consideration are Section 6(b)(5).³⁹ Section 6(b)(5) of the Act⁴⁰ requires that the rules of an exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The interaction (or non-interaction) of the MDO with other orders on the EDGX Book raises important issues that warrant further public comment and Commission consideration. Specifically, in certain circumstances, as described above, an incoming MDO, which functions as a post-only order type, would not interact with a resting non-post-only order, but would interact with

²⁹ The Exchange provides an example to illustrate the application of the priority rules to an MDO. See Notice, *supra* note 3, at 16407.

³⁰ The Commission notes that the EDGX System executes equally-priced trading interest within the System in time priority within order type categories in the following order: (1) Displayed size of limit orders; (2) Mid-Point Match Orders; (3) Non-displayed limit orders and the reserve quantity of Reserve Orders; (4) Discretionary range of Discretionary Orders as set forth in Rule 11.5(c)(13); and (5) Route Peg Orders as set forth in Rule 11.5(c)(17).

³¹ See *supra* notes 13 thru 14 and accompanying text. An MDO also would not be eligible to execute against resting Discretionary Orders, including contra-side MDOs. See *supra* notes 15 and 16 and accompanying text.

³² EDGX Rule 1.5(ee) defines “User” as “any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.”

³³ See Notice, *supra* note 3, at 16408. Specifically, the Exchange stated that, if the Exchange were to allow MDOs on EDGX to execute against each other, the provider of liquidity would receive a rebate while the taker of liquidity would be charged no fee. *Id.* On the other hand, the Exchange states that an MDO on EDGA may execute against resting Discretionary Orders, including contra-side MDOs, because both orders would pay a fee. *Id.*; see also EDGA Fee Schedule available at <http://www.directedge.com/Trading/EDGAFeeSchedule.aspx>.

³⁴ See Notice, *supra* note 3, at 16408. The Exchange acknowledges that a later-arriving, identical Discretionary Order would act as a liquidity remover and pay a fee to execute against the MDO. *Id.* at 16403.

³⁵ *Id.*

³⁶ *Id.* at 16408.

³⁷ 15 U.S.C. 78s(b)(2)(B).

³⁸ Section 19(b)(2)(B) of the Act provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to an additional 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or if the self-regulatory organization consents to the extension.

³⁹ 15 U.S.C. 78f(b)(5).

⁴⁰ 15 U.S.C. 78f(b)(5).

an identical later-arriving non-post-only order. The Commission believes the proposed rule change raises questions regarding: (1) Whether it is unfairly discriminatory, or inconsistent with the protection of investors and the public interest, for the later-arriving order to have execution priority in these circumstances; and (2) whether it is inconsistent with a free and open market and the national market system, or the protection of investors and the public interest, for an exchange to create complex order interaction scenarios in order to maintain a simplified fee schedule.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any others they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Section 6(b)(5), or any other provision, of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.⁴¹

Interested persons are invited to submit written data, views and arguments regarding whether the proposed rule change should be approved or disapproved by July 17, 2014. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 31, 2014.

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following:

1. As proposed, an incoming MDO would not execute against certain

resting orders willing to pay a take fee, but could instead execute against later-arriving orders identical to the resting orders.⁴² Would this result add unnecessary complexity to the Exchange's priority rules and the equity markets generally? Would it create opportunities for Users to effect "queue-jumping" or other strategies that might be unfair or detrimental to the markets? Please explain.

2. The Exchange asserts that, once a User's order is posted to the EDGX Book, the User expects to receive a rebate, even if it was willing to pay a take fee when the order was initially submitted.⁴³ Does this accurately represent User expectations? Please explain. Would such a User be willing to pay a fee to execute against an incoming MDO if the net execution price, taking into account the rebate forgone and the fee paid, is within the range of prices the User would have been willing to accept upon order entry?

3. The Exchange indicates that one reason an incoming MDO would not execute against a resting, contra-side Discretionary Order or MDO is because, in this circumstance, the provider of liquidity would receive a rebate while the taker of liquidity would be charged no fee.⁴⁴ Is it appropriate for an Exchange to address scenarios such as this—in which it would lose money—by adding complexity to the way orders interact (including overriding time priority), rather than adjusting its fee schedule?

4. What type of market participants would avail themselves of the MDO, and how and why would the order type improve market quality or otherwise promote fair and orderly markets, or the protection of investors and the public interest?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-EDGX-2014-05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-EDGX-2014-05. This file

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR-EDGX-2014-05 and should be submitted on or before July 17, 2014. If comments are received, any rebuttal comments should be submitted by July 31, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴⁵

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2014-14971 Filed 6-25-14; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-72444; File No. SR-FINRA-2014-025]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Adopt a Supplemental Schedule for Inventory Positions Pursuant to FINRA Rule 4524 (Supplemental FOCUS Information)

June 20, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "SEA")¹ and Rule 19b-4

⁴¹ Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94-29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

⁴² See *supra* notes 15-16, 32-36 and accompanying text.

⁴³ See *supra* note 34 and accompanying text.

⁴⁴ See *supra* notes 15-16 and accompanying text.

⁴⁵ 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

thereunder,² notice is hereby given that on June 16, 2014, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to adopt a supplemental schedule for inventory positions pursuant to FINRA Rule 4524 (Supplemental FOCUS Information).

The text of the proposed rule change is available on FINRA’s Web site at <http://www.finra.org>, at the principal office of FINRA, 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, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Items II.A., II.B., and II.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

Pursuant to SEA Rule 17a–5,³ most firms are required to file with FINRA reports concerning their financial and operational status using the Financial and Operational Combined Uniform Single (FOCUS) Report.⁴ In general, firms with a FOCUS filing requirement must either file a FOCUS Report Part II if they clear transactions or carry customer accounts⁵ or file a FOCUS Report Part IIA if they do not.⁶ Firms that are government securities broker-dealers registered under Section 15C of the Act⁷ do not file a FOCUS Report

and instead are required to file reports concerning their financial and operational status using the Report on Finances and Operations of Government Securities Brokers and Dealers (FOGS Report).⁸ These firms are required to file a FOGS Report Part I and either a FOGS Report Part II if they clear transactions or carry customer accounts or FOGS Report Part IIA if they do not.⁹

FINRA Rule 4524 (Supplemental FOCUS Information) requires each firm, as FINRA shall designate, to file such additional financial or operational schedules or reports as FINRA may deem necessary or appropriate for the protection of investors or in the public interest as a supplement to the FOCUS Report.¹⁰ Pursuant to FINRA Rule 4524, FINRA is proposing the adoption of a supplemental schedule to the FOCUS Report Part II, FOCUS Report Part IIA and the FOGS Report Part I that would provide more detailed information of inventory positions held by firms. The proposed Supplemental Inventory Schedule (“SIS”) would be due 20 business days after the end of a firm’s FOCUS or FOGS reporting period.¹¹

The proposal requires the SIS to be filed by firms that are required to file FOCUS Report Part II, FOCUS Report Part IIA or FOGS Report Part I with inventory positions as of the end of the FOCUS or FOGS reporting period with two exceptions. The first exception is for firms that have a minimum net capital or liquid capital requirement¹² of less than \$100,000. Such firms are not allowed to engage in dealer activities and are limited to 10 proprietary transactions per year. Further, such firms are not permitted to self-clear or carry customer accounts. The second exception is for firms that have inventory positions consisting only of money market mutual funds. Money market mutual funds limit their investments to short-term, high-quality debt securities and are permitted to sell and redeem shares at a stable price, typically at \$1.00 per share, without regard to small variations in the value

of the funds’ underlying securities.¹³ A firm with inventory positions consisting only of money market mutual funds would need to affirmatively indicate through functionality on the eFOCUS system that no SIS filing is required for the reporting period. FINRA believes that firms that meet either of these two criteria pose significantly less risk to customers and other market participants. These exceptions will not only minimize the burden on firms, but also will allow FINRA to focus its resources where the risk is most concerning.

The proposed SIS is intended to capture more details of a firm’s long and short inventory positions than what is captured on the FOCUS Report Part II, FOCUS Report Part IIA and FOGS Report Part I. For example, FOCUS Report Part II, FOCUS Report Part IIA and FOGS Report Part I require total inventory of securities sold short to be reported in aggregate (Item 1620), providing no information on the types of securities sold short by firms. In addition, FOGS Report Part I requires that all long inventory be reported in aggregate (Item 850). Further, on FOCUS Report Part II and IIA, long inventory is reported in categories that aggregate securities with different market risk profiles (e.g., the Corporate Obligations category on the FOCUS Report Part II (Item 400) and Debt Securities category on the FOCUS Report Part IIA (Item 419) include single name corporate bonds, private-label mortgage-backed securities and foreign issuer debt obligations). The proposed SIS would enhance FINRA’s ongoing surveillance monitoring of firms’ financial condition by providing greater transparency into the market risk posed by a firm’s inventory positions and the potential impact to a firm’s net capital or liquid capital, as well as related funding and liquidity needs. In addition, the information provided by the proposed SIS would enable FINRA staff to perform more targeted examinations of firms’ market risk exposure.

The proposed rule change will be effective upon Commission approval. FINRA will announce the implementation date of the proposed supplemental schedule in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The due date for the first proposed schedule will be no later than 90 days following Commission approval of the proposed rule change.

⁸ Department of the Treasury Form G–405.

⁹ 17 CFR 405.2; 17 CFR 240.17a–5.

¹⁰ The reference to FOCUS reports under FINRA Rule 4524 includes FOGS Reports required to be filed by government securities broker-dealers registered under Section 15C of the Act in lieu of FOCUS Reports.

¹¹ Firms that file FOCUS Report Part II CSE would not be subject to the proposed SIS. As part of FOCUS Report Part II CSE, the Aggregate Securities and OTC Derivative Positions schedule requires firms to provide information that is similar to the proposed SIS.

¹² Firms that file the FOCUS Report must comply with a minimum net capital requirement, while firms that file the FOGS Report must comply with a minimum liquid capital requirement.

¹³ See Securities Act Release No. 9408 (June 5, 2013), 78 FR 36834, 36835 (June 19, 2013) (Proposed Rule: Money Market Fund Reform; Amendments to Form PF).

² 17 CFR 240.19b–4.

³ 17 CFR 240.17a–5.

⁴ SEC Form X–17A–5.

⁵ Firms that calculate net capital using Appendix E to SEA Rule 15c3–1 file FOCUS Report Part II CSE, rather than FOCUS Report Part II.

⁶ 17 CFR 240.17a–5.

⁷ 15 U.S.C. 78o–5.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,¹⁴ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with the provisions of the Act noted above in that the proposed SIS will provide FINRA with greater insights into the types of securities held in inventory by firms and the related market risk associated with such inventory positions. In addition, the proposed SIS would enable FINRA staff to assess the related impact on firms' liquidity and funding needs. The information provided on the proposed SIS would be used by FINRA to monitor firms' financial condition and perform more targeted examinations of firms' market risk exposure. The proposed rule change also is consistent with Section 712(b)(3)(B) of the Dodd-Frank Wall Street Reform and Consumer Protection Act¹⁵ in that it is necessary to enable FINRA to more effectively examine for compliance with, and enforce, its rules on capital adequacy.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that the economic and operational impact associated with completion of the proposed SIS would be minimal because the required information should be readily available to firms, as it is necessary for purposes of computing the haircut deductions required under SEA Rule 15c3-1.¹⁶ However, FINRA recognizes that there may be an initial one-time cost to map inventory positions to the line items on the proposed SIS. FINRA believes that any burden imposed by the proposed SIS would be outweighed by the benefit to firms in allowing the staff to better understand a firm's market risk, which will lead to more focused reviews during examinations. In addition, the proposal is narrowly tailored to capture those firms that pose the most risk to customers and other market participants. Firms with inventory positions as of the end of the FOCUS or

FOGS reporting period will not have to file the proposed SIS if they: (1) Have a minimum net capital or liquid capital requirement of less than \$100,000; or (2) have inventory positions consisting only of money market mutual funds. Based on FOCUS Report data, as of June 30, 2013, FINRA estimates that 2,830 out of 4,327 firms (65 percent) have a minimum net capital or liquid capital requirement of less than \$100,000.

As discussed in Item II.C. below, FINRA initially considered exempting from the SIS filing requirement those firms that had inventory positions consisting only of U.S. Treasury securities or money market mutual funds. However, three commenters questioned the U.S. Treasury exemption, noting among other factors the market risk posed by certain U.S. Treasury securities and the risks posed by concentrations in those securities. Alternatively, these commenters suggested exemptions based on a firm's level of excess capital and leverage, for short-term instruments and for small broker-dealers. In response to commenters' suggestions, FINRA is not proposing an exemption for U.S. Treasury securities. However, FINRA is proposing at this time to exempt from the SIS filing requirement those firms that have a minimum net capital or liquid capital requirement of less than \$100,000. FINRA believes that exempting such firms should serve to reduce the compliance burdens for many small firms while also ensuring that FINRA receives the SIS data from those firms that pose higher risk to customers and other market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was published for comment in *Regulatory Notice* 13-05 (January 2013) (the "Notice"). Four comments were received in response to the *Notice*.¹⁷ Below is a summary of the comments and FINRA's responses.

1. Exemption for U.S. Treasury Securities

In the *Notice*, FINRA specifically requested comment on whether firms

that have inventory positions consisting only of U.S. Treasury securities should be exempt from the filing requirement. One commenter believed that no securities, including U.S. Treasury securities, should be excluded from review as all securities pose certain risks especially if they are concentrated.¹⁸ As discussed further below, one commenter believed that the exemption is a poor match with regulatory objectives.¹⁹ Another commenter disagreed with the exemption and questioned "why FINRA would exempt from reporting a firm with a portfolio of longer-term, low coupon U.S. Government bonds that would be significantly more sensitive to market risk than many other debt instruments especially investment-grade ones of much shorter durations."²⁰ The commenter believed that there should be an exemption for firms that invest their excess cash in short-term instruments such as money market mutual funds, short-term funds and high-grade debt instruments maturing in the short term.²¹

FINRA has considered these comments and agrees that a firm that has inventory positions consisting only of U.S. Treasury securities should be required to file the proposed SIS. FINRA, however, proposes to exempt from the filing requirement those firms that: (1) Have a minimum net capital or liquid capital requirement of less than \$100,000; or (2) have inventory positions consisting only of money market mutual funds. In response to the comment for a short-term instrument exemption, FINRA notes that the proposal exempts firms with inventory positions consisting only of money market mutual funds. However, FINRA believes that firms with inventory positions in short-term funds or high-grade debt instruments maturing in the short term should not be exempted from the proposed SIS as those positions are subject to greater market risk. For example, the credit crisis showed that short-term debt instruments (e.g., auction rate securities) can suffer material losses, irrespective of their investment grade ratings.

2. Exemption for Firms Based on Net Capital or Liquid Capital Requirement

In the *Notice*, FINRA specifically requested comment on whether there is a category of firms that should not be required to file the proposed SIS based upon a *de minimis* amount of inventory

¹⁷ See Letter from Pat Nelson, dated January 31, 2013 ("Nelson"); letter from Jim Nelson, dated February 7, 2013 ("Jim Nelson"); letter from Wendie L. Wachtel, CCO, Wachtel & Co Inc, to Marcia E. Asquith, Corporate Secretary, FINRA, dated February 12, 2013 ("Wachtel"); and letter from Howard Spindel, Senior Managing Director, and Cassandra E. Joseph, Managing Director, Integrated Management Solutions USA LLC, dated February 25, 2013 ("IMS").

¹⁸ Nelson.

¹⁹ Wachtel.

²⁰ IMS.

²¹ IMS.

¹⁴ 15 U.S.C. 78o-3(b)(6).

¹⁵ Public Law 111-203, 124 Stat. 1376 (2010).

¹⁶ 17 CFR 240.15c3-1.

positions. One commenter believed there should be a *de minimis* cutoff and stated that FINRA should “not place undue burdens on the small broker dealer community.”²² The commenter suggested that “reporting should only be required by firms that pose a systemic risk to the financial markets.”²³ One commenter believed that an exemption should be focused on a firm’s level of excess capital and leverage.²⁴ FINRA has considered these comments and proposes that firms with inventory positions that have a net capital or liquid capital requirement of less than \$100,000 would not need to file the proposed SIS. These firms are prohibited from engaging in dealer activities, self-clearing or carrying customer accounts and, as such pose less risk to the financial markets than firms with higher net capital or liquid capital requirements. FINRA disagrees with the commenters that reporting should only be required by firms that pose systemic risk or that an exemption should be focused on a firm’s level of excess capital and leverage. Systemic risk is not the focus of the proposed SIS; rather, the proposal is intended to protect customers and other market participants who could be at risk if the firm’s financial condition deteriorates. As such, requiring only firms that pose systemic risk to report to FINRA would hinder the staff’s ability to identify and monitor the market, funding and liquidity risk of other firms whose inventory positions and dealer activities could result in harm to customers and other market participants. In addition, an exemption based on a firm’s high excess net capital or liquid capital without regard to the type of inventory positions held would exempt a number of firms that hold significant levels of complex securities in inventory and self-clear, carry customer accounts or engage in dealer activities. Further, an exemption based on leverage would exempt those firms that have a low leverage ratio without regard to other risk factors, such as a high concentration in a particular category of less liquid securities (*e.g.*, high yield debt, private label collateralized mortgage obligations).

3. Economic Impact

In the *Notice*, FINRA specifically requested comment on the economic impact of the proposed SIS. Two commenters believed that the proposed SIS would place an unjustified burden

on firms.²⁵ One of these commenters stated that even though firms already have the requested inventory information, the data will have to be put in the required format.²⁶ The commenter suggested that FINRA should ask a firm for a copy of its inventory and then input the data.²⁷ One commenter believed that there would be significant cost with no benefit and the proposed SIS would increase the effort of monthly filing by 15%.²⁸ Further, the commenter requested that any new requirements be incorporated into the original FOCUS form rather than requiring separate schedules that entail burdensome duplication and reconciliations.²⁹ However, one commenter agreed that firms currently compile inventory information as it is needed to compute haircut deductions when calculating net capital and stated that the proposed SIS is not nearly as burdensome as receiving questions from FINRA examiners or coordinators seeking to drill down into figures that are provided by the FOCUS Report.³⁰

Consistent with the discussion above, FINRA believes that the economic impact associated with completion of the proposed SIS would be minimal because the required information should be readily available to firms, as it is necessary for purposes of computing the haircut deductions required under SEA Rule 15c3-1.³¹ Moreover, FINRA believes the proposed SIS is an effective and timely way to obtain detail of the inventory positions held by firms. FINRA notes it consulted with its advisory committees to help inform this view. In regard to the comment that the proposed SIS would increase the effort of monthly filing by 15%, FINRA notes that the commenter did not provide any evidence, basis or context to support the assertion, and therefore FINRA is uncertain as to its reliability. With respect to incorporating new requirements into the original FOCUS form, Form X-17A-5, FINRA notes that it is an SEC form, and any changes to it must be proposed and adopted by the SEC. However, FINRA would support updates to Form X-17A-5 by the SEC that would incorporate this more detailed reporting, and, if such updates were made, FINRA staff would seek to

reduce accordingly the requirement for firms to file the proposed SIS.

4. Instructions and Recommended Changes

One commenter was concerned that there were no instructions provided for the proposed SIS and that key definitions such as “arbitrage” and “no ready market” are not defined.³² In addition, the commenter believed that the term “Investments” is particularly confusing in the category for “Investments with no ready market” and suggested that “Securities” should be used.³³ In addition, the commenter believed that asking for a beginning date on the proposed SIS is meaningless information.³⁴ Furthermore, the commenter stated that the proposed SIS ignores financings such as repurchase agreements and loans, does not contain a line for securities lending, does not itemize derivatives by market bias and does not request a breakdown of the types of commodities actually being held.³⁵

In response to the commenter, FINRA has developed instructions for the proposed SIS. The instructions include guidance, clarifications and definitions with respect to specific line items that FINRA believes should ameliorate the commenter’s concern. In addition, FINRA has amended the proposed SIS to state “[s]ecurities with no ready market” on line 13, instead of “[i]nvestments with no ready market,” to alleviate confusion and has removed the line item for a beginning period date. With regard to capturing information about repurchase agreements and securities lending, FINRA notes that the proposed SIS is an inventory schedule and, as such, is not intended to capture financing transactions. In response to the comment about itemizing derivatives exposures by market bias, FINRA has expanded the “Derivatives including Options” on line 11 to distinguish between centrally cleared derivatives and other derivatives and to require a limited breakdown of information for the two categories. In addition, FINRA notes that additional derivatives information is captured on the Derivatives and Other Off-Balance Sheet Schedule. Finally, in response to the request for a breakdown of the types of commodities actually being held, FINRA believes, at this time, that the proposed SIS captures the information that is needed to enable FINRA staff to

²⁵ Jim Nelson and Nelson.

²⁶ Nelson.

²⁷ Nelson.

²⁸ Wachtel.

²⁹ Wachtel.

³⁰ IMS.

³¹ 17 CFR 240.15c3-1.

³² IMS.

³³ IMS.

³⁴ IMS.

³⁵ IMS.

²² Jim Nelson and Nelson.

²³ Nelson.

²⁴ Wachtel.

assess the related market risk and impact on firms' liquidity and funding needs arising from inventory holdings.

5. Alternatives to Proposed SIS

One commenter offered an alternative to the proposed SIS.³⁶ The commenter suggested that "FINRA should offer firms the ability to report the dollar amounts to which each haircut category applies."³⁷ The commenter believed that "[t]he haircut category is so much more relevant than the issuer type or even whether the haircut is on a long or short position."³⁸ FINRA disagrees with the commenter and believes that for purposes of understanding market risk associated with firms' inventory positions, issuer type is more appropriate than haircut category. For example, an equity security has different market risk than certain high-yield bonds; however, both types of securities can be in the same haircut category. Therefore, FINRA believes that obtaining information regarding the actual makeup of a firm's inventory positions is best achieved through the proposed SIS.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the 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-FINRA-2014-025 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-FINRA-2014-025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m.

Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FINRA-2014-025 and should be submitted on or before July 17, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁹

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014-14942 Filed 6-25-14; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-72439; File No. SR-NYSEArca-2014-47]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendments No. 2 and No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendments No. 1, No. 2, and No. 3 To List and Trade Shares of Fidelity® Corporate Bond ETF Managed Shares Under NYSE Arca Equities Rule 8.600

June 20, 2014.

I. Introduction

On April 16, 2014, NYSE Arca, Inc. ("Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 ("Exchange Act")² and Rule 19b-4 thereunder,³ a proposed rule change to list and trade shares ("Shares") of the Fidelity Corporate Bond ETF ("Fund"). On April 30, 2014, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.⁴ The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on May 1, 2014.⁵ On June 16, 2014, the Exchange filed Amendment No. 2 to the proposed rule change.⁶ On June 19, 2014, the Exchange filed Amendment No. 3 to the proposed rule change.⁷ The Commission received no

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ Amendment No. 1 replaced SR-NYSEArca-2014-47 as originally filed and supersedes such filing in its entirety.

⁵ See Securities Exchange Act Release No. 72068 (May 1, 2014), 79 FR 25923 ("Notice").

⁶ In Amendment No. 2, the Exchange: (1) Clarified its description of the reference assets that may underlie the derivative investments held by the Fund; (2) deleted a representation that the Fund's investments in preferred securities are generally not expected to be exchange-listed, thus making clearer that the Fund may invest in both exchange-listed and non-exchange-listed preferred securities; (3) clarified that information regarding only U.S. exchange-listed options is available via the Options Price Reporting Authority ("OPRA"); and (4) corrected its characterization of investments such as swaps, forwards and currency-related derivatives by referring to them as "OTC-traded derivative instruments" rather than as "OTC-traded derivative securities."

⁷ In Amendment No. 3, the Exchange: (1) Expanded the list of reference assets underlying the futures contracts which the Fund may hold to include both rates and indexes of rates; (2) added that futures contracts currently overlie both rates and indexes of rates; and (3) deleted an unnecessary

Continued

³⁶ IMS.

³⁷ IMS.

³⁸ IMS.

³⁹ 17 CFR 200.30-3(a)(12).

comments on the proposal. The Commission is publishing this notice to solicit comments on Amendments No. 2 and No. 3 (collectively, "Amendments") from interested persons and is approving the proposed rule change, as modified by Amendments No. 1, No. 2, and No. 3, on an accelerated basis.

II. Description of the Proposed Rule Change

The Exchange has proposed to list and trade the Shares under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by Fidelity Merrimack Street Trust ("Trust"). The Trust is registered with the Commission as an open-end management investment company.⁸ Fidelity Management & Research Company ("FMR") will be the Fund's manager ("Manager"). Fidelity Investments Money Management, Inc. ("FIMM") and other investment advisers, as described below, will serve as sub-advisers for the Fund ("Sub-Advisers"). FIMM will have day-to-day responsibility for choosing investments for the Fund. FIMM is an affiliate of FMR. Other investment advisers, which also are affiliates of FMR, will assist FMR with foreign investments, including Fidelity Management & Research (U.K.) Inc. ("FMR U.K."), Fidelity Management & Research (Hong Kong) Limited ("FMR H.K."), and Fidelity Management & Research (Japan) Inc. ("FMR Japan"). Fidelity Distributors Corporation ("FDC") will be the distributor for the Fund's Shares. The Exchange represents that the Manager and the Sub-Advisers are not broker-dealers but are affiliated with one or more broker-dealers and have implemented a firewall with respect to such broker-dealers regarding access to information concerning the composition of or changes to the Fund's portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio.⁹

reference to other entities in which the Fund may invest.

⁸ The Trust is registered under the 1940 Act. On April 17, 2014, the Trust filed with the Commission an amendment to its registration statement on Form N-1A under the Securities Act of 1933 (15 U.S.C. 77a) ("1933 Act") and the 1940 Act relating to the Fund (File Nos. 333-186372 and 811-22796) ("Registration Statement"). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 30513 (May 10, 2013) ("Exemptive Order") (File No. 812-14104).

⁹ See Commentary .06 to NYSE Arca Equities Rule 8.600. The Exchange represents that in the

The Exchange has made the following representations and statements regarding the Fund.¹⁰

Fidelity Corporate Bond ETF

The Fund will seek a high level of current income and normally¹¹ and will invest at least 80% of its assets in investment-grade corporate bonds and other corporate debt securities. The Fund may hold uninvested cash or may invest in cash equivalents such as money market securities, shares of short-term bond exchanged-traded funds registered under the 1940 Act ("ETFs"),¹² or mutual funds or money market funds, including Fidelity central funds (which are special types of investment vehicles created by Fidelity for use by the Fidelity funds and other advisory clients).¹³ FMR also may invest the Fund's assets in debt securities of foreign issuers in addition to securities of domestic issuers.

Other Investments

While FMR normally will invest at least 80% of assets of the Fund in investment-grade corporate bonds and other corporate debt securities, as described above, FMR may invest up to 20% of the Fund's assets in other

event (a) the Manager or any of the Sub-Advisers become registered as a broker-dealer or become newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a firewall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition of or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

¹⁰ Additional information regarding the Trust, the Fund, the Shares, investment strategies, investment restrictions, risks, net asset value ("NAV") calculation, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. See Notice and Registration Statement, *supra* notes 5 and 8, respectively.

¹¹ The term "normally" includes, but is not limited to, the absence of adverse market, economic, political, or other conditions, including extreme volatility or trading halts in the fixed-income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force-majeure-type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot, labor disruption, or any similar intervening circumstance.

¹² ETFs, which will be listed on a national securities exchange, include the following: Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Portfolio Depository Receipts (as described in NYSE Arca Equities Rule 8.100); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). See Notice, *supra* note 5, at 25924.

¹³ It is currently expected that the Fund will only invest in central funds that are money market funds. See *id.*

securities and financial instruments, as summarized below.¹⁴

In addition to corporate debt securities, the debt securities in which the Fund may invest are U.S. Government securities; repurchase agreements and reverse repurchase agreements; mortgage- and other asset-backed securities; loans; loan participations, loan assignments, and other evidences of indebtedness, including letters of credit, revolving credit facilities, and other standby financing commitments; structured securities; stripped securities; municipal securities; sovereign debt obligations; obligations of international agencies or supranational entities; and other securities believed to have debt-like characteristics, including hybrid securities, which may offer characteristics similar to those of a bond security such as stated maturity and preference over equity in bankruptcy. (The securities described in the preceding sentence, along with corporate debt securities, are collectively referred to herein as "Debt Securities".)

The Fund may invest in securities of other investment companies, including shares of ETFs registered under the 1940 Act, closed-end investment companies (which include business development companies), unit investment trusts, and open-end investment companies. In addition, the Fund may invest in other exchange-traded products ("ETPs") such as commodity pools.¹⁵ It is anticipated that the Fund's investments in other ETFs and ETPs will generally be limited to fixed-income ETFs and ETPs.

The Fund may invest in inverse ETFs (also called "short ETFs" or "bear ETFs"), shares of which are expected to increase in value as the value of the underlying benchmark decreases.

The Fund also may invest in leveraged ETFs, which seek to deliver multiples or inverse multiples of the performance of an index or other benchmark they track and which use derivatives in an effort to amplify the returns of the underlying index or benchmark.

The Fund may invest in exchange-traded notes ("ETNs"), which are a type of senior, unsecured, unsubordinated debt security that is issued by a financial institution and that pays a return based on the performance of a reference asset. It is anticipated that the

¹⁴ The Fund's holdings of investment-grade corporate bonds and other corporate debt securities are generally expected to be U.S. dollar denominated. See *id.*

¹⁵ See Amendment No. 3, *supra* note 7.

Fund's investments in other ETNs will generally be limited to fixed-income ETNs. The Fund may invest in leveraged ETNs.

The Fund may invest in American Depositary Receipts ("ADRs") as well as other "hybrid" forms of ADRs, including European Depositary Receipts ("EDRs") and Global Depositary Receipts ("GDRs"), which are certificates evidencing ownership of shares of a foreign issuer.¹⁶

FMR may make investments in derivatives—regardless of whether the Fund may own the asset, instrument, or components of the index underlying the derivative, as applicable (e.g., a swap based on the Barclays U.S. Credit Bond Index)—and in forward-settling securities. The Fund's derivative investments, as described further below, may reference: Corporate debt securities; Debt Securities; rates; currencies; commodities; indexes related to corporate debt securities, Debt Securities, rates, currencies, securities prices, or commodities prices; specific assets or securities or baskets thereof; a basket of issuers or assets or an index of assets; a benchmark, asset class, or designated security or interest-rate indicator; or futures contracts (including commodity futures contracts).

The Fund may conduct foreign currency transactions on a spot (i.e., cash) or forward basis (i.e., by entering into forward contracts to purchase or sell foreign currencies). The Fund may invest in options and futures relating to foreign currencies.

The Fund may invest in exchange-listed futures. The exchange-listed futures contracts in which the Fund may invest will have various types of underlying instruments, including specific assets or securities, baskets of assets or securities, commodities or commodities indexes, indexes of securities prices, indexes of rates, or rates.¹⁷

The Fund may invest in U.S. exchange-traded option, as well as over-the-counter ("OTC") options. The OTC options in which the Fund may invest will have various types of underlying instruments, including specific assets or securities, baskets of assets or securities, indexes of securities or commodities prices, and futures contracts (including commodity futures contracts). To the extent that the Fund invests in OTC options, not more than 10% of the net assets of the Fund in the aggregate shall

consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

The Fund may also buy and sell options on swaps (swaptions), which are generally options on interest-rate swaps. The Fund may hold swap agreements, a portion of which may be cleared swaps. The Fund may enter into, among other things, interest rate swaps (where the parties exchange a floating rate for a fixed rate), asset swaps (e.g., where parties combine the purchase or sale of a bond with an interest rate swap), total return swaps, and credit default swaps.

The Fund may invest in lower-quality Debt Securities. Lower-quality Debt Securities include all types of debt instruments, including debt securities of foreign issuers, that have poor protection with respect to the payment of interest and repayment of principal, and they may be in default.

The Fund may invest in preferred securities. Preferred securities, which may take the form of preferred stock, represent an equity or ownership interest in an issuer that pays dividends at a specified rate and have precedence over common stock in the payment of dividends.

The Fund may invest in real estate investment trusts ("REITs"). The Fund may invest in exchange-listed and non-exchange-listed REITs.

The Fund may invest in restricted securities, which are subject to legal restrictions on their sale.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁸ In particular, the Commission finds that the proposed rule change, as modified by Amendments No. 1, No. 2, and No. 3, is consistent with Section 6(b)(5) of the Exchange Act,¹⁹ which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect

investors and the public interest. The Commission notes that the Fund and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,²⁰ which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares and underlying equity securities that are U.S. exchange listed—including ETFs, ETPs, ETNs, and ADRs; exchange-traded REITs; exchange-traded preferred securities; and exchange-traded convertible securities—will be available via the Consolidated Tape Association ("CTA") high speed line. Quotation and last-sale information for U.S. exchange-listed securities and futures will be available from the exchange on which they are listed. Quotation and last-sale information for U.S. exchange-listed options will be available via the OPRA.²¹

Quotation information for OTC-Traded Securities, OTC-traded derivative instruments (such as options, swaps, forwards, and currency-related derivatives), and investment company securities (excluding ETFs), may be obtained from brokers and dealers who make markets in such instruments or through nationally recognized pricing services through subscription agreements.²² The U.S. dollar value of foreign securities, instruments, and currencies can be derived by using foreign currency exchange rate quotations obtained from nationally recognized pricing services.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services.²³ Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.²⁴

In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities

¹⁶ The Fund will invest only in ADRs, EDRs and GDRs that are traded on an exchange that is a member of the Intermarket Surveillance Group ("ISG") or with which the Exchange has in place a comprehensive surveillance sharing agreement.

¹⁷ See Amendment No. 3, *supra* note 7.

¹⁸ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁹ 15 U.S.C. 78f(b)(5).

²⁰ 15 U.S.C. 78k-1(a)(1)(C)(iii).

²¹ See Amendment No. 2, *supra* note 6.

²² See *id.*

²³ See Notice, *supra* note 5, 79 FR at 25930.

²⁴ See *id.*

Rule 8.600(c)(3), will be widely disseminated by one or more major market-data vendors at least every 15 seconds during the Core Trading Session.²⁵ The dissemination of the Portfolio Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the approximate value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.²⁶

The net asset value (“NAV”) of the Fund for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.²⁷ The Trust’s Web site (www.fidelity.com), which will be publicly available, will include a form of the prospectus for the Fund that may be downloaded. The Trust’s Web site will include additional quantitative information updated on a daily basis, including, on a per Share basis for the Fund, (a) the prior business day’s NAV and the market closing price or, if that is unavailable, the mid-point of the bid/ask spread at the time of calculation of such NAV (the “Bid/Ask Price”),²⁸ and (b) a calculation of the premium or discount of the market closing price or, if that is unavailable, the Bid/Ask Price against the NAV.

Further, the Commission believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each business day, before commencement of trading in Shares in the Core Trading Session (9:30 a.m. Eastern time to 4:00 p.m. Eastern time) on the Exchange, the Fund will disclose on the Trust’s Web site the Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2), that will form the basis for the Fund’s calculation of NAV at the end of the business day.²⁹

²⁵ Several major market data vendors display or make widely available Portfolio Indicative Values taken from the CTA or other data feeds. *See id.* at 25931.

²⁶ *See id.*

²⁷ *See id.* at 25931–32.

²⁸ The Bid/Ask Price of the Fund’s Shares will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund’s NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

²⁹ *See id.* at 25930. On a daily basis, the Fund will disclose for each portfolio security and other financial instrument of the Fund the following information: ticker symbol (if applicable), name of security or financial instrument, number of shares (if applicable) and dollar value of each of the securities and financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web

The Commission notes that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.³⁰

In addition, the Fund will make available through the NSCC on each business day, prior to the opening of trading on the NYSE (currently 9:30 a.m. Eastern time), the list of the names and the required number of shares of each Deposit Security and the amount of the Cash Component (or Cash Deposit) to be included in the current Portfolio Deposit (based on information at the end of the previous business day) for the Fund.³¹ The Portfolio Deposit will be applicable, subject to any adjustments, in order to effect purchases of Creation Units until such time as the next-announced Portfolio Deposit composition is made available.³²

Further, the Commission notes that personnel who make decisions on the Fund’s portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund’s portfolio.³³

The Exchange represents that the Manager and the Sub-Advisers are not broker-dealers but are affiliated with one or more broker-dealers and have implemented a firewall with respect to such broker-dealers regarding access to information concerning the composition of or changes to the Fund’s portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund’s portfolio.³⁴ The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares.³⁵ Trading in Shares will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached.

site information will be publicly available at no charge. Under accounting procedures followed by the Fund, trades made on the prior business day (“T”) will be booked and reflected in NAV on the current business day (“T+1”). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day. *See id.*

³⁰ *See id.* at 25931.

³¹ *See id.* at 25929.

³² *See id.*

³³ *See* NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

³⁴ *See supra* note 9 and accompanying text.

³⁵ *See* NYSE Arca Equities Rule 7.12.

Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares may be halted.

The Exchange has represented that the Shares are deemed to be equity securities, thus rendering trading in the Shares subject to the Exchange’s rules governing the trading of equity securities.³⁶

In support of this proposal, the Exchange has made additional representations, including:

(1) The Shares will conform to the initial and continuing listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange’s surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.³⁷

(3) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying exchange-traded options, futures, exchange-traded equity securities (including ADRs, EDRs, and GDRs), and other exchange-traded instruments with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying exchange-traded options, futures, exchange-traded equity securities (including ADRs, EDRs, and GDRs), and other exchange-traded instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and underlying exchange-traded options, futures, exchange-traded equity securities (including ADRs, EDRs, and GDRs), and other exchange-traded instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on

³⁶ *See* NYSE Arca Equities Rule 8.600(d)(2)(C)(ii).

³⁷ The Financial Industry Regulatory Authority (“FINRA”) surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA’s performance under this regulatory services agreement. *See* Notice, *supra* note 5, 79 FR at 25931.

behalf of the Exchange, is able to access, as needed, trade information for certain fixed-income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine.

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(5) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin ("Bulletin") of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (4) how information regarding the Portfolio Indicative Value is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

(6) For initial and continued listing, the Fund will be in compliance with Rule 10A-3 under the Exchange Act,³⁸ as provided by NYSE Arca Equities Rule 5.3.³⁹

(7) The Fund's investments will be consistent with its investment objective.

(8) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Manager or Sub-Advisers. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets.

(9) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.

This order is based on all of the Exchange's representations, including those set forth above and in the Notice.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Exchange Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning whether the Amendments are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2014-47 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2014-47. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2014-47, and should be submitted on or before July 17, 2014.

V. Accelerated Approval of Proposed Rule Change as Modified by Amendments No. 1, No. 2, and No. 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendments Nos. 1, No. 2, and No. 3, prior to the thirtieth day after the date of publication of notice in the **Federal Register**. Amendment No. 2 supplements the proposed rule change by describing more clearly and specifically certain of the securities and financial instruments in which the Fund may invest, including the availability of price information for those investments. This additional information about the Fund's underlying investments assisted the Commission's analysis regarding the intraday trading of the Shares. Amendment No. 3 supplements the proposed rule change by adding that the futures contracts in which the Fund may invest may overlie both rates or indexes of rates. This additional information regarding the underlying investments of the Fund assisted the Commission analysis regarding the other investments which may be made by the Fund. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act, to approve the proposed rule change, as modified by Amendments No. 1, No. 2, and No. 3, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,⁴⁰ that the proposed rule change, as modified by Amendments No. 1, No. 2, and No. 3 (SR-NYSEArca-2014-47), be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴¹

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014-14939 Filed 6-25-14; 8:45 am]

BILLING CODE 8011-01-P

³⁸ 17 CFR 240.10A-3.

³⁹ See Notice, *supra* note 5, 79 FR at 25931.

⁴⁰ 15 U.S.C. 78s(b)(2).

⁴¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

In the Matter of BioMedical Technology Solutions Holdings, Inc., Chaolei Marketing and Finance Company, Clear-Lite Holdings, Inc., Encompass Group Affiliates, Inc. (n/k/a Re-Act Enterprises, Inc.), Hydron Technologies, Inc., Sun American Bancorp, and XenaCare Holdings, Inc.; File No. 500-1; Order of Suspension of Trading

June 24, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of BioMedical Technology Solutions Holdings, Inc. 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 Chaolei Marketing and Finance Company because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Clear-Lite Holdings, Inc. because it has not filed any periodic reports since the period ended January 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Encompass Group Affiliates, Inc. (n/k/a Re-Act Enterprises, 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 Hydron Technologies, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sun American Bancorp 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 XenaCare Holdings, 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 24, 2014, through 11:59 p.m. EDT on July 8, 2014.

By the Commission.
Jill M. Peterson,
Assistant Secretary.
 [FR Doc. 2014-15053 Filed 6-24-14; 11:15 am]
BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice 8777]

In the Matter of the Review and Amendment of the Designation of Lashkar-e-Tayyiba, aka LT, aka LeT, aka Lashkar-e-Toiba, aka Lashkar-i-Taiba, aka al Mansoorian, aka al Mansooreen, aka Army of the Pure, aka Army of the Righteous, aka Army of the Pure and Righteous, and Other Aliases, as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act

Based upon a review of the Administrative Record assembled in this matter pursuant to Section 219(a)(4)(C) and (b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C), (b)) (“INA”), and in consultation with the Attorney General and the Secretary of the Treasury, the Secretary of State concludes that the circumstances that were the basis for the 2008 decision to maintain the designation of the aforementioned organization as a foreign terrorist organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation, and that there is a sufficient factual basis to find that Lashkar-e-Tayyiba, also known under the aliases listed above, uses or has used additional aliases, namely, Jama’at-ud-Dawa, Al-Anfal Trust, Tehrik-e-Hurmat-e-Rasool, and Tehrik-e-Tahafuz Qibla Awwal.

Therefore, the Secretary of State hereby determines that the designation of the aforementioned organization as a foreign terrorist organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained. In addition, effective upon the date of publication in the **Federal Register**, the Secretary of State hereby amends the redesignation of Lashkar-e-Tayyiba as a foreign terrorist organization, pursuant to

§ 219(b) of the INA (8 U.S.C. 1189(b)), to include the following new alias and other possible transliterations thereof: Jama’at-ud-Dawa, Al-Anfal Trust, Tehrik-e-Hurmat-e-Rasool, Tehrik-e-Tahafuz Qibla Awwal.

Dated: June 13, 2014.
John F. Kerry,
Secretary of State.
 [FR Doc. 2014-15011 Filed 6-25-14; 8:45 am]
BILLING CODE 4710-10-P

DEPARTMENT OF STATE

[Public Notice 8781]

Advisory Committee on International Economic Policy; Notice of Open Meeting

The Advisory Committee on International Economic Policy (ACIEP) will meet from 2:00 p.m. to 3:30 p.m., on Wednesday, July 23, 2014, in Room 4477 of the Harry S. Truman Building at the U.S. Department of State, 2201 C Street NW., Washington, DC. The meeting will be hosted by the Assistant Secretary of State for Economic and Business Affairs, Charles H. Rivkin, and Committee Chair Ted Kassinger. The ACIEP serves the U.S. Government in a solely advisory capacity, and provides advice concerning topics in international economic policy. The meeting will examine “U.S. Russia Relations.”

This meeting is open to public participation, though seating is limited. Entry to the building is controlled; to obtain pre-clearance for entry, members of the public planning to attend should provide no later than July 17, their name, professional affiliation, valid government-issued ID number (i.e., U.S. Government ID [agency], U.S. military ID [branch], passport [country], or drivers license [state]), date of birth, and citizenship, to Ronelle Jackson by fax (202) 647-5936, email (JacksonRS@state.gov), or telephone (202) 647-9204. All persons wishing to attend the meeting must use the 21st Street entrance of the State Department. Because of escorting requirements, non-Government attendees should plan to arrive 15 minutes before the meeting begins. Requests for reasonable accommodation should be made to Ronelle Jackson before Thursday, July 17. Requests made after that date will be considered, but might not be possible to fulfill.

Personal data is requested pursuant to Public Law 99-399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 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.

For additional information, contact Gregory Maggio, Office of Economic Policy Analysis and Public Diplomacy, Bureau of Economic and Business Affairs, at (202) 647-2231 or MaggioGF@state.gov.

Laura Kirkconnell,

Director, Office of Economic Policy Analysis and Public Diplomacy, Bureau of Economic and Business Affairs.

[FR Doc. 2014-15015 Filed 6-23-14; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF STATE

[Public Notice 8779]

**Bureau of Political-Military Affairs,
Directorate of Defense Trade Controls:
Notifications to the Congress of
Proposed Commercial Export Licenses**

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments pursuant to sections 36(c) and 36(d), and in compliance with section 36(f), of the Arms Export Control Act.

DATES: *Effective Date:* As shown on each of the 45 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa V. Aguirre, Directorate of Defense Trade Controls, Department of State, telephone (202) 663-2830; email DDTCResponseTeam@state.gov. ATTN: Congressional Notification of Licenses.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2778) mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Following are such notifications to the Congress:

September 27, 2013 (Transmittal No. DDTC 13-078)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a

proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to HS Wroclaw Sp.Zo.O and Wytownia Sprzetu Komunikacyjnego Pzl-Rzeszow S.A. of Poland for the design, development, manufacture, production, repair and refurbishment of machined products used in military engines, aircraft, and helicopters.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

September 16, 2013 (Transmittal No. DDTC 13-089)

Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification authorizes BAE Systems to export defense articles, including technical data, and defense services to Agusta Westland, Ltd. and Agusta Westland S.p.A Italy, which are required to support seating systems, restraint systems, cockpit airbag systems, floor armor and associated components provided by BAE Systems to various end users.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

September 27, 2013 (Transmittal No. DDTC 13-100)

Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the manufacture of

significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of nose cones, third stage rocket motors, staging assemblies, second stage rocket motors, and steering control systems/control surface assemblies for the Standard Missile 3-Block IIA Missile for the AEGIS Ballistic Missile Defense System. The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

September 27, 2013 (Transmittal No. DDTC 13-101)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom and Saudi Arabia to support the manufacture, installation, integration, training, testing, repair, and maintenance of the ARC-210, 629F-11A VHF/UHF communication system to be integrated into Hawker Aircraft in the United Kingdom for the retransfer to and end-use by the Royal Saudi Air Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

September 27, 2013 (Transmittal No. DDTC 13-112)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am

transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Austria, France and Malaysia to support the ongoing design, development, engineering, delivery assembly, installation, integration, inspection, testing, evaluation, training, maintenance, and repair of the Malaysian Air Defense Ground Environment (MADGE) including Sentry-based Sector and Air Defense Operations Centers.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

September 27, 2013 (Transmittal No. DDTC 13-130)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Chile of safe/semi/auto carbines 5.56x45mm NATO and accessories to the Chilean Police Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

November 15, 2013 (Transmittal No. DDTC 13-133)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and

defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada for repair, overhaul, conversion, maintenance, assembly, testing, and servicing of TF40B and ETF40 gas turbine engines.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

September 27, 2013 (Transmittal No. DDTC 13-142)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services, 15-days prior to permitting the export, that is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Turkey, Jordan and Syria to support the Chemical and Biological Hazard Preparedness Program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

November 19, 2013 (transmittal No. DDTC 13-146)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of various pistols to the Federal Gun Exchange in The Philippines for commercial resale in the Philippines.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Acting Assistant Secretary, Legislative Affairs

September 27, 2013 (Transmittal No. DDTC 13-147)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15-days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection of employees of the International Committee of the Red Cross.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

November 19, 2013 (Transmittal No. DDTC 13-177)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15 days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International

Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection for personnel from the Organization for the Prohibition of Chemical Weapons.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

October 7, 2013 (Transmittal No. DDTC 13–152)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15-days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection for personnel from the Organization for the Prohibition of Chemical Weapons.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

October 16, 2013 (Transmittal No. 13–090)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for export for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification amends an existing agreement

that authorizes the export of defense articles, including technical data, and defense services to manufacture and support additional baseline “green” configured S–70i Blackhawk Helicopters.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

October 16, 2013 (Transmittal No. DDTC 13–161)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15 days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection for personnel from the Organization for the Prohibition of Chemical Weapons.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

October 11, 2013 (Transmittal No. DDTC 13–116)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom to establish a manufacturing capability for

Associated Objects for the Missile Defense Agency’s Targets and Countermeasures Program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

October 11, 2013 (Transmittal No. DDTC 13–119)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, defense services and manufacture know-how, manufacturing assistance, and training to manufacture, assemble, and deliver certain F119 and F135 engine non-metallic parts and components for end use by the United States.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

October 22, 2013 (Transmittal No. DDTC 13–135)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the transfer of technical information and services necessary for integration, operation, maintenance training, and follow-on support of the 7.62mm Automatic Chain Gun system to Norway in support of the CV9030 vehicle upgrade effort.

The United States government is prepared to license the export of these items having taken into account political, military,

economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

October 22, 2013 (Transmittal No. DDTC 13-160)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15 days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection for personnel from the Organization for the Prohibition of Chemical Weapons.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

November 6, 2013 (Transmittal No. DDTC 13-0104)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for export for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services, technical data and defense articles for the manufacture in Israel of the F-16 conformal fuel tanks.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

November 8, 2013 (Transmittal No. DDTC 13-153)

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and Germany to support the manufacture of aircraft parts and components for the F110, F101, F118, F404, F414, T700, TF34, and TF39 aircraft engines.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

November 8, 2013 (Transmittal No. DDTC 13-157)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license for export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to support the manufacture of bearings for Sikorsky H-60/S-70, UH-60M, S-70i, H-53, H53E and H-3/H-61 helicopters for return to the United States.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

November 7, 2013 (Transmittal No. DDTC 13-175)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g)(2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15 days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection for personnel from the World Health Organization.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

November 15, 2013 (Transmittal No. DDTC 13-133)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada for repair, overhaul, conversion, maintenance, assembly, testing, and servicing of TF40B and ETF40 gas turbine engines.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

November 13, 2013 (Transmittal No. DDTC 13-075)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, defense services, and technical data to the Government of India for aircraft engines, field service support, organizational, intermediate and depot level maintenance, and participation in the flight test program for the F404-GE-IN20 and F404-GE-F2J3 aircraft engines for end use by the Indian Air Force and Navy.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

November 12, 2013 (Transmittal No. DDTC 13-126)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia, United Arab Emirates and the United Kingdom to support the integration, installation, operation, training, testing, maintenance, and repair of the Saudi Arabia National Guard Rear Link Communications System.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 18, 2013 (Transmittal No. DDTC 13-129)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of pistols and revolvers with magazines and accessories to the Philippines for commercial resale.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 12, 2013 (Transmittal No. DDTC 13-131)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Belgium, France, Germany, Spain, Turkey, and the United Kingdom for A400M Aircraft Oxygen Systems for use by the Governments of Belgium, France, Germany, Luxembourg, Malaysia, South Africa, Spain, Turkey, and the United Kingdom, and will be marketed to over 70 other countries.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 18, 2013 (Transmittal No. DDTC 13-132)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Turkey to support assembly, inspection, and test of F110-GE-129D engines for F-16 aircraft for end-use by the Ministry of Defense of the Sultanate of Oman.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

November 13, 2013 (Transmittal No. DDTC 13-144)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the design, manufacture, maintenance, and repair of military flight simulation and training devices.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

November 8, 2013 (Transmittal No. DDTC 13-153)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and Germany to support the manufacture of aircraft parts and components for the F110, F101, F118, F404, F414, T700, TF34, and TF39 aircraft engines.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 31, 2013 (Transmittal No. DDTC 13-158)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) and 36 (d) of the Arms Export Control Act, I am transmitting, herewith, certification for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to support the manufacture of engine parts for the F110-GE-100/100C/129 aircraft engines for end use by the Turkish Air Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 30, 2013 (Transmittal No. DDTC 13-166)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the

manufacture, integration, installation, of the Japanese Patriot PAC-3 missile program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 12, 2013 (Transmittal No. DDTC 13-174)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of Cal .9mm, Cal .45 ACP, Cal .40 S&W, Cal .380 ACP, Cal .25 ACP and Cal .22LR semi-automatic pistols to the Philippines for commercial resale.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 17, 2013 (Transmittal No. DDTC 13-138)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia to support the operations, maintenance, and repair of the HAWK and Patriot Air Defense Missile Systems.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though

unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 17, 2013 (Transmittal No. DDTC 13-139)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the design, manufacture, launch and on-orbit test of JCSAT-14 satellite system.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 18, 2013 (Transmittal No. DDTC 13-141)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia to support the integration, installation, operation, training, testing, maintenance, and repair of the Mine Resistant Ambush Protected All-Terrain Vehicles(M-ATV).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield

Assistant Secretary, Legislative Affairs

December 18, 2013 (Transmittal No. DDTC 13-168)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of M134D-H 7.62x51mm Gatling Gun Hybrid and accessories to the Colombian Navy.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 9, 2013 (Transmittal No. DDTC 13-105)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data and defense services to provide Contractor Logistics Support (CLS) services to support the F-16IA Weapon System in Iraq.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Acting Assistant Secretary, Legislative Affairs

December 10, 2013 (Transmittal No. DDTC 13-134)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and

defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to support the launch of the Mexsat communications satellite.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 6, 2013 (Transmittal No. DDTC 13-145)

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of machine guns, grenade launchers, and tactical rifle systems to Panama for use by the Panama National Border Police.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 6, 2013 (Transmittal No. DDTC 13-148)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to facilitate the System Development and Demonstration (SDD), and Low Rate Initial Production (LRIP) of the F-35 Joint Strike Fighter (JSF) Program for all variants of the F-35 air systems.

The United States government is prepared to license the export of these items having taken into account political, military,

economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 10, 2013 (Transmittal No. DDTC 13-149)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to France, Italy, Kazakhstan, Russia, and Sweden to support the Proton launch of the Yamal 601 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 3, 2013 (Transmittal No. DDTC 13-140)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support the integration, installation, operation, training, testing, maintenance, and repair of the Rolling Airframe Missile (RAM) Guided Missile Weapon System (GMWS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information

submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 3, 2013 (Transmittal No. DDTC 13–150)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel to support the maintenance, repair, and overhaul at the Organizational, Intermediate, and Depot Level I of the J52 and F100 engines owned and operated by the GOI-MOD in order to maintain the operational readiness of their fleet of A–4, F–15, and F–16 military aircraft.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 3, 2013 (Transmittal No. DDTC 13–151)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including technical data, and defense services to include significant military equipment in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Mexico's Secretaria De La Defensa Nacional for the acquisition of six new T–6C aircraft to support the maintenance, training, and logistics support that include the ground based training system, spare inventory, and other support items for the aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though

unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 3, 2013 (Transmittal No. DDTC 13–156)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license for export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to support the design, manufacture, sale, modification, maintenance, overhaul, and repair, of the A400M propeller system, and components for the A400M aircraft to be sold to various government end users.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 3, 2013 (Transmittal No. DDTC 13–159)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacture license for export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to support the manufacture, sale, assembly, integration, quality assurance, inspection, troubleshooting, servicing, modification, test, calibration, maintenance, overhaul, repair of propellers, and parts for the Atlantique (ATL1 and ATL2) and Transall aircraft for end use by various governments.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information

submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

December 3, 2013 (Transmittal No. DDTC 13–172)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a manufacturing license agreement for export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to support the manufacture, assembly, and inspection of F–16 and F–2 fuselage parts, and components for end use by Belgium, Denmark, Greece, Italy, Japan, The Netherlands, Norway, Poland, Portugal, Turkey, and the United States.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

November 27, 2013 (Transmittal No. DDTC 13–165)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of various hunting rifles and accessories to Gun City in New Zealand for commercial resale in New Zealand.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

November 21, 2013 (Transmittal No. DDTC 13-128)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including, technical data, and defense services for the manufacture of the T-50i aircraft in the Republic of Korea for end-use by the Government of Indonesia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

November 21, 2013 (Transmittal No. DDTC 13-154)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia for the development and production of the Mk 234 NULKA Electronic Decoy Cartridge (EDC) and the Mk 250 NULKA Training Aid for end-use by the Department of Defence of the Commonwealth of Australia.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Acting Assistant Secretary, Legislative Affairs

November 21, 2013 (Transmittal No. DDTC 13-163)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the integration, installation, operation, training, testing, intermediate level maintenance, and repair of the Maverick AGM-65 Weapon System with P-1 aircraft for the Japan Maritime Self Defense Force (JMSDF).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

October 16, 2013 (Transmittal No. DDTC 13-161)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 40(g) (2) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles 15 days prior to permitting the export, which is necessary for and within the scope of the Presidential waiver to permit the provision of certain defense articles and services to various Syrian opposition forces, organizations implementing Department of State or U.S. Agency for International Development programs, and international organizations for their eventual use in Syria.

The transaction contained in the attached certification involves the export of defense articles to Syria for self-protection for personnel from the Organization for the Prohibition of Chemical Weapons.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Thomas B. Gibbons

Acting Assistant Secretary, Legislative Affairs

February 7, 2014 (Transmittal No. DDTC 13-188)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am

transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of Semi Auto Pistols firearm barrels, slides and frames to later assemble into firearms for commercial sales.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

February 5, 2014 (Transmittal No. DDTC 13-186)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense services, to include technical data, and defense services to support the Proton integration and launch of the Eutelsat 9B Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

February 5, 2014 (Transmittal No. DDTC 13-187)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the manufacture, use and repair of F-15J aircraft flight simulators.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

February 5, 2014 (Transmittal No. DDTC 13-179)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to Australia, Canada, France, Germany, Italy, Kazakhstan, the Netherlands, Russia, Switzerland, and the United Kingdom to support the design, manufacture, test, and delivery of the INMARSAT-5 commercial communications satellites.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

February 5, 2014 (Transmittal No. DDTC 13-176)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles, to include technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to support the Eutelsat E65WA Commercial Communication Satellite program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

January 24, 2014 (Transmittal No. DDTC 13-182)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for export for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom, Italy and Saudi Arabia to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of the Enhanced Paveway II and Paveway IV GPS Aided Inertial Navigation System (GAINS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

January 24, 2014 (Transmittal No. DDTC 13-183)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Kingdom, Italy, Spain, and Saudi Arabia to support the integration, installation, operation, training, testing, maintenance, and repair of the Paveway II and IIIs, Enhanced Paveway II and IIIs, and Paveway IV Weapons Systems for the Royal Saudi Air Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

January 22, 2014 (Transmittal No. DDTC13-155)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification authorizes the export of defense articles, including technical data, and defense services to support the delivery, operation, and maintenance of Sikorsky S-70B model helicopters for the Government of Singapore.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Julia Frifield

Assistant Secretary, Legislative Affairs

Lisa Aguirre,

Chief of Staff, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2014-15014 Filed 6-25-14; 8:45 am]

BILLING CODE 4710-25-P

DEPARTMENT OF STATE

[Public Notice 8778]

In the Matter of the Amendment of the Designation of Lashkar-e-Tayyiba aka LT aka LeT aka Lashkar-e-Toiba aka Lashkar-i-Taiba aka al Mansoorian aka al Mansoorien aka Army of the Pure aka Army of the Righteous aka Army of the Pure and Righteous and Other Aliases as a Specially Designated Global Terrorist Entity Pursuant to Executive Order 13224

Based upon a review of the Administrative Record assembled in

this matter pursuant to Executive Order 13224 and in consultation with the Attorney General and the Secretary of the Treasury, the Secretary of State concludes that there is a sufficient factual basis to find that Lashkar-e-Tayyiba, also known under the aliases listed above, uses or has used additional aliases, namely, Al-Anfal Trust, Tehrik-e-Hurmat-e-Rasool, and Tehrik-e-Tahafuz Qibla Awwal.

Therefore, the Secretary of State hereby amends the designation of Lashkar-e-Tayyiba as a Specially Designated Global Terrorist entity, pursuant to Executive Order 13224, to include the following new aliases and other possible transliterations thereof: Al-Anfal Trust Tehrik-e-Hurmat-e-Rasool Tehrik-e-Tahafuz Qibla Awwal.

Dated: June 13, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014-15010 Filed 6-25-14; 8:45 am]

BILLING CODE 4710-10-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program; Martin County Airport/Witham Field, Stuart, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by Martin County under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as “the Act”) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On December 6, 2011, the FAA determined that the Noise Exposure Maps (NEM’s) submitted by Martin County under Part 150 were in compliance with applicable requirements. On June 11, 2014, the FAA approved the Martin County Airport/Witham Field Noise Compatibility Program (NCP). Most of the recommendations of the program were approved.

DATES: *Effective Date:* The effective date of the FAA’s approval of the Martin County Airport/Witham Field Noise Compatibility Program is June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Allan Nagy, Federal Aviation Administration, Orlando Airports

District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822, phone number: (407) 812-6331.

Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Martin County Airport/Witham Field, effective June 11, 2014.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Title 14 Code of Federal Regulations (CFR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FAA’s approval or disapproval of 14 CFR Part 150 program recommendations is measured according to the standards expressed in 14 CFR Part 150 and the Act, and is limited to the following determinations:

- a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of 14 CFR Part 150;
- b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;
- c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and
- d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA’s approval of an airport Noise Compatibility Program are delineated in 14 CFR Part 150, Section 150.5.

Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, FL.

On September 17, 2011, Martin County submitted to the FAA the Noise Exposure Maps and associated documentation produced during the Noise Exposure Map planning study conducted from December 2010 through September 17, 2011. The Martin County Airport/Witham Field Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements 14 CFR Part 150 on December 6, 2011. Notice of this determination was published in the **Federal Register** on December 16, 2011.

After the Noise Exposure Maps were accepted by the FAA, the Martin County Airport/Witham Field prepared a Noise Compatibility Program study that contains proposed operational and land use actions designed for phased implementation by airport management and adjacent jurisdictions. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 47504 of the Act. The FAA began its formal review of the Program on December 18, 2013, and was required by a provision of the Act to approve or disapprove the Program within 180-days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such Program within the 180-day period shall be deemed to be an approval of such Program.

The submitted Program contained twenty-one (21) proposed actions for noise mitigation on and or off the airport. Of these twenty-one actions, the airport sponsor recommended seventeen mitigations measures for FAA review and approval. Four measures were not recommended by the airport sponsor. The FAA completed its review and

determined that the procedural and substantive requirements of the Act and 14 CFR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective June 11, 2014.

Outright FAA approval was granted for four (4) of the measures; approval on a voluntary basis was granted for six (6) of the measures; approval-in-part was granted for six (6) of the measures; a decision of disapproval was made for one (1) measure, and No FAA Action was required for four (4) of the measures because they were not recommended by the airport sponsor.

These determinations are set forth in detail in a Record of Approval (ROA) signed by the FAA on June 11, 2014. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of Martin County. The Record of Approval also will be available on-line at: http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/.

Issued in Orlando, FL, on June 16, 2014 by:
Bart Vernace,
Manager, Orlando Airports District Office.
[FR Doc. 2014-14894 Filed 6-25-14; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2014-39]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 16, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA-

2014-0352 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Docket: To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 267-9521, 800 Independence Avenue SW., Washington, DC 20951.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 23, 2014.

Lirio Liu,
Director, Office of Rulemaking.

Petition for Exemption

Docket No.: No. FAA-2014-0352

Petitioner: Astraesus Aerial

Section of 14 CFR: Part 21, 45.23(b), 61.113(a)(b), 91.7(a), 91.9(b)(2), 91.103, 91.109, 91.119, 91.121, 91.151(a), 91.203(a)(b), 91.405(a), 91.407(a)(1), 91.409(a)(2), 91.417(a), and 91.417(b). Description of Relief Sought: Astraesus Aerial is seeking an exemption to operate commercially a small unmanned vehicle (55lbs or less) in

motion picture and television operations.

[FR Doc. 2014-15025 Filed 6-25-14; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2014-0093]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection under Office of Management and Budget (OMB) Control No. 2137-0622, titled "Pipeline Safety: Public Awareness Program." PHMSA is preparing to request approval from OMB for a renewal of the current information collection.

DATES: Interested persons are invited to submit comments on or before August 25, 2014.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1-202-493-2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), West Building, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

Hand Delivery: Room W12-140 on the ground level of the DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA-2014-0093, at the beginning of your comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review

DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit <http://www.regulations.gov> before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to <http://www.regulations.gov> at any time or to Room W12-140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on PHMSA-2014-0093." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

FOR FURTHER INFORMATION CONTACT:

Angela Dow by telephone at 202-366-1246, by fax at 202-366-4566, or by mail at U.S. DOT, PHMSA, 1200 New Jersey Avenue SE., PHP-30, Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA will be submitting to OMB for renewal and extension. The information collection expires October 31, 2014, and is identified under Control No. 2137-0622, titled: "Pipeline Safety: Public Awareness Program." The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Type of request; (4) Abstract of the information collection activity; (5) Description of affected public; (6) Estimate of total annual reporting and recordkeeping burden; and (7) Frequency of collection. PHMSA will request a three-year term of approval for this information collection activity. PHMSA requests comments on the following information collection:

Title: Pipeline Safety: Public Awareness Program.

OMB Control Number: 2137-0622.

Type of Request: Renewal of a currently approved information collection.

Abstract: The Federal Pipeline Safety Regulations require each operator to develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's Recommended Practice RP 1162. Upon request, operators must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate state agency. The operator's program documentation and evaluation results must also be available for periodic review by appropriate regulatory agencies (49 CFR 192.616 and 195.440).

Affected Public: Operators of natural gas and hazardous liquid pipelines.

Estimated number of responses: 22,500.

Estimated annual burden hours: 517,480 hours.

Frequency of collection: Annual. Comments are invited on:

(a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technological collection techniques.

Authority: 49 U.S.C. Chapter 601 and 49 CFR 1.97.

Issued in Washington, DC, on June 23, 2014.

John A. Gale,

Director, Office of Standards and Rulemaking.

[FR Doc. 2014-14973 Filed 6-25-14; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35834]

Dakota, Minnesota & Eastern Railroad Corporation—Trackage Rights Exemption—Soo Line Railroad Company

Soo Line Railroad Company (SOO), pursuant to a written trackage rights

agreement, has agreed to grant overhead trackage rights to Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific (DM&E) between mile post 159.0+/- on DM&E's Marquette Subdivision at or in the vicinity of Bluff, MN, over SOO's Tomah Subdivision and Watertown Subdivision to the connection SOO's and M&P Subdivision and over the MP& Subdivision to mile post 7.0 at or in the vicinity of Columbia, WI, a distance of approximately 119.0+/- miles.¹

The transaction may be consummated on or after July 10, 2014, the effective date of the exemption (30 days after the verified notice of exemption was filed).

According to DM&E, the purpose of the transaction is to promote the more efficient and economical movement of freight by allowing DM&E continued handling of traffic between DM&E's Marquette Subdivision and SOO's Tomah, Watertown, and M&P Subdivisions.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc., 354 I.C.C. 605 (1978), as modified in Mendocino Coast Railway—Lease & Operate—California Western Railroad, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by July 3, 2014 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35834, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Terence M. Hynes, Sidley Austin LLP, 1501 K Street NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at WWW.STB.DOT.GOV.

Decided: June 23, 2014.

¹ A parallel trackage rights agreement in which SOO would acquire trackage rights over DM&E's Marquette Subdivision is subject of the Verified Notice of Exemption being filed concurrently in Docket No. FD 35833.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2014-14981 Filed 6-25-14; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35833]

Soo Line Railroad Company— Trackage Rights Exemption—Dakota, Minnesota & Eastern Railroad Corporation

Dakota, Minnesota & Eastern Railroad Corporation (DM&E), pursuant to a written trackage rights agreement, has agreed to grant nonexclusive, local and overhead trackage rights to Soo Line Railroad Company (SOO) between milepost 159.0+/- on DM&E's Marquette Subdivision at or in the vicinity of Bluff, Minn. (previously known as La Crescent, Minn.), and milepost 96.7 on DM&E's Marquette Subdivision at or in the vicinity of McGregor, Iowa, a distance of approximately 62.3 miles.¹

The transaction may be consummated on or after July 10, 2014, the effective date of the exemption (30 days after the verified notice of exemption was filed).

According to SOO, the purpose of the transaction is to promote the more efficient and economical movement of freight by allowing SOO continued handling of traffic between SOO's Tomah, Watertown, and M&P Subdivisions and DM&E's Marquette Subdivision.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of

¹ A parallel trackage rights agreement in which DM&E would acquire trackage rights over SOO's Tomah and Watertown Subdivisions is the subject of the verified notice of exemption that was filed concurrently in *Dakota, Minnesota & Eastern Railroad Corporation—Trackage Rights Exemption—Soo Line Railroad Company*, Docket No. FD 35834.

the exemption. Petitions for stay must be filed by July 3, 2014 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35831, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Terence M. Hynes, Sidley Austin LLP, 1501 K Street NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at WWW.STB.DOT.GOV.

Decided: June 23, 2014.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2014-14980 Filed 6-25-14; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8896

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8896, Low Sulfur Diesel Fuel Production Credit.

DATES: Written comments should be received on or before August 25, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Lanita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Low Sulfur Diesel Fuel Production Credit.

OMB Number: 1545-1914.

Form Number: 8896.

Abstract: IRC section 45H allows small business refiners to claim a credit for the production of low sulfur diesel fuel. The American Jobs Creation Act of 2004 section 399 brought it into existence. Form 8896 will allow taxpayers to use a standardized format to claim this credit.

Current Actions: There are no changes being made to this form.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 66.

Estimated Total Annual Burden Hours: 313.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 13, 2014.

R. Joseph Durbala,
IRS Reports Clearance Officer.

[FR Doc. 2014-14990 Filed 6-25-14; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0770]

Agency Information Collection (Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery) Activity Under OMB Review**AGENCY:** Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to "OMB Control No. 2900-0770" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632-7492 or email crystal.rennie@va.gov. Please refer to "OMB Control No. 2900-0770."

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2900-0770.

Type of Review: Revision of a currently approved collection.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions,

experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 27, 2014, at pages 7285-7286.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Annual Burden: 100,000.

Customer Satisfaction Surveys: 17,500.

Focus Groups: 17,500.

Customer Comment Cards: 5,000.

Small Discussion Groups: 5,000.

Cognitive Laboratory Studies: 15,000.

Qualitative Customer Satisfaction Surveys: 17,500.

In-Person Observation Testing: 5,000.

Patient Surveys: 17,500.

Estimated Average Burden per Respondent:

Customer Satisfaction Surveys: 30 minutes.

Focus Groups: 30 minutes.

Customer Comment Cards: 30 minutes.

Small Discussion Groups: 30 minutes.

Cognitive Laboratory Studies: 30 minutes.

Qualitative Customer Satisfaction Surveys: 30 minutes.

In-Person Observation Testing: 30 minutes.

Patient Surveys: 30 minutes.

Frequency of Response: One time per request.

Estimated Number of Respondents: 200,000.

Customer Satisfaction Surveys: 35,000.

Focus Groups: 35,000.

Customer Comment Cards: 10,000.

Small Discussion Groups: 10,000.

Cognitive Laboratory Studies: 30,000.

Qualitative Customer Satisfaction Surveys: 35,000.

In-Person Observation Testing: 10,000.

Patient Surveys: 35,000.

Dated: June 23, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014-14965 Filed 6-25-14; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0769]

Agency Information Collection (Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery) Activity Under OMB Review**AGENCY:** Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of

Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to “OMB Control No. 2900–0769” in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email crystal.rennie@va.gov. Please refer to “OMB Control No. 2900–0796.”

SUPPLEMENTARY INFORMATION:

Titles: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2900–0769.

Type of Review: Revision of a currently approved collection.

Abstract: The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration’s commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency’s services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;

- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

- The collections are non-controversial and do not raise issues of concern to other Federal agencies;

- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs,

and other matters that are commonly considered private.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 9, 2014, at pages 19708–19709.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Annual Burden: 50,000.

Customer Satisfaction Surveys: 20,000.

Focus Groups: 20,000.

Customer Comment Cards: 2,500.

Small Discussion Groups: 2,500.

Qualitative Customer Satisfaction Surveys: 2,500.

In-Person Observation Testing: 2,500.

Estimated Average Burden per Respondent:

Customer Satisfaction Surveys: 30 minutes.

Focus Groups: 30 minutes.

Customer Comment Cards: 30 minutes.

Small Discussion Groups: 30 minutes.

Cognitive Laboratory Studies: 30 minutes.

Qualitative Customer Satisfaction Surveys: 30 minutes.

In-Person Observation Testing: 30 minutes.

Patient Surveys: 30 minutes.

Frequency of Response: Once per request.

Estimated Number of Respondents: 100,000.

Customer Satisfaction Surveys: 40,000.

Focus Groups: 40,000.

Customer Comment Cards: 5,000.

Small Discussion Groups: 5,000.

Qualitative Customer Satisfaction Surveys: 5,000.

In-Person Observation Testing: 5,000.

Dated: June 23, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–14986 Filed 6–25–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900—NEW]****Agency Information Collection (Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure) Activity Under OMB Review****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 28, 2014.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to “OMB Control No. 2900—NEW (Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure)” in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email crystal.rennie@va.gov. Please refer to “OMB Control No. 2900—NEW (Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure).”

SUPPLEMENTARY INFORMATION:

Title: Statement in Support of Claim for Disability and Related Compensation Benefits Due to Exposure Due to Exposure (VA Form 21–0964).

OMB Control Number: 2900—NEW.

Type of Review: New collection.

Abstract: VA will use the information collected on VA Form 21–0964 to gather information related to exposure. The form will be used to determine if a veteran has been exposed for the purposes of benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 16, 2014, at pages 21518–21519.

Affected Public: Individuals and Households.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 6,667.

Dated: June 23, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–14949 Filed 6–25–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS**FY 2013 VA Grant and Per Diem Special Need Grant Recipients**

AGENCY: Veterans Health Administration, VA Homeless Providers Grant and Per Diem Program, Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of one-year renewal funding in fiscal year (FY) 2014 for the 25 currently operational FY 2013 VA Grant and Per Diem (GPD) Special Need Grant Recipients and their collaborative VA Special Need partners (as applicable) to make re-applications for assistance under the Special Need Grant Component of VA’s Homeless Providers GPD Program. The focus of this Notice of Funding Availability (NOFA) is to encourage applicants to continue to deliver services to the homeless Special Need Veteran population as outlined in their FY 2009 Special Need application. This NOFA contains information concerning the program, application process, and amount of funding available.

DATES: An original signed and dated request for re-application letter, on agency letterhead for assistance under the VA’s Homeless Providers GPD Program and associated documents, must be received in the GPD Program

Office by 4:00 p.m. Eastern Time on Wednesday, July 16, 2014 (see application requirements below).

Applications may not be sent by facsimile. In the interest of fairness to all competing applicants, this deadline is firm as to date and time, and VA will treat any application that is received after the deadline as ineligible for consideration. Applicants should make early submission of their material to avoid any risk of loss of eligibility as a result of unanticipated delays or other delivery-related problems.

ADDRESSES: An original signed, dated, completed, and collated grant re-application letter and all required associated documents must be submitted to the following address: VA Homeless Providers GPD Program Office, 10770 N. 46th Street, Suite C–200, Tampa, FL 33617. Applications must be received by the application deadline. Applications must arrive as a complete package. Materials arriving separately *will not* be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffery L. Quarles, Director, VA Homeless Providers GPD Program, Department of Veterans Affairs, 10770 N. 46th Street, Suite C–200, Tampa, FL 33617; (toll-free) 1-(877) 332–0334.

SUPPLEMENTARY INFORMATION:**Funding Opportunity Description**

This NOFA announces the availability of FY 2014 funds to renew assistance provided under VA’s Homeless Providers GPD Program for the 25 FY 2013 operational GPD Special Need recipients and their collaborative VA partners (as applicable). Eligible applicants may obtain grant assistance to cover additional operational costs that would not otherwise be incurred but for the fact that the recipient is providing supportive housing beds and services for the following special needs homeless Veteran populations:

- (1) Women;
- (2) Frail elderly;
- (3) Terminally ill;
- (4) Chronically mentally ill; or
- (5) Individuals who have care of minor dependents.

Definitions of these populations are contained in 38 CFR 61.1 Definitions. Eligible applicants should review these definitions to ensure their proposed populations meet the specific requirements.

VA is pleased to issue this NOFA for the Homeless Providers GPD Program as a part of the effort to end homelessness among our Nation’s Veterans. Funding

applied for under this NOFA may be used for the provision of service and operational costs to facilitate the following for each targeted group:

Women

(1) Ensure transportation for women, especially for health care and educational needs; and

(2) Address safety and security issues including segregation from other program participants if deemed appropriate.

Frail Elderly

(1) Ensure the safety of the residents in the facility to include preventing harm and exploitation;

(2) Ensure opportunities to keep residents mentally and physically agile to the fullest extent through the incorporation of structured activities, physical activity, and plans for social engagement within the program and in the community;

(3) Provide opportunities for participants to address life transitional issues and separation and/or loss issues;

(4) Provide access to assistance devices such as walkers, grippers, or other devices necessary for optimal functioning;

(5) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(6) Provide opportunities for participants either directly or through referral for other services particularly relevant for the frail elderly, including services or programs addressing emotional, social, spiritual, and generative needs.

Terminally Ill

(1) Help participants address life-transition and life-end issues;

(2) Ensure that participants are afforded timely access to hospice services;

(3) Provide opportunities for participants to engage in "tasks of dying," or activities of "getting things in order" or other therapeutic actions that help resolve end of life issues and enable transition and closure;

(4) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(5) Provide opportunities for participants, either directly or through referral, for other services that are particularly relevant for the terminally ill, such as legal counsel and pain management.

Chronically Mentally Ill

(1) Help participants join in and engage with the community;

(2) Facilitate reintegration with the community and provide services that may optimize reintegration such as life-skills education, recreational activities, and follow up case management;

(3) Ensure that participants have opportunities and services for re-establishing relationships with family;

(4) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(5) Provide opportunities for participants, either directly or through referral, to obtain other services particularly relevant for a chronically mentally ill population, such as vocational development, benefits management, fiduciary or money management services, medication compliance, and medication education.

Individuals Who Have Care of Minor Dependents

(1) Ensure transportation for individuals who have care of minor dependents, and their children, especially for health care and educational needs;

(2) Provide directly or offer referrals for adequate and safe child care;

(3) Ensure children's health care needs are met, especially age-appropriate wellness visits and immunizations; and

(4) Address safety and security issues, including segregation from other program participants if deemed appropriate.

Award Information

Overview: This NOFA announces the availability of one year renewal funding in FY 2014 for the 25 currently operational FY 2013 VA GPD Special Need Grant Recipients in conjunction with their collaborative VA Special Need partners (as applicable) to make re-applications for assistance under the Special Need Grant Component of VA's Homeless Providers GPD Program.

Funding Priorities: None.

Allocation of Funds: Approximately \$5 million is available for the current Special Need grant component of VA's Homeless Providers GPD Program. Funding will be for a period beginning on October 1, 2014, and ending on September 30, 2015. Special need payment will be the lesser of:

1. 100 percent of the daily cost of care estimated by the special need recipient for furnishing services to homeless Veterans with special need that the special need recipient certifies to be correct, minus any other sources of income; or

2. Two times the current VA State Home Program per diem rate for domiciliary care.

Special need awards are subject to: funds availability; the recipient meeting the performance goals as stated in the grant application; statutory and regulatory requirements; and annual inspections.

Applicants should ensure their funding requests and operational costs are based on the 12-month period above and should be approximately in line with prior year expenditures. Requests cannot exceed the amount obligated under the FY 2013 award.

Based on GPD funding availability, approximately, \$3.5 million is expected to be made available over the specified time (internally) for the current VA collaborative partners

The goal is, to the maximum extent possible, to ensure a continuation of Special Need services to homeless Veterans.

Funding Actions: Conditionally selected applicants may be asked to submit additional information under 38 CFR 61.15. Following receipt and confirmation that this information is accurate and in acceptable form, the applicant will execute an agreement with VA in accordance with 38 CFR 61.61. Upon signature by the Secretary or designated representative, final selection will be completed and the grant funds will be obligated.

Grant Award Period: Applicants that are selected will have a maximum award of year beginning on October 1, 2014, and ending on September 30, 2015, to utilize the special need funding. Funds unexpended after the September 30, 2015, deadline will be de-obligated.

Eligibility Information: In order to be eligible, an applicant must be a current operational FY 2013 VA GPD Special Need Grant Recipient in conjunction with their collaborative VA Special Need partner, or a currently operational VA GPD Special Need Grant Recipient that does not involve a collaborative effort to make re-application for assistance under the Special Need Grant Component of VA's Homeless Providers GPD Program.

Note: If the applicant currently has a collaborative project and your VA partner no longer wishes to continue, your agency will be ineligible for an award under this NOFA.

Cost Sharing or Matching: None.

Application and Submission Information

Address To Request Renewal Agreement for Grant Application: Grant Renewal Agreements may be obtained

by contacting the National GPD Office at 1-(877) 332-0334. The additional documents that must also be included with the application are listed below in the Content and Form of Application section of this NOFA. Questions should be referred to the GPD Program Office at (toll-free) 1-(877) 332-0334.

Content and Form of Application: An application package is not needed for this NOFA. Applicants submitting a letter requesting re-application on their agency's letterhead agree to VA using their previously awarded FY 2009 Special Need application for scoring purposes. Applicants must contact the National GPD Program Office for a copy of the Grant Renewal Agreement, which must be signed, initialed, and dated by and agency official who is authorized to sign grant agreements on behalf of your organization. The signed Grant Renewal Agreement and the letter of intent must be submitted for reapplication of your Special Needs Grant.

Applicants should ensure that they include all required documents in their application and carefully follow the format described below. Submission of an incorrect, incomplete, or incorrectly formatted application package will result in the application being rejected at the beginning of the process.

Application Documentation Required

1. **Letter from Applicant:** Letter from the renewal applicant on agency-signed letterhead, stating the applicant agrees, as a condition of funding under this NOFA, that the FY 2009 application will be used, that they will provide the services as outlined in that application along with any VA-approved changes in scope, and that the applicant's FY 2009 required forms and certifications still apply for the period of this award.

2. **Grant Renewal Agreement:** Document must be requested from the National GPD Program Office, prior to application, so it can be signed, initialed and dated by the applicant agency official who is authorized to sign grant agreements for the applicant agency.

3. **Performance Goals:** Documentation of the recipient meeting the performance goals as stated in the FY 2009 original grant application as evidenced by their last VA project inspection.

4. **Letter from VA Collaborative Partner (if applicable):** If the FY 2009 Special Need grant was a collaborative grant, the renewal request must include an updated letter of commitment or an updated Memorandum of Agreement (MOA) from the VA collaborative partner, stating that VA will continue to meet its objectives or provide its duties as outlined in the original MOA in FY

2009. Note: If the applicant currently has a collaborative project and your VA partner no longer wishes to continue then your agency will be ineligible for application under this NOFA.

Applicants with questions regarding the funding from previous Special Need awards should contact the GPD Program Office prior to application for renewal funding. Selections will be made based on criteria described in the FY 2009 application and additional information as specified in this NOFA.

Applicants who are selected will be notified of any further additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other Special Need applicants.

Submission Dates and Times: An original signed and dated request for re-application letter on agency letterhead and associated required documents for assistance under the VA's Homeless Providers GPD Program must be received in the GPD Program Office, by 4:00 p.m. Eastern Standard Time on Wednesday, July 16, 2014; this includes applications submitted through Grants.gov.

In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat any application that is received after the deadline as ineligible for consideration. Applicants should take this firm deadline into account and make early submission of their material to avoid any risk of loss of eligibility as a result of unanticipated delays or other delivery-related problems.

For applications physically delivered, (e.g., in person, or via United States Postal Service, FedEx, United Parcel Service, or any other type of courier), the VA GPD Program Office staff will accept the application and date stamp it immediately at the time of arrival. This is the date and time that will determine if the deadline is met for those types of delivery. DO NOT fax or email the application as it will be treated as ineligible for consideration.

Funding Restrictions: No part of a Special Need grant may be used for any purpose that would significantly change the scope of the specific GPD project for which a capital GPD was awarded. As a part of the review process, VA will review the original project and subsequent approved program changes of the previous FY 2009 Special Need applications to ensure significant scope

changes have not occurred, displacing other homeless Veteran populations. VA will not allow any changes under this renewal NOFA.

Special Need funding may not be used for capital improvements or to purchase vans or real property. However, the leasing of vans or real property may be acceptable. Questions regarding acceptability should be directed to VA's National GPD Program Office at the number listed in Contact Information. Applicants may not receive Special Need funding to replace funds provided by any Federal, state or local government agency or program to assist homeless persons.

A full copy of the regulations governing the GPD Program is available at the GPD Web site at <http://www.va.gov/HOMELESS/GPD.asp>.

Award Notice: Although subject to change, the GPD Program Office expects to announce grant awards during the late fourth quarter of FY 2014 (September). The initial announcement will be made via news release which will be posted on the VA's National GPD Program Web site at www.va.gov/homeless/gpd.asp. Following the initial announcement, the GPD Office will mail notification letters to the grant recipients. Applicants who are not selected will be mailed a declination letter within 2 weeks of the initial announcement.

Administrative and National Policy: It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor services provided to homeless Veterans and outcomes associated with the services provided in grant and per diem-funded programs. Applicants should be aware of the following:

Awardees will be required to support their request for payments with adequate fiscal documentation as to project expenses and, in the case of per diem payments, income and expenses.

All awardees that are selected in response to *this NOFA* must meet the requirements of the current edition of the Life Safety Code of the National Fire Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be protected throughout by an approved automatic sprinkler system unless a facility is specifically exempted under the Life Safety Code. Applicants should consider this when submitting their grant applications, as no additional funds will be made available for capital improvements under this NOFA.

Each program receiving special need funding will have a liaison appointed from a nearby VA medical facility to

provide oversight and monitor services provided to homeless Veterans in the program.

Monitoring will include at a minimum, a quarterly review of each per diem program's progress toward meeting performance goals, including the applicant's internal goals and objectives in helping Veterans attain housing stability, adequate income support, and self-sufficiency as identified in each per diem program's original application. Monitoring will

also include a review of the agency's income and expenses as they relate to this project to ensure payment is accurate.

Each funded program will participate in VA's national program monitoring and evaluation as these monitoring procedures will be used to determine successful accomplishment of these housing outcomes for each per diem-funded program.

Authority: Homeless Veterans Comprehensive Assistance Act of 2001,

Public Law 107-95, section 5, codified as amended by Public Law 112-154, at 38 U.S.C. 2011, 2012, 2013, 2061, and in regulation at 38 CFR part 61.

Dated: June 23, 2014.

By Direction of the Secretary.

William F. Russo,

Deputy Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014-14970 Filed 6-25-14; 8:45 am]

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